

Town of Pendleton

South Carolina



Land Development Regulations

July 2013

Prepared by:

The Town of Pendleton Planning Commission

and

The Appalachian Council of Governments

Town of Pendleton, South Carolina

LAND DEVELOPMENT REGULATIONS

TOWN COUNCIL

Carol E. Burdette, Mayor

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Jim Smith, Chairperson

Ben “Coke” Jeffords Philip Morgan Joe Pearson
Lou Robinson Dave Williford Karen Wiley

TOWN STAFF

Teri Sloan, Town Administrator

Kristopher Kurjiaka, Town Planner

Revisions Produced By:

S.C. APPALACHIAN COUNCIL OF GOVERNMENTS

Aliza Tourkow, Project Manager

and

The Town of Pendleton

**State of South Carolina
County of Anderson
Town of Pendleton**

**An Ordinance to Adopt the Revisions to
The Land Development Regulations
of the Town of Pendleton, South Carolina**

Whereas, the Town of Pendleton Land Development Regulations require refinements be made as necessary to maintain its effectiveness and efficiency; and

Whereas, the Planning Commission has recommended that several refinements be made as a result of review by that body, and

Whereas, the Planning Commission has accepted public input related to planning issues and concerns from the citizens of Pendleton, and

Then, Let it Therefore Be Resolved, by the Town Council of the Town of Pendleton, South Carolina, that upon review of the Town of Pendleton Land Development Regulations, and upon consideration of public input, the recommendation of the Planning Commission to adopt the revisions to the Land Development Regulations is hereby accepted, and will be effective within the municipal limits of the Town of Pendleton on the date of second reading and approval by the Town Council.

DONE, RATIFIED AND PASSED THIS THE ____ DAY OF _____, 2009.

Mayor, Town of Pendleton

Council Person, Ward 1

Council Person, Ward 2

Council Person, Ward 3

Council Person, Ward 4

Clerk, Town of Pendleton

Planning Commission
Recommendation: _____

1ST Reading: _____

Public Hearing _____

2nd Reading: _____

TABLE OF CONTENTS

ARTICLE I: GENERAL	1
SECTION 1.1: TITLE	1
SECTION 1.2: AUTHORITY	1
SECTION 1.3: PURPOSE	1
SECTION 1.4: APPLICATION OF ORDINANCE	1
SECTION 1.5: CONFLICT WITH OTHER LAWS, ORDINANCES OR REGULATIONS	2
SECTION 1.6: VARIANCES	2
SECTION 1.7: AMENDMENTS	3
SECTION 1.8: VIOLATIONS AND PENALTIES	3
SECTION 1.9: INTERPRETATION	3
SECTION 1.10: SEVERABILITY AND VALIDITY	3
SECTION 1.11: JURISDICTION	4
SECTION 1.12: APPEALS	4
SECTION 1.13: EFFECTIVE DATE	4
ARTICLE II: DEFINITIONS	5
ARTICLE III: GENERAL PLAT REQUIREMENTS	13
SECTION 3.1: GENERAL PLAT REQUIREMENTS PER STATE OF SOUTH CAROLINA MINIMUM STANDARDS FOR PLATS & SURVEYS	13
SECTION 3.2: STANDARD PLAT CERTIFICATES	13
ARTICLE IV: EXEMPT SUBDIVISIONS	17
SECTION 4.1: REQUIREMENTS FOR EXEMPT SUBDIVISION PLATS	17
SECTION 4.2: EXEMPT PLAT REVIEW PROCESS	17
SECTION 4.3: EXEMPT PLAT SUBMITTAL & RECORDING	17
SECTION 4.4: CONTENTS OF EXEMPT PLAT	17
ARTICLE V: MINOR SUBDIVISIONS	19
SECTION 5.1: REQUIREMENTS FOR MINOR SUBDIVISION FINAL PLATS	19
SECTION 5.2: MINOR PLAT SUBMITTAL	19
SECTION 5.3: MINOR PLAT REVIEW PROCESS	20
SECTION 5.4: EFFECT OF MINOR PLAT APPROVAL	20
SECTION 5.5: RECORDING OF MINOR PLAT	20
SECTION 5.6: DISTRIBUTION OF MINOR PLAT	20
SECTION 5.7: CONTENTS OF MINOR SUBDIVISION FINAL PLAT	21
ARTICLE VI: MAJOR SUBDIVISIONS	23
SECTION 6.1 REQUIREMENTS FOR MAJOR SUBDIVISION PLATS	23
SECTION 6.2: PRE-APPLICATION CONFERENCE	23
SECTION 6.3: REQUIREMENTS FOR PRELIMINARY MAJOR SUBDIVISION PLAT TECHNICAL REVIEW (MULTI-AGENCY REVIEW)	23
SUBMITTAL	23
TIMEFRAME	24
EFFECT OF TECHNICAL REVIEW MEETING	24

CONTENTS OF THE PRELIMINARY PLAT	24
SECTION 6.4: REQUIREMENTS FOR PRELIMINARY MAJOR SUBDIVISION PLATS PLANNING COMMISSION REVIEW	24
SUBMITTAL	24
REVIEW	25
TIMEFRAME	25
PLANNING COMMISSION ACTION	25
EFFECT OF PLANNING COMMISSION APPROVAL	26
EXPIRATION	26
CONTENTS OF PRELIMINARY PLAT	26
SECTION 6.5: REQUIREMENTS FOR CONSTRUCTION PLANS	28
SUBMITTAL	28
REVIEW	29
TIME FRAME	29
TOWN STAFF ACTION	29
EFFECT OF TOWN STAFF APPROVAL	29
SECTION 6.6: REQUIREMENTS FOR FINAL PLAT REVIEW	29
SUBMITTAL	30
REVIEW	31
TIMEFRAME	31
PLANNING COMMISSION ACTION	31
EFFECT OF FINAL PLAT APPROVAL	31
FINAL PLAT DISTRIBUTION	31
CONTENTS OF FINAL PLAT	32

