

PART 2

LAND DEVELOPMENT ORDINANCE

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**CITY OF LORIS
LAND DEVELOPMENT ORDINANCE**

AN ORDINANCE GOVERNING THE DEVELOPMENT OF LAND WITHIN THE CITY OF LORIS, 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 LORIS, SOUTH CAROLINA, IN COUNCIL ASSEMBLED.

ARTICLE I. GENERAL

Section 1-1. Title

This Ordinance shall be known as the Land Development Ordinance of the City of Loris, South Carolina.

Section 1-2. Authority

This Ordinance is adopted pursuant to the authority granted under the General Statutes of South Carolina, 1976 Code of Laws, Sections 6-29-1110 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 harmonious, orderly, and progressive development of land in pursuit of public health, safety, economy, good order, appearance, convenience, morals, and the general welfare. In furtherance of this general intent, the regulation of land development 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 development;

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 to recreation, education, transportation, and other public purposes; and
5. To assure, in general, the wise and timely development of new areas in harmony with the Comprehensive Plan of the City of Loris.

Section 1-4. Application of Ordinance

No plat for the subdivision of land within the City of Loris shall be filed with or recorded by the Horry County Clerk of Court until such plat shall have first been submitted to and approved by the Loris Planning Commission according to procedures set forth in this Ordinance.

No permit shall be issued to develop, construct, or otherwise change land characteristics in the City of Loris except in compliance with all applicable provisions of this Ordinance, Building Codes, and the City's Zoning 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 City 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 development 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 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 Plan.
5. Such variance will not conflict with applicable requirements of the Zoning 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 Loris at least thirty (30) 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 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 of the owner of any land to be developed within the jurisdiction of this Ordinance who transfers or sells land before a plat therefor has been approved by the Planing Commission and recorded in the office of the Clerk of Court in and for the County of Horry, 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 bounds 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 Horry 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 conditions 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, resolution, rule, or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.

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 development. 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 plats and land development projects.

Section 2-3. Administrative Process

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

Section 2-4. Pre-Application (optional)

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

1. Pre-Application Conference

At the request of the applicant, the City Administrator, Zoning Administrator, and Public Works Director shall arrange a pre-application conference to discuss requirements of this Ordinance, land development practices, proposed plans by the applicant, applicable provisions of the Comprehensive Plan and Zoning Ordinance, and related matters.

2. Sketch Plan

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

The purpose of the sketch plan is to secure advice in the formative stages of development design.

Section 2-5. Preliminary Application

1. Assignment

All applications will fall into one of four categories;

- a. an exempt subdivision,
- b. a minor subdivision,
- c. a major subdivision, or
- d. a land development proposal other than a subdivision, as defined by this Ordinance.

2. Content

An application shall include all data specified in Article III of this Ordinance which constitutes a checklist of items to be submitted for preliminary review.

3. Filing Fees

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

- a. *Exempt Subdivisions* - \$25 or \$5 per lot, whichever is greater.
- b. *Minor Subdivisions* - \$50
- c. *Major Subdivisions* -
 1. Residential: \$100 minimum, or \$5 per lot, whichever is greater.
 2. Non-residential: \$100 minimum, or \$10.00 per lot, whichever is greater.
- d. *Land Development proposal other than subdivision*- \$100

Section 2-6. Exempt Subdivisions

Applicants of subdivisions exempt from the requirements of this Ordinance shall nonetheless submit to the Zoning 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 Zoning Administrator shall indicate such exempt status on each copy of the plat for recording; “ **This plat is exempt from the requirements of the Land Development Ordinance of the City of Loris**” and signed by the Zoning Administrator.

Section 2-7. Minor Subdivisions

1. Applicants requesting approval for a proposed minor subdivision, as defined by this Ordinance, shall submit to the Zoning Administrator three (3) copies of a plat, drawn to the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, the prescribed fee, and evidence that no taxes or assessments are outstanding against the property.
2. If the subdivision is approved by the Zoning Administrator, the applicant shall be instructed to prepare a Final Plat as required for recording.
3. Action on the Final Plat shall be taken by the Planning Commission at its next regularly scheduled meeting, and bear the signature of the Chairman of the Planning Commission.

Section 2-8. Major Subdivisions

Applicants requesting approval of a Major Subdivision, as defined by this Ordinance, shall submit a Preliminary and then a Final Plat in accord with the following procedures (steps):

PRELIMINARY PLAT (PLAN) APPROVAL

- Step 1** The applicant shall submit to the Zoning administrator 3 copies of the Preliminary Plat, including all materials stipulated by Article III.

The Zoning Administrator shall forward the Preliminary Plat to the Planning Commission, together with any staff comments and recommendations. The Planning Commission shall act on the application within 30 days of receipt of the application.

In its deliberations, the Planning Commission shall either approve, approve conditionally, or disapprove the Plat. If the Preliminary Plat is disapproved or approved conditionally, the reasons for such action shall be stated in writing and signed by the Chairman of the Planning Commission. The reasons for disapproval shall refer specifically to those parts of the Comprehensive Plan or Ordinance or regulation with which the Plat does not conform. One copy of the reasons shall be retained in the records of the Commission and one copy given to the applicant. On conditional approval, the Commission may require the applicant to resubmit the Preliminary Plat with all recommended changes before approving said Plat.

