

STATE OF SOUTH CAROLINA)
)
COUNTY OF MARLBORO)

ORDINANCE # 575

AN ORDINANCE GOVERNING THE DEVELOPMENT AND SUBDIVISION OF LAND WITHIN THE COUNTY OF MARLBORO, SOUTH CAROLINA, AND ALL LAND WITHIN THE SUBDIVISION JURISDICTION OF THE COUNTY OF MARLBORO, SOUTH CAROLINA; AND PROVIDING FOR DESIGN STANDARDS, REQUIRED IMPROVEMENTS, AND THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF.

BE IT ORDAINED AND ENACTED BY THE COUNTY COUNCIL OF THE COUNTY OF MARLBORO, SOUTH CAROLINA, IN COUNCIL ASSEMBLED.

ARTICLE I
GENERAL PROVISIONS

100. Short Title

This Ordinance shall be known as the "Land Development Ordinance of Marlboro County, South Carolina."

101. Authority

This Ordinance is adopted pursuant to the authority granted under General Statutes of South Carolina, 1994 South Carolina Local Government Comprehensive Planning Enabling Act, Sections 6-29-310 through 6-29-1200.

102. Purpose

The purpose of this Ordinance is to provide for the orderly development of Marlboro County and its environs through the control and regulation of the development of land. The standards contained herein are intended to encourage the development of an economically sound and stable urban area; to assure the timely provision of required streets, utilities, and other facilities and services to new land developments; to assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments; to assure the provision of needed public open space and building sites in new land developments through the dedication or reservation of land for recreational, educational, and other public purposes; and to assure, in general, the wise and timely development of new areas, in harmony with the Comprehensive Plan. These standards are also intended to assure that no land development plan, including subdivision plats, will be approved unless all land intended for use as building sites can be used safely for building purposes, without danger from flood or other inundation or from other menaces to health, safety, or public welfare.

103. Application of Ordinance

No plat of the subdivision of any land within the

territorial jurisdiction of Marlboro County shall be filed with or recorded by the Marlboro County Clerk of Court until such plat shall have been submitted to and approved by the Planning Commission and/or Planning Department staff according to the procedures set forth in this Ordinance.

104. Jurisdiction

The standards contained herein shall hereafter govern all land subdivision within the subdivision jurisdiction of the County of Marlboro as now or hereafter established

105. Appeals

Any party in interest may appeal an administrative decision of the Planning Commission staff to the Planning Commission, which shall act on the appeal within sixty (60) days. The action of the Planning Commission is final. An appeal from the decision of the Planning Commission may be taken to circuit court within thirty (30) days after actual notice of the decision.

106. Amendments

From time to time this Ordinance may be amended by the County Council of Marlboro County after holding a public hearing thereon, the time and place of which shall be duly advertised in a newspaper of general circulation in the County at least fifteen (15) days prior to said hearing; provided, however, that no amendment shall become effective unless it shall have been submitted to the Planning Commission for review and recommendation. The Planning Commission shall have sixty (60) days within which to submit its report; provided, however, that the County Council may waive these requirements 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.

107. Violations and Penalties

Unless otherwise provided, any person, firm or corporation who violates the provisions of this Ordinance, or the owner or agent of the owner of any land to be subdivided within the jurisdiction of this Ordinance who transfers or sells or agrees to sell or negotiates, or advertises to sell such land by reference to such land before such plat has been approved by the Planning Commission and recorded in the office of the Clerk of Court in and for the County of Marlboro, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty-five dollars (\$25.00), nor more than one hundred dollars (\$100.00), or imprisoned for not less than ten (10) days nor more than thirty (30) days, or both for each lot or parcel so transferred or sold or agreed to be sold, and each day such violation continues shall constitute a separate offense. The description of metes and bounds in the instrument of transfer or other documents used in the

process of selling or transfer shall not exempt the transaction from these penalties. Nothing herein shall preclude the County of Marlboro or its designated agent from taking such other lawful action as is necessary to prevent or remedy any violations.