ARTICLE VII: DESIGN STANDARDS AND REQUIRED IMPROVEMENTS ... 35

SECTION 7.1: GENERAL SITE DESIGN	35
SECTION 7.2: STREETS	35
SECTION 7.3: CURB AND GUTTER	38
SECTION 7.4: SIGHT AREAS AT INTERSECTIONS	Error! Bookmark not defined.
SECTION 7.5: DRAINAGE	42
SECTION 7.6: OPEN CHANNELS	42
SECTION 7.7: CATCH BASINS	42
SECTION 7.8: CULVERTS	42
SECTION 7.9: SHOULDERS	43
SECTION 7.10: CONSTRUCTION STANDARDS FOR ALL PIPE WORK	43
SECTION 7.11: SIDEWALKS	44
SECTION 7.12: ROAD CONSTRUCTION STANDARDS	45
SECTION 7.13: EASEMENTS	45
SECTION 7.14: BLOCKS	46
SECTION 7.15: LOTS FOR DETACHED DWELLINGS	46
SECTION 7.16: WATER SUPPLY	46
SECTION 7.17: SANITARY SEWER	47
SECTION 7.18: FIRE HYDRANTS	47
SECTION 7.19: MAILBOXES	47
SECTION 7.20: SIGNAGE AND NAMES	47
SECTION 7.21: STREET LIGHTING	48
SECTION 7.22: FINAL PLAT REVISIONS	48
SECTION 7.23: PERFORMANCE BONDS	48
SECTION 7.24: DEDICATIONS	49
SECTION 7.25: BUILDING PERMITS	49
SECTION 7.26: UNDERGROUND WIRING	49
SECTION 7.27: SEDIMENT AND EROSION CONTROL	49
EXEMPTIONS	50
SECTION 7.28: ROAD REQUIREMENTS PRIOR TO CONSTRUCTION	50

SECTION 7.29: DRIVEWAYS.....	51
ARTICLE VIII: GROUP DEVELOPMENTS.....	53
SECTION 8.1: GROUP DEVELOPMENT.....	53
SECTION 8.2: REVIEW OF GROUP DEVELOPMENTS.....	53
SUBMITTAL.....	53
REVIEW.....	54
TIMEFRAME.....	54
PLANNING COMMISSION ACTION.....	54
EFFECT OF PLANNING COMMISSION APPROVAL.....	54
EXPIRATION.....	54
CONTENTS OF SITE PLANS.....	54
SECTION 8.3: REVIEW OF GROUP DEVELOPMENTS WITHIN OVERLAY	
DESIGN DISTRICTS.....	54
SUBMITTAL.....	54
REVIEW.....	55
TIMEFRAME.....	55
PLANNING COMMISSION ACTION.....	55
EFFECT OF PLANNING COMMISSION APPROVAL.....	55
DESIGN REVIEW BOARD ACTION.....	55
EFFECT OF DESIGN REVIEW BOARD APPROVAL.....	55
EXPIRATION.....	56
CONTENTS OF SITE PLAN.....	56
ARTICLE IX: PLANNED DEVELOPMENT DISTRICTS.....	57
SECTION 9.1: PURPOSE.....	57
SECTION 9.2: REQUIREMENTS FOR PLANNED DEVELOPMENT DISTRICTS.....	57
SECTION 9.3: FAILURE TO BEGIN, FAILURE TO COMPLETE, OR FAILURE TO	
MAKE ADEQUATE PROGRESS.....	57
ARTICLE X: IMPROVEMENT GUARANTEES.....	59
SECTION 10.1: PURPOSE.....	59
SECTION 10.2: OPTIONAL GUARANTEE.....	59
SECTION 10.3: OPTION TO REFUSE GUARANTEE.....	59
SECTION 10.4: ALLOCATION OF GUARANTEE.....	60
SECTION 10.5: DEFAULT OF GUARANTEE.....	60
SECTION 10.6: EXTENSION OF GUARANTEE.....	60
SECTION 10.7: ACCEPTABLE FORMAT FOR IMPROVEMENT GUARANTEE.....	60
ARTICLE XI: DEDICATION, ACCEPTANCE AND MAINTENANCE OF	
 IMPROVEMENTS.....	63
SECTION 11.1: IMPROVEMENTS TO BE DEDICATED.....	63
SECTION 11.2: GUIDELINES FOR DEED PREPARATION.....	63
SECTION 11.3: TITLE CERTIFICATION AND PROVISION OF AFFIDAVIT.....	63
SECTION 11.4: EFFECT OF THE RECORDING.....	64
SECTION 11.5: EFFECT OF OFFERS OF DEDICATION.....	64

**ARTICLE I:
GENERAL**

SECTION 1.1: TITLE

This ordinance shall be known as the “Land Development Regulation Ordinance of Pendleton, South Carolina”.

SECTION 1.2: AUTHORITY

This ordinance is adopted pursuant to the authority granted under the South Carolina Comprehensive Enabling Act of 1994. (S.C. Code of Laws, Sections 6-29-310 through 6-29-1560).

The administrator of this ordinance is the Director of Public Works or his/her designee. The Town Administrator may require independent consultants or engineers to be hired at the expense of the applicant to review plans when necessary. If the application fees are not sufficient to pay the cost of the independent consultants, the applicant will be responsible for the difference.

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 land development to promote the public health, safety, economy, good order, appearance, convenience, and general welfare.

In furtherance of this general intent the standards contained herein are also 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.

SECTION 1.4: APPLICATION OF ORDINANCE

No plat for the subdivision of land within the Town of Pendleton shall be filed or recorded by the Anderson County Register of Deeds until such plat shall have been first submitted to and approved by the Town of Pendleton Planning Commission or designee according to the procedures set forth by this ordinance.

No street or other public way shall be accepted or maintained, nor shall any water or sewer lines, street lighting, sidewalks, or similar improvements be extended or connected, nor shall any permit be issued by any department of the town for construction of any building or other improvement in any subdivision established hereafter which has not been approved by the Planning Commission or designee according to the procedures set forth by this ordinance.

SECTION 1.5: CONFLICT WITH OTHER LAWS, ORDINANCES OR REGULATIONS

Whenever the requirements made under authority of these regulations impose higher standards than are required in any other statute or local ordinance or regulation, the provisions of this ordinance shall govern. Whenever the provisions of any other statute or local ordinance or regulation impose higher standards than are required by these regulations, the provisions of such statute or local ordinance or regulations shall apply.

SECTION 1.6: VARIANCES

Whenever, in the opinion of the Planning Commission, the tract to be subdivided is of such size or shape, or is surrounded by such development or unusual circumstances that the strict enforcement of the regulations would result in extreme practical difficulties or unnecessary hardships, the Planning Commission may vary or modify the regulations in such a way that the sub-divider is allowed to develop his/her property in a reasonable manner but, at the same time, the public welfare and interests of the town are protected and the general intent and spirit of the regulations preserved.