If the Preliminary Plat is found to conform to all 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 two (2) copies of the Preliminary Plat. One copy shall be retained by the Planning Commission and one copy given to the applicant.

Step 2 Effect of Preliminary Plat Approval

Preliminary Plat approval shall confer upon the applicant the following rights for one-year, unless extended by the Planning Commission, from the date of approval:

1. To proceed under the supervision of the city with the installation of site improvements; and
2. To proceed with the preparation of a Final Plat.

Preliminary Plat approval shall not authorize the applicant to sell or otherwise transfer lots or parcels within the platted subdivision.

Step 3 Final Plat Approval

Final Plat approval is an administrative action. No public notice or hearing is required in connection with approval proceedings on the Final Plat.

An applicant requesting Final Plat approval shall submit to the Zoning Administrator three copies of the material specified in Article III of this Ordinance together with an electronic copy of the Final Plat, which shall show 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.

Final Plat approval shall be granted or denied within 45 days after submission of a complete application to the Zoning Administrator or within such further time as may be consented to by the applicant.

No subdivision plat, portion or phase thereof shall be accepted for filing by the Office of Clerk of Court until it has been approved by the Planning Commission as indicated on the plat by the signature of the Chairman of the Planning Commission. The signature of the Chairman shall not be affixed until the developer has completed all required improvements or has posted the guarantees required by Article V of this Ordinance.

Step 4 Effect on Final Plat Approval

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

1. To record the plat with the County Clerk of Court, and
2. To proceed with the sale and/or transfer of lots and parcels in accord 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 with sufficient information and data to assure compliance with all applicable requirements, standards, and specifications contained in this Ordinance.

SECTION 3-2. REQUIREMENTS FOR PRELIMINARY PLAT REVIEW

Preliminary Plats shall be clearly and legibly drawn to a scale not less than one (1) inch equal to one hundred (100) feet. If a Preliminary Plat requires more than one sheet, a key diagram showing relative location of several sections shall be drawn on each sheet.

Preliminary Plats shall contain and show the following:

1. Proposed name of land development (subdivision), which shall not duplicate or approximate the name of any other developments, or the name of the City.
2. Name and address of developer 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 wetlands and flood plain areas, and storm drainage ditches.
6. Location, names, and right-of-way widths of existing streets in vicinity of tract.
7. Proposed street pattern, profiles, angles, and tangents.
8. Existing and proposed land use and zoning.

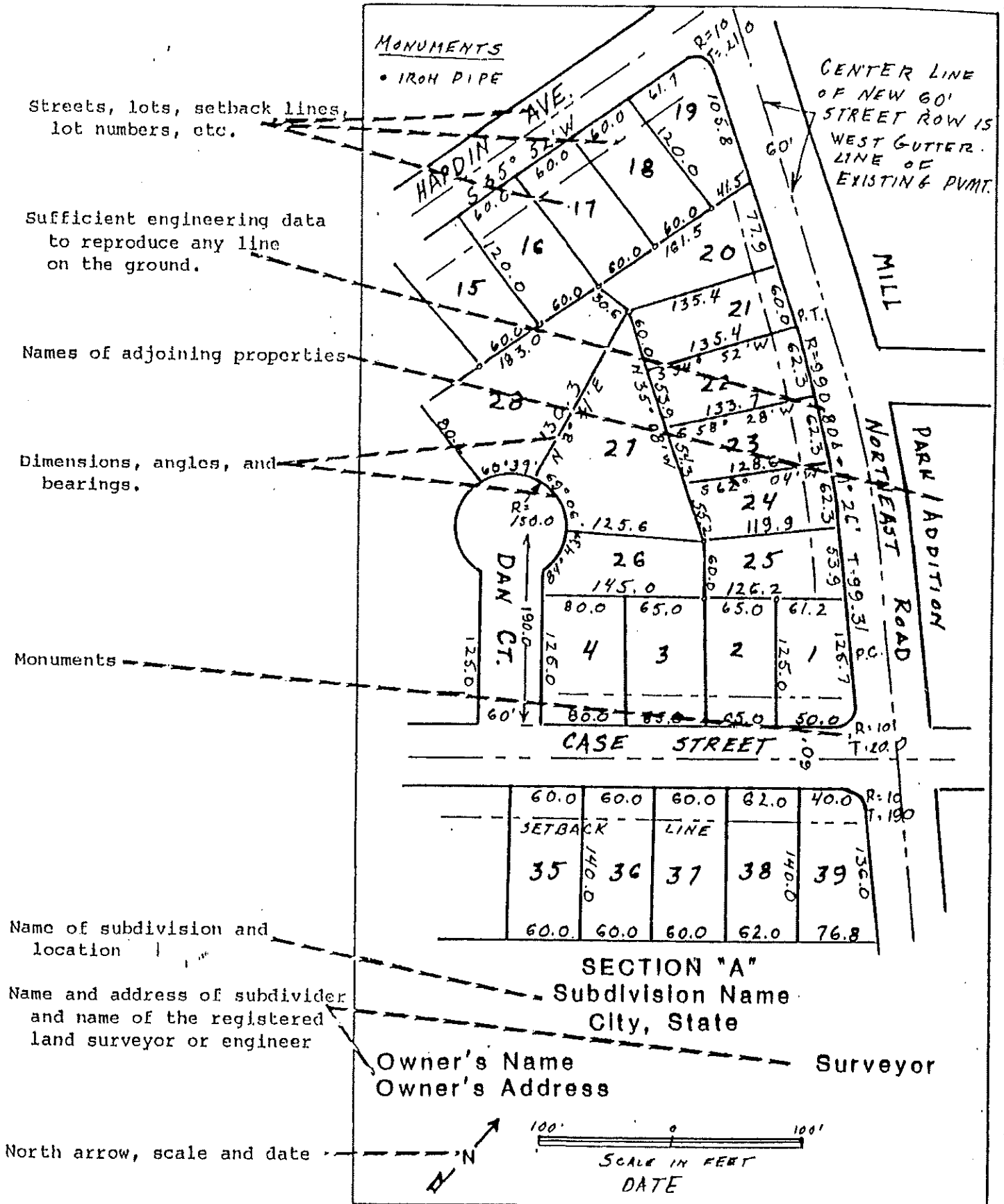
9. Time schedule if proposed for development in phases.
10. Proposed and existing easements, sewer lines, fire hydrants, and utility lines.
11. Proposed lot layout, average size and number of lots, lot dimensions, lot and block numbers, buildings, and set back lines along street rights-of-way.
12. Vicinity or location map, showing the relationship between the proposed development and surrounding areas.
13. Correct courses and distances to the nearest established street lines or official monument which accurately describes the location of the plat and is accurately tied to the primary control points of the subdivision.
14. Contour lines at vertical intervals of at least two (2) feet and the location and elevation of the benchmark to which contour elevations refer, recorded at survey quality points.
15. 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.
16. Plans for the protection of soils on the site from wash, erosion, and other drainage during the course of the construction period.
17. Parks, school sites, and other areas designated for public use if any, with any conditions governing such use.