108. Interpretation and Conflict

The standards and provisions of this Ordinance shall be interpreted as being the minimum requirements necessary to uphold the purpose of this Ordinance and for the protection of the health, safety, economy, good order, appearance, convenience, and welfare of the general public. Whenever this Ordinance imposes a higher standard than that required by other resolutions, ordinances, rules or regulations, or by easements, covenants, or agreements, the provisions of this Ordinance shall govern. When the provisions of any other statute impose higher standards, the provisions of such statute shall govern.

109. Separability and Validity

Should any section, paragraph, clause, phrase, or provision of this Ordinance be adjudged invalid or held unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

110. 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.

111. Effective Date

This Ordinance shall take effect and be in force from and after the date of its adoption by the County Council of Marlboro County.

ARTICLE II

PLAT SUBMISSION AND REVIEW PROCEDURES

200. Procedures

The following sections are an outline of the procedure for obtaining approval of the subdivision of land within the territorial jurisdiction of Marlboro County.

The procedure for review and approval of a subdivision plat consists of two (2) separate steps.

The initial step is the early informal consultation and sketch plan, as herein provided, for review with the Planning Commission's technical staff for advice and assistance. The second step is the preparation and

submission to the Planning Department of a plat together with required certificates, as hereinafter provided. The plat becomes the instrument to be recorded in the Office of the Clerk of Court when duly signed by the designated Planning Commission staff.

Any owner of land lying within Marlboro County wishing to divide such land into ten (10) or more lots, sites or divisions, for the purpose of either immediate or future sale or building development, or wishing to re-subdivide for this purpose, shall submit a plat of such proposed subdivision to the Marlboro County Planning Department for approval and shall obtain such approval prior to the filing of his subdivision of land for recording.

No plat of a subdivision of land within Marlboro County shall be filed or recorded by the Clerk of Court of Marlboro County without the approval of the Planning Commission and/or Planning Department staff as specified herein.

201. Pre-submission Consultation

Prior to the preparation of the plan and plat required herein, the sub-divider is encouraged to consult with the Planning Commission staff regarding the requirements of this Ordinance, land subdivision practices generally, and the provisions of the Comprehensive Plan and Zoning Ordinance, if applicable. The results of such a conference shall be documented by a memorandum or letter to the applicant within fifteen (15) days.

202. Filing Fee

To defray the cost of investigation, processing, and review, the sub-divider shall pay the following fee to the Planning Commission at the time of filing the application:

202.1 Residential subdivision: Fifty dollars (\$50.00) plus ten dollars (\$10.00) per residential lot.

202.2 Nonresidential subdivision: Fifty dollars (\$50.00) plus twenty dollars (\$20.00) per acre.

Failure to initiate approved subdivision projects within one (1) year of authorization date will result in said approval being rescinded and the forfeiture of any fees paid.

203. Sketch Plan

203.1 Submission

Prior to the filing of the plat, a sketch plan shall be submitted to the staff of the Planning Commission. The purpose of the sketch plan is to enable the Planning Commission to assist the sub-

divider prior to extensive site planning and engineering work necessary for the preparation of a plat as required herein.

203.2

Review

Based on the information shown on such sketch plan, the staff of the Planning Commission shall, as promptly as possible, advise the sub-divider of the extent to which the proposed subdivision conforms to the applicable requirements of this Ordinance and shall further suggest any modifications of the plan which are deemed advisable or necessary to secure conformance.

If the sketch plan is disapproved by the staff or the staff requires changes with which the sub-divider does not concur, the sub-divider may submit the sketch plan to the Planning Commission at its next regular meeting. The Planning Commission shall review and approve, disapprove, or approve with modifications the sketch plan at the meeting at which it is presented.

203.3

Review of Revisions

Any revisions to the original sketch plan made after approval has been given for such plan by the Planning Commission or Planning Staff must be re-submitted for review by the Planning Staff and/or Planning Commission prior to initiating any changes to the subdivision.

204. **Plat**
204.1

Submission

The sub-divider shall prepare and submit four (4) copies of the plat to the Marlboro County Planning Department. The plat shall include certification that all site improvements have been installed to the County's satisfaction. Submission of the plat in sections is permitted, with each section covering a reasonable portion of the entire proposed subdivision.