In granting a variance, the Planning Commission may attach to it such conditions regarding the location, character, or other features of the proposed subdivision as the Commission may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare. Failure to begin or complete an action for which a variance is granted within the time limit specified as a condition of the variance shall void the variance.

The Planning Commission shall grant such variance or modification after 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, nor the intent or purpose of the Zoning Ordinance and the Comprehensive Plan.

SECTION 1.7: AMENDMENTS

From time to time this ordinance may be amended by Town Council, after holding a public hearing thereon, the time and place of which shall be duly advertised in a newspaper of general circulation at least fifteen (15) days prior to said hearing; provided; however, that no amendment shall become effective unless it shall have first been submitted to the Planning Commission for review and recommendation. The Planning Commission shall have a maximum of 45 days 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 1.8: VIOLATIONS AND PENALTIES

The owner, or agent of the owner, of any land located within the platting jurisdiction of the Pendleton Planning Commission as described herein who transfers or sells, or agrees to sell, such land by reference to or exhibition of or by other use of a plat or subdivision of such land before such plat has been approved in by the Planning Commission and recorded in the office of the Register of Deeds in and for Anderson County, shall be guilty of a misdemeanor for each lot so transferred or sold; or agreed or negotiated to be sold, 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 by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from such penalties. The Town may enjoin such transfer or sale or agreement by appropriate action.

SECTION 1.9: INTERPRETATION

The regulations expressed in this document shall be considered as the minimum provisions for the protection of the health, safety, economy, good order, appearance, convenience, and welfare of the general public. When there is a conflict between various ordinances and regulations, the more restrictive shall apply.

SECTION 1.10: SEVERABILITY AND VALIDITY

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

SECTION 1.11: JURISDICTION

From and after the date of adoption, these regulations shall govern all subdivision of land within the corporate limits of Pendleton as now and hereafter established. This ordinance shall take effect and be in force immediately upon adoption following the final reading.

SECTION 1.12: APPEALS

For proposals for which the designated approving authority is the ordinance administrator, any “party in interest” may appeal a staff action to the Planning Commission. The Planning Commission must act on the appeal within 60 days, according to the requirements in S.C. Code of Laws, Section 6-29-1150(C).

If the Planning Commission is the designated approving authority, appeal is to circuit court. An appeal from a Planning Commission decision must be filed with the circuit court within 30 days after actual notice of the decision or a notice of appeal accompanied by request for pre-litigation must be filed within 30 days after the decision of the planning commission is mailed according to the requirements in S.C. Code of Laws, Section 6-29-1150(D), and S.C. Code of Laws, Section 6-29-1150(D)(2).

SECTION 1.13: EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the date of the second reading and adoption of the Town of Pendleton Town Council.

ARTICLE II: DEFINITIONS

When used in this ordinance, certain words and terms shall have the meaning as herein defined. Words and terms not herein defined shall have their customary dictionary definitions. When not inconsistent with the context, words used in the singular number include the plural and those used in the plural number include the singular. Words used in the present tense include the future.

The word “shall” is always mandatory.

The word “may” is permissive.

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

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

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

Access: Means of vehicular approach or entry to or exit from property. Pedestrian access will be indicated as such.

Access Easement: An easement across private land granted to provide access to other land and that does not meet the definitions of a private road or shared private driveway.

Applicant: A developer or person submitting an application for development.

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

Block: A parcel of land entirely surrounded by streets or highways or by a combination of streets, highways, parks, or railroad rights-of-way.

Boundary Line: Any line bounding an area or dividing separate properties; adequately dimensioned and described. Such lines may be straight, irregular, circular, or spiral.

Boundary Survey: A survey, the primary purpose of which may include, but is not limited to, the determining of the perimeters of a parcel or tract of land by establishing or reestablishing corners, monuments, and boundary lines for the purpose of describing, or platting, or dividing the parcel.

Building Envelope: The area of a lot inside the required building setback lines denoting where a structure(s) can be built. The size and shape of the building envelope shall at minimum be determined by the requirements of the Zoning Ordinance, unless otherwise specified in these regulations, or as modified by the granting of a variance.

Building Line: That line which represents the distance a building or structure must be set back from a lot boundary line or a street right-of-way line according to the terms of this ordinance or

the Zoning Ordinance. In all cases, the building line of a lot shall be determined to run in the direction in which the lot is located from street right-of-way lines, or other lot boundary lines.

Closing/Loan or Mortgage Survey: A boundary survey of a parcel or lot which includes all improvements obvious and apparent found on the property, to be used in the preparation of a mortgage, loan, or deed document.

Convey: The act of transferring title or rights to a property.

Corner: A point on a land boundary.

Dead End Street: For purposes of this ordinance, a dead end street refers to a cul-de-sac.

Dedication: The transfer of property interests from private to public ownership for a public purpose. The transfer may be of a fee-simple interest or of a less than fee interest, including, but not limited to, an easement.

Director of Public Works: This refers to the Director of the Town of Pendleton Public Works Department or his/her designee.

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

Drainage Facility: Any component of the drainage system.

Drainage System: The system through which water flows from the land, including all water courses, water bodies or wetlands.

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

Easement: A right-of-way granted 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.

Engineer: A registered professional engineer in good standing with the South Carolina Board of Registration.

Escrow: A deed, 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.

Exempt Subdivision: A resurvey of one (1) existing lot of record with no changes to existing lot lines.

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

Flag Lot: A parcel of land shaped like a flag; the pole is a narrow strip of land providing vehicular and pedestrian access to a street, with the bulk of the property lying to the rear of other lots.

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

Grantor: A person or party conveying property or rights to a grantee.

Grantee: A person or party receiving title or rights to property.

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

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

Improvement Guarantee: A legal document or financial guarantee assuring that improvements will be made within a timely manner and in an acceptable condition. This may be in the form of a security or surety bond, letter of credit, prepayment or a subdivision improvement guarantee.

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

Lot: A single parcel or tract of contiguous land abutting a public street or officially approved way. The terms "lot", "lot of record", "property", or "tract" whenever used in this ordinance are interchangeable.

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

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

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

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

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

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

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

Map: A representation on a plane surface, at an established scale, of the physical features of a part or the whole of the earth's surface, by the use of signs and symbols.

Major Subdivision: A major subdivision is any subdivision other than an exempt or minor subdivision. A major subdivision may be commercial or residential.