SECTION 3-3. ADDITIONAL REQUIREMENTS FOR FINAL PLAT APPROVAL

Final Plat requirements are cumulative, and include the requirements for Preliminary Plat approval. Additionally, Final Plat requirements shall contain or be accompanied by the following:

1. **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 Clerk of Court.
 - d. ***Certification by Planning Commission.*** The signature of the Chairman of the Planning Commission, together with the endorsement stamp thereof.
2. **Improvement Plans and Data:** The applicant shall submit construction plans and specifications 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.
3. **Improvement Guarantee:** Certification that all required improvements have been installed or financial guarantees, as required by Article V, 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.

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 land developments, to minimize adverse impacts, and to ensure that such developments will be an asset to the city. To promote this purpose, all proposed land developments 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 development 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. Site Design, Generally

Site design shall take into consideration all existing local and regional plans of the city, and shall be based on the site analysis. To the extent practical, development shall be located to preserve any natural features on 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. Trees 10" or more DBH (Diameter Breast High) in accord with Section 4-5 of the Loris Zoning Ordinance.
- c. Flood plain areas, as determined by FEMA (Federal Emergency Management Agency) and delineated on Flood Boundary and Floodway Maps for the City of Loris, except as provided herein and in related regulations.
- d. Habitats of endangered wildlife, as identified on federal and state lists.
- e. Historically significant structures and sites, as listed on federal, state, and/or local lists of historic places.
- f. The development shall be designed 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 on neighboring properties.

Section 4-3. Streets

1. Circulation System Design

The following provisions are required to ensure that adequate vehicular access is provided to and through all further land developments.

The external and internal street system shall be designed to permit the safe, efficient, and orderly movement of traffic; to provide for the public safety and response to emergency situations; to have a simple and logical pattern; to respect natural features and topography; and to present an attractive streetscape.

In addition to the general circulation system design the following requirements shall apply to all further major land developments.

External access is defined as: The access that a land development receives from an existing roadway that abuts the property.

External access requirements:

1. Developments containing 50 or less lots/units shall be accessed by a minimum of one (1) paved point of ingress/egress. Minimum street right-of-way width and design shall conform to the requirements of Article IV, Section 4-3.7 (Minor Street).
2. Developments containing 51 to 100 lots/units shall be accessed by a minimum of one (1) paved point of ingress/egress. Minimum street right-of-way width and design shall conform to the requirements of Article IV, Section 4-3.7 (Major Street with turn lane).
3. Developments containing 101 to 500 lots/units shall be accessed by no fewer than two (2) paved points of ingress/egress, located no less than 400 feet apart. Minimum street right-of-way width and design shall conform to the requirements of Article IV, Section 4-3.7 (Minor Street).
4. Developments containing more than 500 lots/units shall be accessed by no fewer than two (2) paved points of ingress/egress, located no less than 400 feet apart. Minimum street right-of-way width and design shall conform to the requirements of Article IV, Section 4-3.7 (Major Street).