204.2

Recording the Plat

No subdivision shall be recorded unless it bears the endorsement of the Director of Planning for Marlboro County. After the final plat has been approved by the Planning Commission, staff shall return to the sub-divider three (3) signed copies. The sub-divider shall record one (1) of the signed copies in the Office of the County Clerk of Court within thirty (30) days of the date of final

approval. If the sub-divider fails to arrange for the recording of the plat within such period, the action of the Planning Commission shall be null and void, unless an extension of time is granted in writing by the Planning Commission upon written request by the sub-divider. Recording the plat shall constitute an irrevocable offer to dedicate all streets and other public ways shown thereon to general public access (unless a notation stating that there is no offer of dedication of a certain designated street is placed on the plat by the sub-divider and approved by the Planning Commission) and to dedicate or reserve, as specified by the Planning Commission, all park reservations, school sites, and other such areas to the public use.

204.3 **Summary Approval**

Subdivisions of less than ten (10) lots which do not involve the platting, construction or opening of new streets, water or sewer facilities, or improvements to existing streets may be accepted by the Planning Department staff in the form of a plat, provided that said plat is in conformance with this Ordinance.

Staff may be permitted to approve and sign summary plats of subdivisions of less than ten (10) lots on existing public streets without such subdivisions of land having first obtained preliminary approval. Prior to granting summary approval, it shall be determined that the lots have access to and frontage on a public right-of-way. Acceptable water and sewer service must be available to all lots shown on the plat. Appropriate documentation of water and sewer service must be provided to the Planning Commission staff by the agency approving such service. Staff shall have adequate time for the completion of review of the summary plat, but in no case shall the review exceed five (5) business days.

205. **Plats Exempted from Standard Procedures**

Subdivision plats which fall into any of the categories below shall be exempted from the standard subdivision review and approval procedure.

205.1 The division of land into parcels of five (5) acres or more where no new street is involved. Such plats are to be received as information by the Planning Commission staff who shall indicate that fact on the plats.

- 205.2 The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots meet the minimum standards of this and other ordinances.
- 205.3 The combination or recombination of entire lots of record where no new street or change in existing streets is involved.
- 205.4 The division of land by will or by inheritance under that statute of descent and distribution, or by gift conveyed by deed. This exemption shall be limited to the conveyance of land from one member to another member of the same immediate family (mother, father, children, grandchildren, brothers, or sisters)

**ARTICLE III
PLAT REQUIREMENTS**

300. Sketch Plan

The sketch plan of a proposed subdivision shall be drawn at a scale and on a sheet size as required for preliminary plats and shall contain at least the following data, legibly drawn to scale, but not necessarily showing precise dimensions:

- 300.1 North arrow, written and graphic scales, and a location map showing the relationship between the proposed subdivision;
- 300.2 Tract boundaries and total acreage;
- 300.3 Significant topographical and physical features including the location of watercourses within the tract;
- 300.4 The location, names and right-of-way widths of existing streets in the vicinity of the tract;
- 300.5 Tentative street and lot arrangements showing average lot size and the number of lots;
- 300.6 Existing and proposed land uses throughout the subdivision;
- 300.7 Zoning classification, if any; and,
- 300.8 The proposed time schedule of each phase if entire subdivision is not going to be developed at one time.

301. Plat

The plat shall conform substantially to the sketch plan and shall meet the requirements set forth in these regulations as follows:

301.1 Plat Information

- a. Name of subdivision and owner, and name of engineer and/or surveyor, with seal.
- b. Graphic scale, north point, title and date. The north point shall be identified as magnetic, true, or grid north.
- c. Scaled vicinity map showing the relationship of the subdivision to the surrounding roadway system in the area.
- d. Road names, block numbers or designation and lot numbers.
- e. Total acreage to be subdivided.
- f. Boundaries of the tract to be subdivided with all bearings and distances indicated. The boundary survey shall be to such a degree of accuracy as required by the South Carolina State Board of Engineering Examiners Minimum Standards Manual for the Practice of Land Surveying in South Carolina.
- g. Sufficient data to determine readily and reproduce on the ground location, bearing and length of every road centerline, subdivision boundary line, lot and block line, whether curved or straight.
- h. Location and description of all monuments.
- i. All rights-of-way, easements and areas designated to be dedicated to public use with the purpose of each stated.
- j. Areas to be used for purposes other than single-family residential and public, if any, with the purpose, location, and dimensions of each indicated.