Minor Subdivision: A minor subdivision is one which includes any of the following:

- a) The combination or recombination of portions of previously platted lots of record, where the total number of lots is not increased and the resultant lots meet the standards of the Land Development Regulations.
- b) The division of a tract of land into no more than five (5) lots by a single owner, where resultant lots are in compliance with the Land Development Regulations and have at least 25-feet of road frontage.
- c) Dividing land into parcels of five (5) acres or more where no new street is involved or change in existing streets is involved.
- d) Combining or recombining entire lots of record where no new street or change in existing streets is involved.

Map of Survey, Plat of Survey, or other Similar Titles: Any drawing of a parcel or tract of real property used for the purpose of depicting the results of a field survey. Each survey drawing shall state the type of survey it depicts as defined in this manual.

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

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

Performance Guarantee: Any security that may be accepted by the Town as a guarantee that the improvements required as part of an application for a subdivision are satisfactorily completed. Letters of credit, surety bond or performance bond are all acceptable guarantees.

Planning Commission: The Town of Pendleton Planning Commission.

Plat: A diagram drawn to scale showing all essential data pertaining to the boundaries and subdivisions of a tract of land, as determined by survey.

Pre-Application Plat: A map indicating the proposed layout of a Major Subdivision and related information that is submitted for preliminary review of technical issues by Town staff and other agencies.

Pre-Application Plat Technical Meeting: A meeting between developers/applicants and Town staff, along with other reviewing agencies, to discuss and correct technical issues regarding the Major Subdivision Plat before it is filed for consideration by the Planning Commission.

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

Private Road: A road owned and maintained by the owners of the property it serves. It shall obey the same construction standards as a public road. Lots that front on a private road must obey front yard setbacks.

Recorded: Placed on record in the office of the Register of Deeds for the county in which all or part of the land lies.

Register of Deeds: This refers to the office of the County Clerk of Court or Register of Mesne Conveyances. The terms may be used interchangeably within this ordinance.

Regulations: The whole body of regulations, text, charts, diagrams, notations, and references contained or referred to in this ordinance.

Resurvey (Resubdivision): A combination or re-combination of previously recorded lots or tracts of contiguous land for the purpose of increasing or decreasing lot area.

Right-of-Way (ROW): 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 specified use. The land occupied by a road, and adjacent to it, that is dedicated to a public entity for maintenance or other public purposes.

Road Base Course: The layer or layers of material of designated thickness or rate of application placed on a subbase or subgrade to comprise a component of the pavement structure to support the pavement or subsequent layer of construction.

SCDOT: South Carolina Department of Transportation.

Setback Line (Building Line): A line parallel to the front property line in front of which no structure or part of thereof shall be erected.

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

Sketch Plan: A preliminary presentation and attendant documentation of a proposed subdivision, with sufficient accuracy and scale to be used for the purpose of discussion and classification. This might also be referred to as a Site Plan.

Standard Specifications: Refers to design and construction specifications adopted for use by the Town of Pendleton.

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

Street: A public or private way set aside for vehicular traffic affording primary access to abutting property. This excludes private drives (driveways) serving only one parcel. It may be designated as an avenue, boulevard, thoroughfare, road, highway, expressway, lane, alley, or other way, and for the purposes of this ordinance “streets” are to be designated by the Planning

Commission so as to fall into one of the following categories which most accurately describes such streets:

- a) **Major Street:** A street which serves minor interior access streets and which may carry through traffic; a thoroughfare.
- b) **Minor Street:** A street used primarily for access to the abutting properties, but laid out so as to discourage through traffic.
- c) **Alley:** A minor way used for service access to the back or side of properties otherwise abutting on a street.
- d) **Cul-de-Sac:** A minor street having one end open to traffic and one end terminating in a vehicular turn-around.

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

Subdivision: All divisions of a tract of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development, including all division of land involving a new street or change in existing streets, and including resubdivision, 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 are included within this definition only for the purpose of requiring that the Town Planning Department be informed and have a record of the subdivisions:

- a) the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the governing authority;
- b) the division of land into parcels of five acres or more where no new street is involved and plats of these exceptions must be received as information by the planning agency which shall indicate that fact on the plats; and
- c) the combination or recombination of entire lots of record where no new street or change in existing streets is involved.

Subdivision Plat: A map or drawing upon which the subdivision plan or the subdivision is presented for approval.

Survey: The orderly process of determining data relating to the physical characteristics of the earth, which may be further defined according to the type of data obtained, the methods and instruments used, and the purpose(s) to be served.

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

Title: A written claim or right which constitutes a just and legal cause of exclusive possession.

Topographic Survey: A survey of the natural and selected man-made features of a part of the earth's surface by remote sensing and/or ground measurements to determine horizontal and vertical spatial relations.

2)

CERTIFICATE OF SURVEY ACCURACY

I, _____ (print name) _____, hereby certify that this plat was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) to the best of my knowledge and belief this is a true and accurate survey of the property shown hereon; this plat was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class _____ survey as specified therein.”

_____, _____
Date Registered Land Surveyor Signature Number

3)

CERTIFICATE OF APPROVAL OF WATER SYSTEM

I hereby certify that the water system outlined or indicated on the final subdivision plat has been installed in accordance with current local and state government requirements, or a sufficient bond or other surety has been filed to guarantee said installation.

_____, _____
Date Signature of Public Works Director

4)

CERTIFICATE OF APPROVAL OF SEWER SYSTEMS

I hereby certify that the sewer system outlined or indicated on the final subdivision plat has been installed in accordance with current local and state government requirements, or a sufficient bond or other surety has been filed which will guarantee said installation.

_____, _____
Date Signature of Public Works Director

5)

CERTIFICATE OF APPROVAL FOR RECORDING

I hereby certify that the subdivision plat shown hereon has been found to comply with the Town of Pendleton Land Development Regulations, with the exception of such variances, if any, as are noted in the minutes of the Planning Commission, and that it has been approved for recording in the Office of the Anderson County Register of Mesne Conveyance.

_____, _____
Date Signature of Zoning Administrator or designee

6)

CERTIFICATE OF APPROVAL OF PUBLIC WAYS FOR BOND POSTING

(Major Subdivisions only)

I hereby certify: (1) that all designated public ways on this final subdivision plat have been installed in an acceptable manner and according to the specifications of the Town of Pendleton Land Development Regulations, or (2) that a performance bond or other surety has been posted with the Town of Pendleton to guarantee completion of all required improvements in case of default.