2. Streets To Be Public

1. All streets shall be public dedicated streets and improved accordingly with the provisions of this Ordinance.

3. Layout and Alignment

- a. Proposed streets shall be coordinated with the street system in the surrounding area and where possible shall provide for the continuation of existing streets abutting the development.
- b. All streets shall be opened to the exterior property lines of the development unless permanently terminated by a vehicular turn-around or an intersection with another street.

- c. Reserve strips controlling access to streets are prohibited except where their control is placed with the city under conditions approved by the Planning Commission.
- d. No half streets shall be permitted.

4. Alleys

- a. Alleys are not permitted in residential developments.
- b. Paved alleys are permitted in commercial and industrial developments to provide service access, off-street loading and unloading, and parking consistent with and adequate for the uses proposed.

5. Cul-de-sacs

- a. Dead-end streets designed to be permanently closed at one end shall not exceed one thousand (1,000) feet in length measured from the right-of-way of the intersecting street to the center point of the turn-around.
- b. Turn-arounds shall be provided at the closed end of a street and shall have a minimum radius of fifty (50) feet. Pavement width shall have a minimum curb radius of forty (40) feet. A landscape center island may be provided if sight lines are not obstructed. If such island is provided, the pavement width of the turn-around shall be a minimum of thirty (30) feet.
- c. Temporary dead-end streets which extend for a greater distance than the depth of one abutting lot shall be provided with a temporary turn-around conforming to the illustration in this Section.

6. Intersections

- a. No more than two streets shall intersect at any one point.

- b. All streets shall intersect as nearly as possible at ninety degree right angles.
- c. Streets entering upon opposite sides of a given street shall have their center lines directly opposite or shall be off set a minimum distance of 150 feet for minor streets and 400 feet for major streets, measured along the centerline of the streets being intersected.
- d. Street intersections shall be located at least 150 feet from the right-of-way of any railroad track, measured from the centerpoint of the intersection to the railroad right-of-way line nearest the intersection.
- e. Private driveways shall not intersect a public street within 50 feet of an intersection, measured from the street right-of-way.

7. Right-of-way, Lane, and Pavement Widths

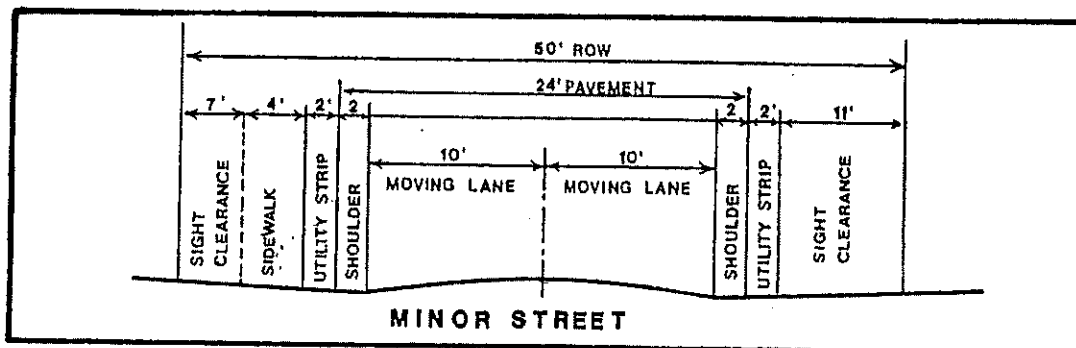
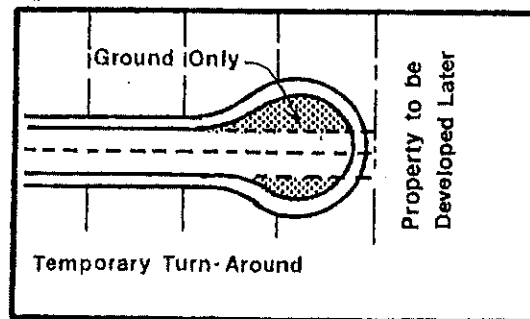
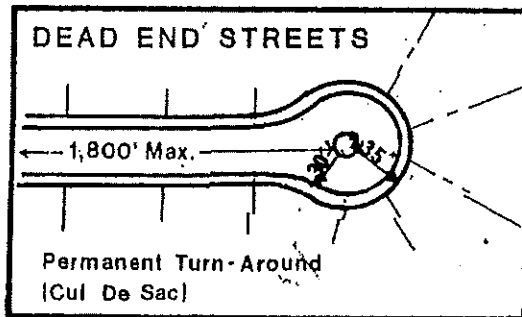
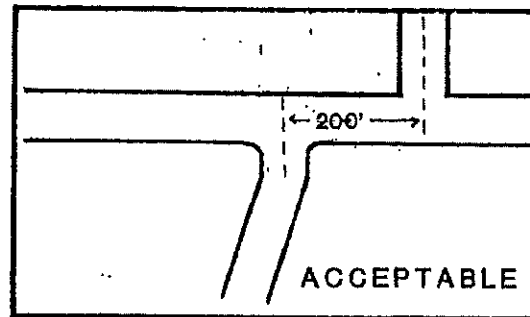
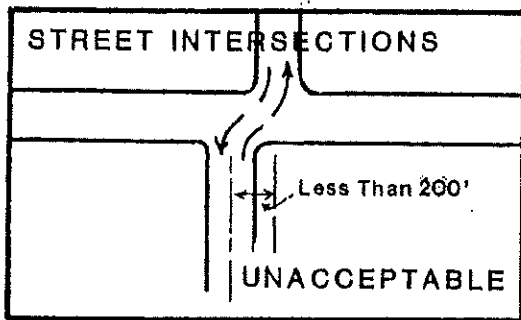
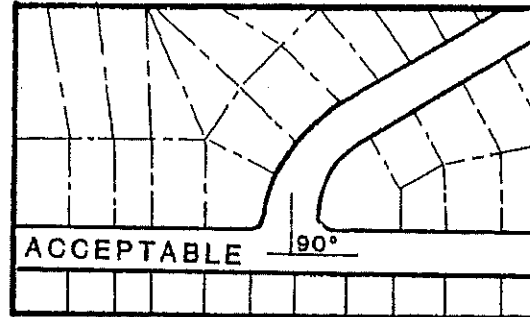
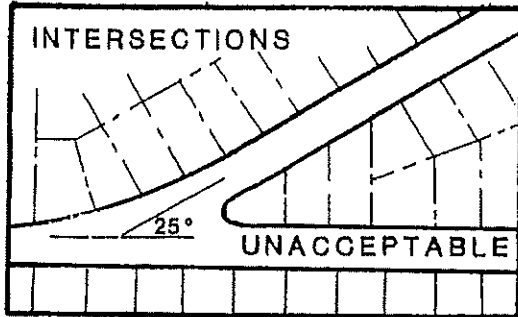
Minimum street right-of-way, lane, and pavement widths shall be as follows:

<u>Classification</u>	<u>Lane Width</u>	<u>Pavement Width</u>	<u>Right-of-Way Width</u>
Minor Street	10'	24'	50'
with parking (one side)	10'	34'	50'
Major Street	11'	28'	66'
with turning lane	11'	40'	66'
Alley	9'	18'	22'

8. Sight Distance

Where horizontal curves are used, the minimum sight distance shall be as follows:

ILLUSTRATIONS



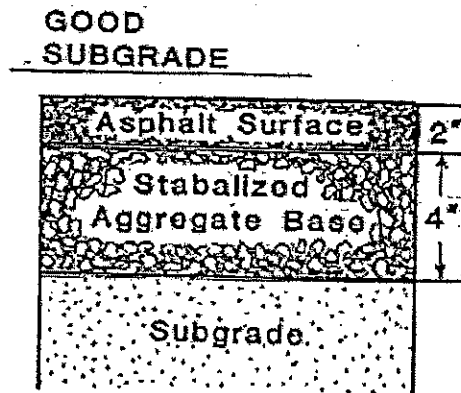
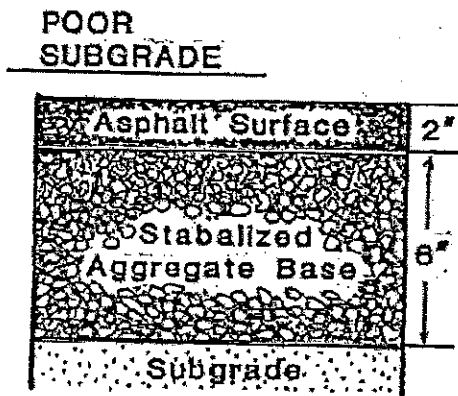
	Design Speed MPH	Minimum Curve Radii	Minimum Sloping Sight Distance
Minor	30-35 mph	275 ft.	200 ft.
Major	35-45 mph	350 ft.	240 ft.

9. Required Improvements

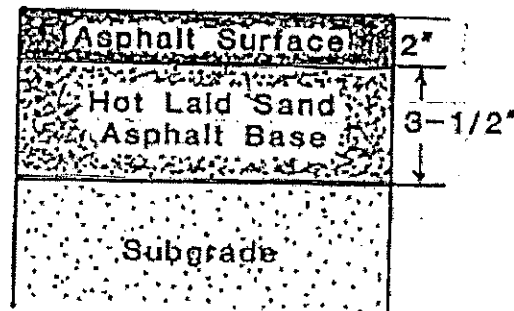
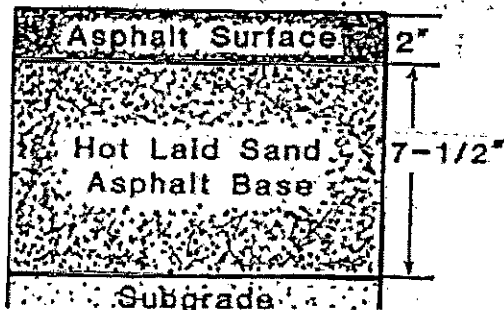
a. Dimensional Specifications

Street improvements shall adhere to the following specifications:

For Minor Streets



For Major (Collector) Streets



Note: All subgrades shall be considered "poor" unless the applicant proves otherwise through "proof roll testing," 50,000 lbs. Per tandem vehicle. Test results shall be reviewed for approval by the Director of Public Works.