301.2 Existing Conditions

- a. In the case of a re-subdivision, a copy of the existing plat will be submitted and the proposed re-subdivision will be imposed thereon if necessary.

- b. Location of existing adjoining property with the names of the owners of such property and existing buildings at the boundary line, as recorded at the Marlboro County Tax Assessor's office.
- c. Existing buildings within the proposed tract to be subdivided.
- d. Identification and location of the following: streams; rivers; ponds; lakes; swamps; wetlands; and all land which are within major natural drainage channels and subject to inundation by a flood with a return frequency of one hundred (100) years.
- e. Identification, location and acreage of all off- site drainage systems impacting on and/or being impacted by the proposed subdivision.
- f. Identification and location of the rights-of-way of streets, roads, railroads and utility lines either on or adjacent to the property to be subdivided with identification of utilities in easements and/or rights-of-way with tower and pole.
- g. Location of city and/or county lines (if applicable).

301.3 **Proposed Conditions**

Plat submittal shall reflect the physical development of the proposed subdivision in accordance with letters (a) through (i) below and, as applicable, in accordance with the requirements of Article IV of these regulations.

- a. Total number of lots, with size indicated. Layout of roads, public crosswalks, etc., with widths, names or designations.
- b. Layout of all lots, including building setback lines, scaled dimension of lots, lot and block numbers, drainage and utility easements with width and use noted.
- c. South Carolina Department of Environmental Control approved plan for the disposal of sewer.
- d. South Carolina Department of Environmental Control approved plan for water.

- e. Preliminary plan of storm drainage system.
- f. Designation of all land (if any) to be used, reserved, or dedicated for general public use.
- g. Designation of proposed uses of lots not intended for single-family residential use (if any).
- h. Proposed major contour changes in areas which are to be substantially cut and/or filled
- i. County approved plan for garbage disposal.

301.4 Restrictive Covenants

- a. Restrictive covenants shall refer to the plat required for recording;
- b. Further subdivision of lots shown on the plat shall be prohibited by the restrictive covenants;
- c. Restrictive covenants shall provide that the covenants not be amended or modified except by written consent of the Marlboro County Planning Commission and all property owners in the subdivision;
- d. The plat required for recording is prepared in accordance with the plat approval requirements of this Ordinance;
- e. County Approved plan for garbage disposal.

**ARTICLE IV
DESIGN STANDARDS**

400. General Provisions

The design standards herein shall be considered minimum standards. Higher standards are to be encouraged in subdivision design. The following standards shall be applied toward that end.

401. Streets

All roads shall be constructed equal to or better than the specifications as described in Ordinance #531, which dictates the criteria for acceptance into the County Road System of the County of Marlboro. However, meeting such standards shall in no way obligate Marlboro County Council to accept said roads into the County Road System.

401.1 **Private Streets and Reserve Strips.**

Reserve strips controlling access to streets created by the sub-divider are prohibited. All streets shall be open to public use and improved according to the provisions of this Ordinance.

401.11

Private easements

Private easements may be permitted by the Planning Commission as a one-time exception if the following criteria are met.

- a. If an access easement is used to provide a driveway for a landlocked parcel, that access easement may only be designated over one (1) parcel.
- b. An access easement shall be at least thirty (30) feet wide along its entire length.
- c. The location of an access easement shall be shown on all plats, and shall be designated "Private Easement, Not County-Maintained."
- d. No further subdivision of property along the access easement will be permitted, unless approved by the Planning Commission.

401.12

Rural community driveways

Rural community driveways may be permitted by The Planning Commission when such driveways serve no more than five (5) lots, provided that:

- a. Such lots are not less than the minimum standard approved by DHEC;
- b. Such development is not expanded beyond five (5) lots out of the parent tract for a period of ten (10) years so that the spirit and intent of these regulations are not destroyed; however, if the subdivision is expanded within 10 years, the extensions shall conform to the requirements of this Ordinance regarding the construction of new streets;
- c. The driveway is not less than sixty-six (66) feet wide and have not less than sixty-six (66) feet of frontage on a public street; and,
- d. The sub-divider shall conspicuously place on the privately maintained community driveway near the entrance to the subdivision a sign stating "Private Driveway."