_____, _____
Date Signature of Public Works Director

7)

CERTIFICATE OF PRIVATE ACCESS EASEMENT

A private access easement for vehicular and pedestrian ingress and egress on, over, and across the property in the area designated as "Private Access Easement" is hereby granted. Said easement shall be for the benefit of the owners and occupants of Lots/Tracts _____, their guests and invitees [and customers]. The private access easement shall not be dedicated to, or maintained by, the public. All costs or expenses incidental to the maintenance, repair, or rebuilding of said access easement so as to keep it in a good and passable condition shall be borne [equally] by Lots/Tracts_____.

_____, _____, _____
Date Owner Signature Owner Printed Name

_____, _____, _____
Date Owner Signature Owner Printed Name

Title (if acting for partnership or corporation)

Name of Subdivision (if Major Plat)

**ARTICLE IV:
EXEMPT SUBDIVISIONS**

SECTION 4.1: REQUIREMENTS FOR EXEMPT SUBDIVISION PLATS

An exempt subdivision plat is a resurvey of one (1) existing lot of record with no changes to existing lot lines. If there are two (2) or more lots being recorded, or if any property line or boundary line changes, then the plat is not an exempt plat and shall follow the procedures for major subdivision plats or minor subdivision plats, per definition. Plats showing a **resurvey** must contain the EXEMPTION FROM REVIEW PROCESS statement on the face of the plat. The surveyor may place the statement directly on the plat, or the applicant may obtain a sticker containing this statement from the Anderson County Register of Deeds Office or the Town of Pendleton Planning Office to place on the plat. A South Carolina attorney, Registered Surveyor, or Professional Engineer must sign the statement.

EXEMPTION FROM REVIEW PROCESS

This plat is a RESURVEY of an existing lot of record with no changes to existing lot lines.

X _____
(SC attorney, Registered Surveyor or Engineer)
Printed Name: _____
Lic., Cert. or Bar #: _____

The statement expresses an agreement that all parties submitting plat information are doing so in good faith and with the most reliable information available. No changes may be made to the graphic or annotative information on the plat except by the surveyor whose seal and signature appear on the plat.

SECTION 4.2: EXEMPT PLAT REVIEW PROCESS

There is no review for approval by the Town of Pendleton for this type of plat, for it is exempt from the review process.

SECTION 4.3: EXEMPT PLAT SUBMITTAL & RECORDING

The applicant must submit one (1) original and two (2) copies of the Exempt Subdivision Plat to the Anderson County Register of Deeds for recording, with a minimum plat size of 8.5 x 11 inches. A copy of the recorded exempt plat must be submitted to the Town as a matter of record.

SECTION 4.4: CONTENTS OF EXEMPT PLAT

Exempt Plats shall meet State of South Carolina Minimum Standards for Plats & Surveys.

**ARTICLE V:
MINOR SUBDIVISIONS**

SECTION 5.1: REQUIREMENTS FOR MINOR SUBDIVISION FINAL PLATS

The following divisions of land denote a minor subdivision:

- 1) The combination or recombination of portions of previously platted lots of record, where the total number of lots is not increased and the resultant lots meet the standards of the Land Development Regulations.
- 2) The division of a tract of land into no more than five (5) lots by a single owner, where resultant lots are in compliance with the Land Development Regulations and have at least 25-feet of road frontage.
- 3) Dividing land into parcels of five (5) acres or more where no new street is involved or change in existing streets is involved.
- 4) Combining or recombining entire lots of record where no new street(s) or change in existing street(s) is involved.

SECTION 5.2: MINOR PLAT SUBMITTAL

The applicant shall submit the following to the Town Planning Department, and a submittal shall not be considered complete until all of the following are submitted (additional materials may be requested by the Town if required materials submitted are inadequate to make a decision):

- 1) Completed Subdivision Application with Owner's signature and "Minor Final Plat" circled.
- 2) Application filing fee for the amount listed on the Town of Pendleton Fee Schedule.
- 3) Five (5) full sized copies (no smaller than 8.5" x 11") of the final plat, with raised seal and land surveyor's signature. The plat shall conform to the standards outlined in Section 5.7.
- 4) One (1) reproducible sized copy (8.5" x 11" up to 11" x 17") of the final plat.
- 5) One (1) copy of the existing recorded plat(s) for the parcel(s) to be subdivided, replatted, or combined.
- 6) One (1) copy of the ownership deed to the property.
- 7) One (1) copy of all supporting material (deed restrictions, etc.).

- 8) Public Works Certification Letter of water service, sewer service, and fire hydrants (specify the number of lots to be serviced by the installed water line).

SECTION 5.3: MINOR PLAT REVIEW PROCESS

Minor subdivisions require a one (1) step review process: final plat approval. Approval may be given by the Zoning Administrator or designee, along with the Director of Public Works or designee, provided that the plat is in compliance with the Land Development Regulations and the Zoning Ordinance. Staff shall not approve a minor subdivision plat that is not in compliance. Staff has the authority to forward minor subdivision plats with unusual conditions or circumstances to the Planning Commission for advisement and review.

Staff review shall take a maximum of 15 business days (3 weeks), at which time the applicant will be notified that the plat has been approved, or that revisions are needed in order to comply with the regulations. If revisions are needed, then the time cycle repeats when the revised plat has been submitted.

SECTION 5.4: EFFECT OF MINOR PLAT APPROVAL

Final plat approval shall allow the plat to be recorded in the office of the Register of Deeds of Anderson County. Recording of the approved final plat shall allow the subdivider/owner to proceed with the sale and/or transfer of lots and parcels in accordance with the approved and recorded plat. No building permits will be issued until the approved final plat has been recorded and distributed.

SECTION 5.5: RECORDING OF MINOR PLAT

The applicant shall file for record five (5) copies of the final plat containing the raised seal and surveyor's signature, along with all other original approval signatures, in the Register of Deeds of Anderson County. Such filing shall take place within sixty (60) days after approval of the final plat, or said approval shall be null and void. The final plat shall show the plat book and page number where recorded.

SECTION 5.6: DISTRIBUTION OF MINOR PLAT

After the plat is recorded, the applicant shall return two (2) of the five (5) recorded final plats to the Zoning Administrator or designee for the official Town record. Two (2) recorded plats will be kept by the Register of Deeds of Anderson County, and one (1) will be returned to the applicant for his/her files and for copying purposes. The applicant shall provide a copy of the recorded plat on 11" x 17" paper or smaller to Anderson County E-911 Office for addressing of

properties and distribution to affected agencies. The copies of the recorded plat do not need to contain original stamps or signatures.