b. Subgrade Categories

Subgrade categories are based on prevailing soil conditions and properties. Four of the five major soils in Loris — Goldsboro, Lynchburg, Norsmond, and Woodington — pose constraints to street development because of wetness. As such, they are generally considered to be “poor” subgrade.

c. Construction Specifications

All streets shall be constructed in accord with the South Carolina Standard Specification for Highway Construction Manual, Latest Edition. Specifically:

c-1 Earth work shall be completed in accord with Section 200.

c-2 Base and Subbases shall be constructed in accord with Section 300, as applicable to the proposed base course.

c-3 Paving shall be constructed in accord with Sections 400 or 500, as applicable to the proposed paving material.

d. Substitutions

If substitutions of the base, subbase, or paving materials required by Section 403(9)(a) above are proposed, they shall be submitted for approval to the Public Works Director, together with test results to ensure equivalency by an independent testing laboratory satisfactory to the Director of Public Works.

e. Testing

All required compaction and materials tests shall be performed at the expense of the developer, and in the presence of the Public Works Director.

f. Inspections

A registered engineer shall inspect all phases of construction and certify satisfactory completion of the following steps to the Director of Public Works:

At completion of clearing and grubbing operations.

At completion of rough grading.

At completion of subgrade work.

Before and after all prime and sealer applications.

During final pavement application.

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.

Section 4-4. Curb and Gutter

1. Requirement

Curbs and gutters shall be required and installed along both sides of all streets.

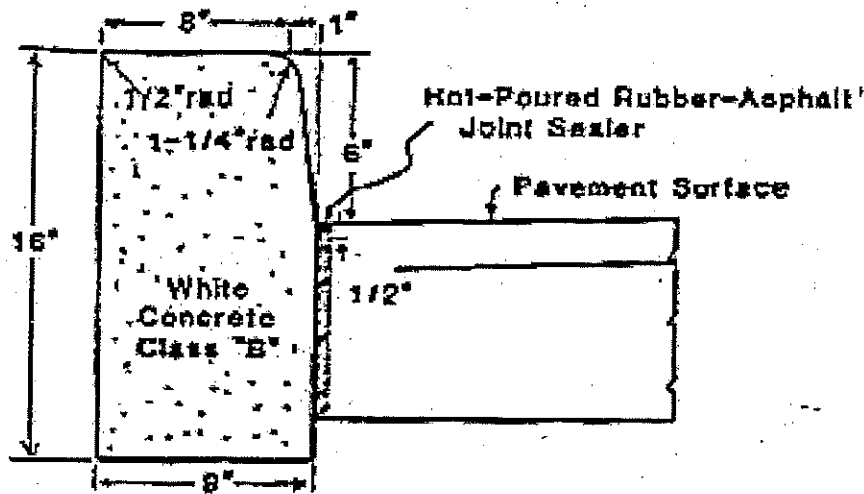
2. Construction Specifications

Curbs and gutters shall be constructed in accordance with Section 720 of the Standard Specifications For Highway Construction Manual, latest Edition.

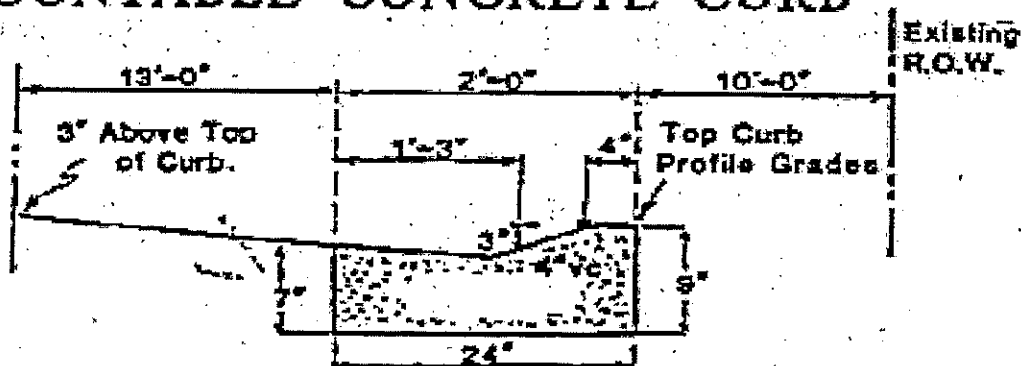
3. Design Specifications

Acceptable curb types are illustrated as follows:

BARRIER OR VERTICAL CONCRETE CURB



MOUNTABLE CONCRETE CURB



A valley gutter, not pictured, may be substituted for the above on minor residential streets, provided it is at least 3 feet wide.

4. Transition

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

Section 4-5. Shoulders

Shoulders shall consist of stabilized turf or other material acceptable to the Public Works Director and shall be prepared in compliance with Section 209 of the

Standards Specifications Manual previously referenced.

Section 4-6. Signage and Names

1. Street Signs

- a. Design and placement of traffic signs shall follow state regulations or the requirements specified in the Manual of Uniform Traffic Control Devices for Streets and Highways, published by the U.S. Department of Transportation. Responsibility for installation shall rest with the developer.
- 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 street lights, where possible, and free of visual obstruction. The design of street names signs shall be approved by the Public Works Director and of a uniform size and color.