- e. The driveway shall be privately maintained and owned by all property owners (maintaining access suitable for emergency vehicles), and shall be accessible to a public street;
- f. Access, ownership and maintenance of the community driveway is the sole responsibility of the affected property owners, and is so stated in restrictive covenants accompanying the sale and/or transfer of each lot, and noted in capital letters on the deed of record, as follows:

"THE DRIVEWAY PROVIDING ACCESS TO LOTS IN THIS SUBDIVISION IS PRIVATELY OWNED AND NOT MAINTAINED BY MARLBORO COUNTY. OWNERS OF LOTS IN THIS SUBDIVISION ARE FINANCIALLY OBLIGATED TO MAINTAIN THIS DRIVEWAY FOR THE BENEFIT OF ALL PROPERTY OWNERS IN THE SUBDIVISION."

401.13

Drainage

All streets and roads must be designed to provide for the discharge of surface water from the right-of-way by grading and drainage. Where it is the opinion of the Planning Staff and/or Commission that water cannot be adequately discharged by surface drainage, installation of a storm sewer system may be required.

402.

Blocks

Non-residential blocks shall be of such length and width as may be suitable for their prospective use, including adequate provision for off-street parking and loading. Residential blocks shall not exceed twenty (20) lots in length or be less than six hundred (600) feet from corner to corner, provided, however, that such requirements can be modified when appropriate due to the topography or physical shape of the property being subdivided. The width of any block shall be sufficient to allow two (2) tiers of lots of minimum depth, except where fronting on major streets or prevented: by topographical conditions or size of the property. In such cases, a single tier of lots of minimum depth will be permitted.

403.

Lots

Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Each lot must front for a minimum of sixty-six (66) feet upon a public street or road, except on cul-de-sac or loop streets.

403.1 **Minimum Size**

The size, shape and orientation of lots shall be such as the Planning Commission and/or Planning Department staff deems appropriate for the type of development and use contemplated.

403.11 The minimum size of residential lots served by a private source of water supply shall be determined by DHEC after investigations of soil conditions, the proposed sewerage system, and the depth of groundwater. Documentation from DEHC is to be submitted to the Planning Department.

403.12 Size of properties reserved or laid out for commercial or industrial use shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated. Platting of individual lots should be avoided in favor of an overall design of the land to be used for such purposes.

403.13 The size and width of lots shall in no case be less than the minimum requirements of the Zoning Ordinance,

403.2 **Building Setback Lines**

The minimum setbacks of the zoning district, as set in the Marlboro County Zoning Ordinance, shall apply. In the absence of zoning regulations, the following shall apply:

403.21 **Minimum Setback**

The minimum building setback line from the property line abutting the street right-of-way line shall be as follows: thirty (30) feet on local roads; forty (40) feet on collector roads; and, fifty (50) feet on arterial roads. The minimum setback from the side property line shall be as follows: ten (10) feet for single-family homes, mobile homes, and duplexes, and fifteen (15) feet for townhouses. The minimum setback from the rear property line shall be as follows: twenty-five (25) feet for single-family homes, mobile homes and duplexes, and fifteen (15) feet for townhouses.

403.22 **Transmission Power Lines**

The developer must contact the appropriate

electrical supplier to ensure that any proposed use of a right-of-way meets all of the requirements of said electrical supplier.

403.3 Corner Lots

Corner lots shall be sufficiently wider and larger to permit the additional side yard requirements of the Zoning Ordinance for building setback lines as outlined above.

403.4 Shape of Lot

Lots designed for buildings or for development purposes shall not have its depth greater than four (4) times its width. [Example: if a lot is 100 feet wide - its length or depth should not be longer than 400 feet.] Marsh areas and/or wetlands may be exempt from this provision. This provision may be waived by the Planning Commission when necessitated by unusual topographic conditions.