SECTION 5.7: CONTENTS OF MINOR SUBDIVISION FINAL PLAT

The final plat shall be a fully delineated plat of the subdivision accurately plotted to a scale between 1" = 10' to 1" = 60' and meeting or exceeding the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and shall specifically/additionally include:

- 1) Title Block shall include:
 - a) Title of the plat (purpose of survey).
 - b) Name and address of the property owner(s)
 - c) Address(es) of the property(s).
 - d) Tax map number(s).
 - e) Name of the subdivision or development, if any.
 - f) The date the survey was completed, including revision dates.
 - g) Name, company, address, and registration number of land surveyor.
- 2) Site Data Chart shall include:
 - a) Zoning district.
 - b) Setbacks/yard requirements.
 - c) Area of property (gross & net area) in acres &/or square feet.
 - d) Number of lots to be created and/or combined.
 - e) Density in units per acre (if residential).
 - f) Building coverage (percent).
 - g) Buffer requirements
- 3) North arrow and scale (graphic and numerical).
- 4) Location map (vicinity map) at a scale of no less than 1" = 1000'.
- 5) Embossed seal and the signature of the Registered Land Surveyor responsible for the full conduct of the survey.
- 6) Boundary lines and property lines (lot lines) shown and defined by bearings and distances, measured in feet and decimals. Existing lot line(s) to be dissolved must show a "Z" symbol for removal, and property lines within a stream/creek shall be stated as such.
- 7) Label lot dimensions, lot numbers, lot areas, and building set back lines (showing the building envelope).
- 8) Right-of-way lines, names of roads, width of roadways, alleys, and access easements, with accurate dimensions and bearings, along with deflection angles and the radii and central angles of all curves.

- 9) Easements for water mains, sanitary sewers, or other utilities not located in the public right-of-way. Label easement type, width, bearings, and dimensions.
- 10) Show stubs of abutting lot lines, and place names and tax map numbers of all abutting land owners in their lots.
- 11) At least one corner of the property surveyed shall be referenced so as to form a tie-line which can be used to help establish or verify the correct location of the property.
- 12) Location and description of all monuments. Monuments shall be designated on the plat with a small open circle at the point of installation.
- 13) Location and extent of all water courses, and all land subject to flooding in accordance with the Town of Pendleton Flood Damage Prevention Ordinance.
- 14) Boundaries of cemeteries, burial grounds, wetlands, or other known sensitive features located within the premises. Label feature and provide bearings and dimensions of boundaries, if discernable.
- 15) All known or discovered encroachments or projections onto or from adjoining property.
- 16) Applicable Certificates per Section 3.2.

**ARTICLE VI:
MAJOR SUBDIVISIONS**

SECTION 6.1: REQUIREMENTS FOR MAJOR SUBDIVISION PLATS

The Planning Commission shall be responsible for approving all major subdivision plats. A major subdivision is any subdivision other than an exempt or minor subdivision. A major subdivision may be commercial or residential.

Major Subdivisions require a 5 step review process:

- A) Pre-Application Conference
- B) Preliminary Plat Technical Review
- C) Preliminary Plat Planning Commission Review
- D) Construction Plan Review (Grading Permit)
- E) Final Plat Review

SECTION 6.2: PRE-APPLICATION CONFERENCE

For the purpose of expediting applications and reducing subdivision and development costs, the developer/applicant shall attend a pre-application conference arranged by staff to discuss the procedure for approval of a subdivision plat and the requirements as to general layout of streets and reservations of land, street improvements, drainage, water, sewer, fire protection, and related matters, as well as the availability of services.

SECTION 6.3: REQUIREMENTS FOR PRELIMINARY MAJOR SUBDIVISION PLAT TECHNICAL REVIEW (MULTI-AGENCY REVIEW)

Prior to being placed on the agenda for Planning Commission review, the applicant must attend a Preliminary Plat Technical Review Meeting concerning the proposed subdivision development. This is a multi-agency review of the preliminary plat, where review comments will be discussed with the applicant in order to assure that the subdivision follows all laws, regulations, and guidelines, and to assist in determining whether or not variances are needed and/or recommended.

SUBMITTAL

The applicant shall submit the following to the Town Planning Department, and a submittal shall not be considered complete until all of the following are submitted (additional materials may be requested by the Town if required materials submitted are inadequate for proper review):

- 1) Completed Subdivision Application with Owner's signature and "Preliminary Plat Technical Review" circled.

- 2) Review fee for the amount listed on the Town of Pendleton Fee Schedule.
- 3) Ten large copies (18" x 24" or 24" x 36") of the preliminary plat for distribution to Town staff and agencies for review and comment. (Additional copies of the plat must be provided to the Planning Department upon request)
- 4) Ten small copies (8.5" x 11" up to 11" x 17") of the preliminary plat.
- 5) Legal Deed of the property.

TIMEFRAME

Within 30 days after submittal, a Preliminary Plat Technical Review Meeting will be scheduled with the applicant to review and discuss comments from Town departments and other agencies. The owner, applicant, and/or developer must attend this meeting in order to be allowed to file for preliminary plat Planning Commission approval.

EFFECT OF TECHNICAL REVIEW MEETING

After the Technical Review meeting, the applicant must revise the preliminary plat to address all comments and issues discussed at the meeting. A formal filing of the preliminary plat for Planning Commission review must occur within 6 months; otherwise, the applicant will need to re-apply for a Preliminary Plat Technical Review Meeting.

CONTENTS OF THE PRELIMINARY PLAT

See Section 6.4 below for a detailed list.

SECTION 6.4: REQUIREMENTS FOR PRELIMINARY MAJOR SUBDIVISION PLATS PLANNING COMMISSION REVIEW

After the Preliminary Plat Technical Review Meeting, the applicant shall submit the following to the Planning Department in order to be placed on the Planning Commission agenda for Preliminary Plat Review. An application must include all of the items required for submittal, or it shall not be considered a complete filing and shall not be placed on the Planning Commission agenda.

SUBMITTAL

The applicant shall submit the following to the Town Planning Department:

- 1) Completed Subdivision Application with Owner's signature and "Preliminary Plat" circled.