2. Names

- a. Streets. Street names shall be subject to approval of the Planning Commission and Horry County 911 Addressing. Proposed street names shall be substantially different in sound and spelling from existing streets in the city and county unless at a future date plans call for a tie-in between the proposed street and an existing street.
- b. Subdivisions and other Developments. Subdivision and development names shall be subject to the approval of the Planning Commission and shall not duplicate the name of any recorded subdivision or development.

Section 4-7. Underground Wiring

1. Where Required

All electric, telephone, television or other communication lines, both main and service connections servicing new subdivisions 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.

Lots that abut existing easements or public rights-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, should a road widening or an extension of service, or other such condition occur as a result of the development and necessitate the replacement or relocation of such utilities, such replacement or relocation shall be underground.

2. Exceptions

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; that clearing swaths through treed areas shall be avoided by selective cutting and 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 4-8. Street Lighting

1. Where Required

Street lighting shall be provided at all street intersections, and between intersections where the distance is 800 feet or more; provided that such spacing between intersections shall be not less than 400 feet between street lights.

2. Height

The maximum height of street lights shall be 25 feet.

3. Shielding

Street lighting shall be properly shielded so as not to create a hazard to drivers or a nuisance to residents.

Section 4-9. Easements

1. Drainage Easements

- a. Where a subdivision or development 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 improvements of the water course.
- b. The location of any surface drainage course shall not be changed without the approval of the Planning Commission.

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 trees 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. 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 easement shall have full right of access to such easement.
- b. The city shall maintain only those easements specifically accepted for public maintenance.

Section 4-10. Blocks

1. Residential

- a. Block lengths shall be appropriate to topographic conditions and density to be served, but shall not exceed 1,000 feet in length, or be less than 300 feet in length.
- b. 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 4-11. Lots

1. Accessibility

All lots except those in Exempt Subdivisions, as defined by this Ordinance, shall be accessible by a public street.

2. Design

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. Dimensions

All lots shall meet the minimum area and dimensional requirements of the zoning district in which they are to be located.

4. Double Frontage

Double or reverse frontage lots shall be prohibited, except where required to provide separation of residential development from major streets or to overcome specific disadvantages of topography or orientation. All residential reverse frontage lots shall have a minimum rear yard of 50 feet, measured from the shortest distance of the proposed back building line to the street right-of-way and shall within such rear yard and immediately adjacent to the right-of-way, have a non-access planting screen easement of at least 20 feet in depth.

5. Alignment

Side lot lines shall be aligned at approximately right angles to straight street lines and radial to curved street lines.

Section 4-12. Sidewalks

1. Where Required

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.

3. Construction Specifications

- a. Sidewalks shall be four inches thick except at points of vehicular crossings, where they shall be at least six inches thick. At vehicular crossings, sidewalks shall be reinforced with welded wire fabric mesh or an equivalent.
- b. Sidewalks shall be installed in accord with Section 720 of the Standard Specifications for Highway Construction Manual,

latest Edition.

- c. Graded areas shall be planted with grass or treated with other suitable ground cover.

Section 4-13. Areas Subject To Flooding

If the area being developed, or any part thereof, is located within the boundary of a designated Flood Plain Area, as delineated by the Flood Boundary and Floodway Maps for the City, adequate plans and specifications for protection from flooding shall be provided as herein required:

1. Not To Be Expanded

Any plat 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 the land, 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.

In no case shall any fill, levee, or other protective works be approved unless sufficient compensating adjustments of waterways, ditches, or impounding basins are made to prevent any appreciable expansion of flood hazard areas.

2. Streets Subject to Flooding

The center line of all streets should be at least on the ten-year flood line.

Section 4-14. Water Supply

1. DHEC Approval Required

All subdivisions and lots within such developments 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. When Required to Connect to City Supply System

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	200 feet
2 units	400 feet
3 units	600 feet
4 units	800 feet
5-15 units	1,000 feet

3. System Requirements

The water supply system shall be adequate to handle domestic demand including fire flow, based on complete development.

4. System Approval Required

Improvement plans and specifications for all water supply systems for which the developer is responsible shall be submitted for approval with the Final Plat.

5. System To Include Fire Hydrants

Fire hydrants shall be installed by the developer in accordance with Section 4.16.

Section 4-15. Sanitary Sewerage Facilities

1. DHEC Approval Required

All developments and lots within 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. When Required to Connect to City Sewerage System

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	200 feet
2 units	400 feet
3 units	600 feet
4 units	800 feet
5-15 units	1,000 feet

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.

3. System Requirements

The sanitary sewer system shall be adequate to handle the necessary flow based on complete development.

4. System Approval Required

Improvement plans and specifications for all disposal systems for which the developer is responsible shall be submitted for approval with the Final Plat.

Section 4-16. Fire Hydrants

Fire hydrants shall be installed and spaced throughout each subdivision to maintain a 500' radius between hydrants. The location and spacing of hydrants shall be approved by the Fire Chief.

Section 4-17. Survey and Markings

All land developments 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.

ARTICLE V IMPROVEMENT GUARANTEES

Section 5-1. Purpose

Where required improvements have not been completed and certified by the applicant developer prior to final plat approval, improvement guarantees may be provided to ensure the proper installation of such required improvements. The nature and duration of guarantees shall be structured to ensure installation of such improvements without adding unnecessary costs to the developer.