403.5 Flag Lots

Flag lots (lots without fee simple title frontage on a road right-of-way except for a narrow strip of land serving as a driveway) are discouraged and will not be allowed if the Planning Commission determines that their sole purpose is to circumvent the provisions of this Ordinance to provide proper road access. The following criteria for flag lots are intended to be applied cumulatively; that is, all criteria must be satisfied.

403.51 The driveway portion of a flag lot shall be at least thirty (30) feet wide along its entire length.

403.52 The driveway portion of a flag lot may not be contiguous to the driveway portion of another flag lot.

403.53 Flag lot driveways along a continuous road right-of-way boundary shall be separated by at least one (1) parcel with a minimum of two hundred (200) feet of frontage along the same road right-of-way boundary. Flag lots may not be further subdivided by means of access easements.

403.54 The driveway portion of a flag lot shall not exceed 1,800 feet in total length.

403.55 In accordance with the Access and Roadside Management Standards of the South Carolina Department of Transportation (SCDOT), any flag lot accessing a state-maintained road shall have at least fifty (50) feet of frontage, unless SCDOT has issued a suitable encroachment permit for a driveway with less frontage, in which case all other criteria still apply.

404. Public Use and Service Areas

Due consideration shall be given to the allocation of areas suitably located and of adequate size for playgrounds and parks for local or neighborhood use, as well as public service areas.

404.1 Public Open Spaces

Where a school, neighborhood park or recreation area or public access to water frontage, shown on an official map or in a plan made and adopted by the Planning Commission, is located in part in the applicant's subdivision, the dedication or reservation of such open spaces within the subdivision may be required up to a total of ten (10) percent of the gross area or water frontage of the subdivision, for park, school or recreation purposes.

404.2 Community Assets

In all subdivisions due regard shall be shown for all natural features such as large trees, watercourses, historical sites, and similar community assets which, if preserved, will add attractiveness and value to the property.

405. Suitability of the Land

The Planning Commission shall not approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public the site is not suitable for platting and development purposes of the kind proposed. Land subject to frequent flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate erosion or flood hazard. Such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions. Fill may not be used to raise land in areas subject to flooding unless the fill proposed does not restrict the flow of water and unduly increase the

flood heights.

ARTICLE V
SUBDIVISION IMPROVEMENT GUARANTEES

500. Completion of Improvements

Prior to plat approval, the sub-divider shall complete in a manner satisfactory to the Planning Staff and/or Planning Commission and Marlboro County, all road improvements required in this Ordinance.

501. Acceptable Techniques in Lieu of Completion of Improvements

In lieu of requiring the completion of road improvements prior to plat approval, the County Administrator may, at the direction of Marlboro County Council, enter into a contract with the sub-divider whereby the sub-divider shall guarantee to complete all road improvements as required by this Ordinance.

Prior to the granting of final plat approval by the Planning Commission, the County Administrator and the sub-divider shall agree upon a deadline for the completion of all road improvements, such deadline not to exceed two (2) years from the date of final plat approval. The County Administrator shall have the right to extend said deadline for one (1) additional year where the sub-divider can present substantial reason for doing so. Such extension may be conditioned upon the submission by the sub-divider of updated cost estimates, and where necessary, provision of additional securities in lieu of completion of improvements.

To secure the contract between the sub-divider and the County, the sub-divider shall provide, subject to the approval of the County Administrator, one of the following guarantees:

501.1 Surety Performance Bond

The sub-divider shall obtain a security bond from a surety bonding company authorized to do business in the State of South Carolina. The bond shall be payable to Marlboro County and shall be in an amount sufficient to cover the entire cost plus twenty-five percent (25%), as estimated by the sub-divider, and approved by the subdivision inspector and County Administrator. The duration of the bond shall be until such time as the improvements are approved by the County Administrator.

501.2 Escrow Account

The sub-divider shall deposit cash, or other instrument readily convertible into cash at face value, either with the County, or in escrow with a financial institution in the State of South Carolina. The use of any instrument other than cash, and, in the case of an escrow account,

the financial institution with which the funds are deposited, shall be subject to the approval of the County Administrator. The amount of the deposit shall be at least equal to the cost plus twenty-five percent (25%), as estimated by the sub-divider and approved by the subdivision inspector and the County Administrator.