- 2) Application filing fee for the amount listed on the Town of Pendleton Fee Schedule.
- 3) Ten large copies of the preliminary plat (18" x 24" or 24" x 36") addressing all comments per the Preliminary Plat Technical Review Meeting. (Additional copies of the plat must be provided to the Planning Department upon request.)
- 4) Ten small copies of the preliminary plat (8.5" x 11" up to 11" x 17"), addressing all comments per the Preliminary Plat Technical Review Meeting.
- 5) A letter detailing all of the changes that have been made to the preliminary plat since the Preliminary Plat Technical Review Meeting, per department and agency comments. If the applicant has chosen to make any other changes not discussed at the Technical Review Meeting, they must also be listed in the letter.
- 6) The preliminary plat will be placed on the agenda for the next Planning Commission Meeting per deadline date. All plats must be filed at least thirty (30) days before the next Planning Commission meeting.
- 7) Anderson County E-911 approval of subdivision name and street names.

REVIEW

Copies of the plan shall be distributed to all departments and agencies as deemed applicable by staff for review of the preliminary plat. A copy will also be made available for the public to review at Town Hall. Comments shall be written in a staff report with staff recommendations of approval, conditional approval, or denial. Staff shall mail or email the staff report to the Planning Commission and to the applicant one (1) week prior to the Planning Commission meeting.

TIMEFRAME

The Planning Commission shall act on the preliminary plat within sixty (60) days after the initial consideration at a Planning Commission Meeting. The applicant may waive this requirement and consent to an extension of such period.

PLANNING COMMISSION ACTION

The Planning Commission action on the preliminary plat shall consist of approval as submitted, conditional approval, denial, or tabled for additional information. The decision and the reasons for the action shall be noted on two copies of the plat with reference to any conditions determined. One copy shall be returned to the subdivider and the others retained by the Planning Commission.

If conditional approval is granted, then the applicant shall submit five (5) copies of the revised preliminary plat meeting the conditions required within thirty (30) business days; otherwise the preliminary plat is null and void.

EFFECT OF PLANNING COMMISSION APPROVAL

Approval of the preliminary plat shall not constitute approval of the final plat. Approval serves as authorization for the subdivider to proceed in submittal of Construction Plans. No site improvements can be made at this juncture.

EXPIRATION

Approved Preliminary Plats expire 12 months after Planning Commission approval, unless the Planning Commission grants an extension. Final Plat approval must be obtained, or an extension approved by the Planning Commission, before this expiration date; otherwise, the Preliminary Plat is null and void.

CONTENTS OF PRELIMINARY PLAT

The preliminary plat shall be a fully delineated plat of the subdivision accurately plotted to a scale between 1" = 10' to 1" = 100' and meeting or exceeding the Minimum Standards Manual for the Practice of Land Surveying in South Carolina and shall specifically/additionally include:

- 1) Title Block shall include:
 - a) Title of the plat (purpose of survey).
 - b) Name and address of the property owner(s)
 - c) Address(es) of the property(s).
 - d) Tax map number(s).
 - e) Name of the subdivision or development, if any.
 - f) The date the survey was completed, including revision dates.
 - g) Name, company, address, and registration number of land surveyor.

- 2) Site Data Chart shall include:
 - a) Zoning district.
 - b) Setbacks/yard requirements.
 - c) Area of property (gross & net area) in acres &/or square feet.
 - d) Number of lots to be created and/or combined.
 - e) Density in units per acre (if residential).
 - f) Building coverage (percent).
 - g) Area dedicated for any public space or non-residential uses in acres &/or square feet.
 - h) Buffer and landscaping requirements.

- 3) North arrow and scale (graphic and numerical).

- 4) Location map (vicinity map) at a scale of no less than 1" = 1000'.

- 5) Embossed seal and the signature of the Registered Land Surveyor responsible for the full conduct of the survey.
- 6) Boundary lines and property lines (lot lines) shown and defined by bearings and distances, measured in feet and decimals. Existing lot line(s) to be dissolved must show a “Z” symbol for removal, and property lines within a stream/creek shall be stated as such.
- 7) Show stubs of abutting lot lines, and place names, tax map numbers of all abutting land owners in their lots.
- 8) At least one corner of the property surveyed shall be referenced so as to form a tie-line which can be used to help establish or verify the correct location of the property.
- 9) Location and description of all monuments. Monuments shall be designated on the plat with a small open circle at the point of installation.
- 10) Label lot dimensions, lot numbers, lot areas, and building set back lines (showing the building envelope).
- 11) Existing and proposed right-of-way lines, names of roads, width of roadways, alleys, railroads and access easements that are within and adjoin the area to be subdivided, with accurate dimensions and bearings, along with deflection angles and the radii and central angles of all curves. Typical street cross sections and proposed grades shall be provided upon Town staff request.
- 12) Location of existing and proposed sidewalks.
- 13) Existing and proposed locations and sizes of water mains and sanitary sewer and easements for water mains, sanitary sewers, or other utilities not located in the public right-of-way. Show for areas within or adjacent to the area to be subdivided. Label easement type, width, bearings, and dimensions.
- 14) All other existing or proposed easements and rights-of-way including location, dimensions and purposes.
- 15) All known or discovered encroachments or projections onto or from adjoining property.
- 16) Location and extent of all water courses, and all land subject to flooding in accordance with the Town of Pendleton Flood Damage Prevention Ordinance.

- 17) Boundaries of cemeteries, burial grounds, wetlands, or other known sensitive features located within the premises. Label feature and provide bearings and dimensions of boundaries, if discernable.
- 18) Existing contours showing the topography of the proposed subdivision, with maximum contour intervals of ten feet (the Director of Public Works may require closer contour intervals and intermediate spot elevations).
- 19) Deed right-of-ways stating the legal locations and identification of all right-of-ways. A deed right-of-way is available in Article XI. The format should be followed for all utilities and other right-of-ways
- 20) Any existing or proposed deed restrictions or covenants.
- 21) A timetable for estimated project completion for each phase covered by the preliminary plat.
- 22) Exterior lighting plan and illustrations of decorative lighting.
- 23) Boundary of wooded areas.