Section 5-2. Optional Guarantees

Before recording final subdivision or development plats, or as a condition of final plat approval, the Planning Commission may require and the City Council may accept the following financial guarantees in an amount equal to 125 percent of the cost of installing the improvements.

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. **Escrow Account.** The applicant may deposit cash, or other instruments readily convertible into cash at face value, with the city or in escrow with a bank.
4. **Property.** The applicant may provide as a guarantee land or other property.
5. **Improvement Guarantee.** The applicant may provide as a guarantee an improvement agreement between the applicant, lender, and the City.
6. **Prepayment.** The applicant may make a payment to the City in the full amount of said improvements. Any unexpended funds shall be returned to the applicant.

Section 5-3. Option To Refuse Guarantee

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

1. Past performance of the developer is unsatisfactory, or
2. The selected option is unacceptable.

Section 5-4. 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 5-5. Default of Guarantee

In the event the developer 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 to be used for completion of the improvements.

Section 5-6. 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 15 days prior to said expiration, to submit an extended guarantee request to City Council for approval. Such extension, if approved, shall be for a period of six months. A maximum of two such extensions shall be allowed.

Section 5-7. Acceptable Format for Improvement Guarantee

Any deviation from the acceptable format below may delay acceptance of this instrument:

STATE OF SOUTH CAROLINA

CITY OF LORIS

IMPROVEMENT GUARANTEE

KNOW ALL MEN BY THESE PRESENTS that we, _____,
as principal, and _____, as security, are held and
firmly bound unto the City of Loris, South Carolina, as oblige, in the sum of
\$ _____, for payment whereof to the oblige, 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 _____, 19 _____.

WHEREAS, application was made to the oblige for approval of a subdivision shown
on a plat entitle " _____",
dated _____, 19 _____, and filed with the Loris Planning
Commission, and said final plat was approved upon certain conditions, one of which
is that an Improvement Guarantee in the amount of \$ _____ be filed
with the City of Loris to guarantee certain improvements in said subdivision;

NOW THEREFORE, THE CONDITION OF THIS OBLIGATION is such that 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/development in accordance with the specifications
of the Land Development 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 installed within the terms of this Improvement Guarantee, the Loris
City Council may thereupon declare this guarantee to be in default and collect the
sum remaining payable thereunder, and upon receipt of the proceeds thereof, the city
shall install 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 the developer 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 twenty-five (25%) percent of the principal amount until all improvements have been approved by the Director of Public Works.

Approved and accepted
this _____ day of
_____, 19____
by the Loris City
Council

_____(L.S.)
_____(L.S.)

Mayor

Clerk

**ARTICLE VI
DEDICATION, ACCEPTANCE, AND
MAINTENANCE OF IMPROVEMENTS**

Section 6-1. Improvements To Be Dedicated

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

Section 6-2. Guidelines for Deed Preparation

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

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, including deeds, easements, leases, and other instruments of title:

CITY OF LORIS, 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 City 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 City Administrator.

Section 6-3. Title Certification and Provision of Affidavit

Prior to the acceptance of title to any improvements by City Council, the developer shall provide to the 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 street shall provide to Council an affidavit that all construction costs for the street have been paid and that the street is free of all encumbrances. For the purposes of this section, a "newly constructed street" is one which has been completed within two years of the date of the City Council's consideration of whether to accept the street.

Section 6-4. Effect of the Recording

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 6-5. 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.

ARTICLE VII

DEFINITIONS

Words not defined herein shall have the meanings stated in the Standard Building Code, Standard Plumbing Code, Standard Gas Code, Standard Fire Prevention Code, and the Loris Zoning Ordinance. Words not defined in these Codes and Ordinances shall have the meanings in Webster's Ninth New Collegiate Dictionary, as revised.

Applicant. A developer submitting an application for development.

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

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

Drainage Systems. The system through which water flows from the land, including all water courses, 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 other 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.

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

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

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

Land Development. The changing of land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, commercial parks, shopping centers, industrial parks, mobile home parks, and similar developments for sale, lease, or any combination of owner and rental characteristics.

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 or development are satisfactorily completed.

Plat. A map or drawing upon which the developer's plan of a subdivision or land development is presented for 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 a right-of-way that lies between the edge of the main pavement (main traveled way) and the curblin, ditch, and drainage way.

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.

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 which meets the following conditions:

1. Involves the division of land into parcels of five (5) acres or more where

no new street is involved; or

2. 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.
3. A subdivision involving cemetery lots.
4. The subdivision of property among heirs.

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 more than five lots, (b) the creation of any new street, (c) the extension of public water or sewer lines, or (d) the installation of drainage improvements through one or more lots to serve one or more other lots.

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

ARTICLE VIII

LEGAL STATUS PROVISIONS

Section 8-1. Separability and Validity

The provisions of this Ordinance are separable. Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Section 8-2. Repeal of Conflicting Ordinances

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

Section 8-3. Effective Date

This Ordinance shall take effect and be in force from and after the date of its adoption by the Mayor and City Council of the City of Loris.