501.3 Letter of Credit

The sub-divider shall provide, from a bank or other financial institution or individual, subject to the approval of the County Administrator, a letter of credit certifying the following:

501.31 That the creditor does guarantee funds in an amount equal to the cost plus twenty-five percent (25%) for completing all required road improvements as estimated by the sub-divider, verified by the subdivision inspector and approved by the County Administrator;

501.32 That, in the case of failure on the part of the sub-divider to complete the specified improvements within the required time period, the creditor shall pay to the County immediately, and without further action, such funds as are necessary to finance the completion of those improvements, up to the limit of credit stated in the letter; and,

501.33 That this letter of credit may not be withdrawn or reduced in amount until released by Marlboro County.

ARTICLE VI
DEFINITIONS

600. Interpretation of Certain Terms or Word. Except as specifically defined herein, all words used in this Ordinance have their customary dictionary definitions. Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.

600.1 The word "shall" is always mandatory;

600.2 The word "may" is permissive;

600.3 The word "lot" includes the word "plot" or "parcel";

600.4 The word "structure" includes the word "building";

600.5 The word "person" includes a firm, association, organization, partnership, trust company, or corporation as well as an individual;

- 600.6 The word "used" or "occupied", as applied to any land or building, shall be construed to imply that said land or building is in actual use or occupancy and shall be construed to include the words "intended", "arranged", or "designed" to be used or occupied;
- 600.7 The term "Planning Commission" refers to the Marlboro County Planning Commission, as reestablished under the 1994 South Carolina Local Government Comprehensive Planning Enabling Act, Sections 6-29-310 through 6-29-1200; and,
- 600.8 The term "County Council" refers to the legally constituted and elected governing body of Marlboro County.

601. Definitions.

- 601.1 **Agent** An-authorized person, firm or corporation acting for, or on the behalf of, the sub-divider or owner.
- 601.2 **Block** A parcel of land entirely surrounded by streets or highways, railroad rights-of-way, waterways, or by a combination thereof.
- 601.3 **Building Line** That line which represents the distance a building or a structure must be set back from a lot boundary line or street right-of-way line, or a street center line, according to the terms of this Ordinance or the Zoning Ordinance.
- In all cases, the building lines of a lot shall be determined to run parallel to and set back the appropriate distance located from street right-of-way lines, street centerlines or other lot boundary lines.
- 601.4 **Comprehensive Plan** The official plan or any part thereof for the County of Marlboro and Marlboro County Planning Commission adopted in accordance with the provisions of the 1994 South Carolina Local Government Comprehensive Planning Enabling Act, Sections 6-29-310 through 6-29-1200, when developed by Marlboro County, approved by the Planning Commission, and adopted by the governing body of the County of Marlboro..
- 601.5 **County Manager** For the purposes of this Ordinance, the word Administrator shall be used interchangeably with the word Manager if any form so requiring it shall be adopted.
- 601.6 **Detention Pond** A pond which collects storm water runoff

and allows for settlement or suspended material. It does not have a permanent pool and is sometimes referred to as a dry pond.

- 601.7 **Developer** The owner or sub-divider of property or his agent engaged in the subdivision or improvement of land or the construction of structures upon the land within the territorial jurisdiction of the Marlboro County Planning Commission.
- 601.8 **Easement** A grant by the property owner to any person, firm or corporation, or to the general public, of the use of a strip or parcel of land for a specified purpose. [Fee simple title to the land remains with the grantor.]
- 601.9 **Engineer** A registered professional engineer in good standing with the South Carolina Board of Engineering Examiners.
- 601.10 **Final Plat** A plat which incorporates all revisions or corrections necessary for recording purposes after all improvements pertaining to the preliminary plat have been installed and approved, or appropriate techniques in lieu of completion of improvements have been approved.
- 601.11 **Lot** A piece, parcel, tract or plat of land intended as a unit for the transfer of ownership or for development.
- 601.12 **Lot, Corner** A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred thirty-five (135) degrees.
- 601.13 **Lot, Double Frontage** A lot of the same depth as the width of the block containing the lot and which is accessible from both of the streets on which it fronts. This definition generally does not include corner lots.
- 601.14 **Staff of the Marlboro County Planning Commission** Those persons designated by the County of Marlboro to serve the Planning Commission in a staff capacity or to assist the Planning Commission in the technical review of subdivisions, including, but not limited to the following:
- 601.141 County Planner: Person who assists in the review of subdivision plats to ensure compliance with this Ordinance and stamps plats after they have been approved by the Planning Commission;
- 601.142 County Subdivision Inspector: Person who

assists in the review of construction plans and performs inspections during the construction of improvements; and,

601.143 Planning Commission Secretary: Person who assists the Planning Commission in a staff capacity.

601.15 **Plat** A map or drawing upon which the sub-divider's plan of the subdivision is presented for approval.

601.16 **Preliminary Plat Map(s)** showing a plan for a proposed subdivision of land which is submitted to the Planning Commission for approval. -

601.17 **Retention Pond** A pond which collects storm water runoff and allows for settlements or suspended material. The pond is a permanent pool.

601.18 **Street** A dedicated public way for vehicular traffic, whether designated as an avenue, boulevard, thoroughfare, road, highway, expressway, lane, drive, alley, or any other public way. For the purpose of this Ordinance, "streets" are divided into the following categories:

611.181 Alley A vehicular way used primarily for providing service access along the rear or side of properties which are also served by one of the other types of streets defined herein;

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

611.183.1 Freeway, Arterial and Highways A street for highway which is used to move fast or heavy traffic between population centers, around population centers, or from one section of the area to another.

611.184 Cul-de-sac A minor street of short length having one end open to traffic and one end terminating in a vehicular turnaround.

611.185 Minor Street A street used primarily for access to abutting properties.

- 611.186 Marginal Access Street A street parallel and adjacent to a major thoroughfare, which provides access to abutting properties and protection for through traffic.
- 601.19 **Sub-divider** Any person, firm, corporation or other legal entity subdividing land within the jurisdiction of this Ordinance.
- 601.20 **Subdivision** The division of a tract, parcel or lot into two (2) or more lots or building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, and includes all divisions of land involving a new street or change in existing streets, and includes re-subdivision, which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or, the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, and, includes combinations of lots of record; however, the following exceptions are included within this definition only for the purpose of requiring that the Planning Commission be informed and have a record of the subdivisions.
- 601.201 The division of land into parcels of five (5) acres or more where no new street is involved. Such plats are to be received as information by the Planning Commission which shall indicate that fact on the plats.
- 601.202 The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots meet the minimum standards' of this and other ordinances.
- 601.203 The combination or recombination of entire lots of record where no new street or change in existing street is involved.
- 601.204 The division of land by will or by inheritance under that statute of descent and distribution, or by gift conveyed by deed. This exemption shall be limited to the conveyance of land from one member to another member of the same immediate family (mother, father, children, grandchildren, brothers, or sisters).
- 601.21 **Surveyor** A registered land surveyor in good standing with the South Carolina Board of Engineering Examiners.

601.22 **Yard** A space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings or structures are expressly permitted.

601.221 Yard, front A yard situated between the front building line and the front lot line extending the full width of the lot.

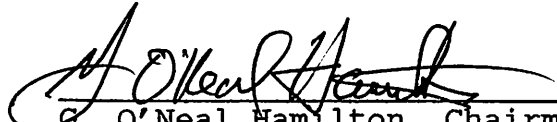
601.222 Yard, rear A yard situated between the rear building line and rear lot line and extending between side yard lines.

601.223 Yard, side A yard situated between the side building line and a side lot line and extending from the front yard to the rear lot line.

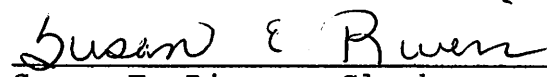
700. This Ordinance may be amended by Council by Resolution after the statutorily required Public Hearing.

Passed and adopted this 13th day of November, 2003

(SEAL)


G. O'Neal Hamilton, Chairman
Marlboro County Council

Attest:


Susan E. Rivers, Clerk
Marlboro County Council

First Reading: June 12, 2003
Second Reading: July 10, 2003
Third Reading: November 13, 2003
Public Hearing: August 14, 2003