SECTION 6.5: REQUIREMENTS FOR CONSTRUCTION PLANS

SUBMITTAL

After the Planning Commission approves the Preliminary Plat, the applicant shall submit the following to the Planning Department for Construction Plan Approval (additional materials may be requested by the Town if required materials submitted are inadequate for proper review):

- 1) 3 copies of the approved Preliminary Plat with Town Planner's approval stamp and signature (can be copies of Plat containing stamp and signature, original not required)
- 2) 3 copies of the Construction Plans for review by the Town Engineering Consultants and Public Works (1 set of plans for Planning Department file)
- 3) 3 copies of a Flood Hazard Plan (if building in a Flood Hazard Area) per Zoning Ordinance Section 901.5.1 for review by Town Engineering Consultants and Public Works (1 set of plans for Planning Department file)
- 4) 3 copies of the water line layout plan must be submitted for Public Works review, in order to determine if water pressures and volumes exists for the installation of fire hydrants within 1000' of all lots

- 5) DHEC approval letter for Storm Water and Erosion Control with a DHEC approved stamped copy of the complete Storm Water and Erosion Control Plan.
- 6) DHEC approval letter for the use of septic tanks or a letter verifying sewer
- 7) 1 copy of the SCDOT (or the Anderson County Transportation Division) Encroachment Permit.

REVIEW

Copies of the plans shall be distributed to the Town Public Works Department and Town Engineering Consultants for review of the construction plans. A copy will also be made available for the public to review at Town Hall. Town Staff (specifically the Public Works Director, the Zoning Administrator, or designee of either) shall approve or deny the plans.

TIME FRAME

Town Staff shall act on the construction plans within forty-five (45) days of submittal. The applicant may waive this requirement and consent to an extension of such a period.

TOWN STAFF ACTION

The Town Staff action on construction plans shall consist of approval or denial. Approval will allow the applicant to proceed with development. Denial will included an informational letter with a listing of items that need to be changed or revised to meet the Town's standards or reasons for denial written specifically on the items that need revision or replacement.

If denied, the applicant will have sixty (60) days to submit three (3) copies of the revised materials. If revisions are not submitted within sixty (60) days the construction plans must be completely resubmitted and the application fee shall be paid again.

EFFECT OF TOWN STAFF APPROVAL

Approval by the Town of Construction Plans shall result in the issuance of a Grading Permit from the Public Works Department. A fee for inspections will be collected at the time the Grading Permit is issued. The applicant must contact the Public Works Department to schedule the required inspections.

SECTION 6.6: REQUIREMENTS FOR FINAL PLAT REVIEW

The subdivider shall install required improvements or post a bond securing the improvements in the area covered by the approval of the preliminary plat, or any portion thereof, which he proposes to record and develop at the time. Refer to the, "Required Improvements" section.

Upon installation of required improvements or the posting of a bond securing the same, a final plat may be submitted. The final plat shall conform substantially to the preliminary plat, or portion thereof, as approved.

SUBMITTAL

Previous to submitting an application for approval of the final plat, submittal of a final plat to Town staff to ensure compliance to technical requirements is recommended.

Application for approval of the final plat shall be submitted to the Planning Commission at least fifteen (15) days prior to the meeting at which it is to be considered. The application shall be submitted no later than twelve (12) months after approval of the preliminary plat; otherwise such approval shall become null and void unless an extension of time is applied for and granted by the Planning Commission.

Action of the Planning Commission on the final plat shall consist of approval or disapproval.

The applicant shall submit the following to the Planning Department in order to be placed on the Planning Commission agenda for Final Plat Review:

- 1) Subdivision Application with Owner's signature and "Final Plat" circled.
- 2) Application filing fee for the amount listed on the Town of Pendleton Fee Schedule.
- 3) 17 copies of the Final Plat; at least 5 copies with raised seal and surveyor's signature.
- 4) 1 copy of the Final Plat in reproducible size (8.5"x 11" up to 11"x 17").
- 5) Digital copy of the Final Plat.
- 6) Public Works Certification Letter of water service, sewer service, and fire hydrants (specify the number of lots to be serviced by the installed water line).
- 7) A performance bond, letter of credit, or certified check posted to the Town of Pendleton for a period of not less than 18 months to cover all remaining infrastructure improvements, including; roads, sidewalks, storm water/erosion control, sewer and water (if not pre-paid through the provider). The bond, letter of credit or certified check must be **125%** of the required improvements (**150%** for sidewalks), and should be accompanied by the contractor's cost estimates.

Or:

If all improvements have been completed, then submit a letter from the Public Works Director stating that all required improvements have been accomplished.

Final Plat will be placed on the agenda for the next Planning Commission Meeting per deadline date.

Final Plat shall look substantially like the approved Preliminary plat, or it shall not be approved by the Planning Commission.

REVIEW

Copies of the plan shall be distributed to the Planning Commission and all other agencies deemed necessary by staff for review of the final plat. A copy will also be made available for the public to review at Town Hall. Comments shall be written in a staff report with staff recommendations of approval or denial. Staff shall mail or email the staff report to the Planning Commission and to the applicant one (1) week prior to the Planning Commission meeting.

TIMEFRAME

The Planning Commission shall act on the preliminary plat within sixty (60) days after the initial consideration at a Planning Commission Meeting. The applicant may waive this requirement and consent to an extension of such period.

PLANNING COMMISSION ACTION

The Planning Commission action on the final plat shall consist of approval or denial. Denial shall be accompanied by reasons for such action in writing and shall be returned to the applicant.

EFFECT OF FINAL PLAT APPROVAL

After Final Plat approval, the applicant shall then record the 5 copies of the approved Final Plat containing the land surveyor's raised seal and signature, and all other required original signatures. Final Plats shall be recorded at the Register of Deeds Office of Anderson County.

- 1) 2 approved and recorded copies of the Final Plat shall be returned to Town Hall for official records
- 2) The Register of Deeds will keep 2 approved and recorded copies
- 3) The applicant shall keep 1 approved and recorded copy of the Final Plat

FINAL PLAT DISTRIBUTION

The other 12 copies of the approved Final Plat that were not recorded shall be brought to the E-911 Addressing Office of Anderson County to be addressed and distributed to appropriate agencies.

CONTENTS OF FINAL PLAT

The final plat shall be a fully delineated plat of the subdivision accurately plotted to a scale between 1" = 10' to 1" = 100' and meeting or exceeding the Minimum Standards Manual for the Practice of Land Surveying in South Carolina and shall specifically/additionally include:

- 1) Title Block shall include:
 - a) Title of the plat (purpose of survey).
 - b) Name and address of the property owner(s)
 - c) Address(es) of the property(s).
 - d) Tax map number(s).
 - e) Name of the subdivision or development, if any.
 - f) The date the survey was completed, including revision dates.
 - g) Name, company, address, and registration number of land surveyor.
- 2) Site Data Chart shall include:
 - a) Zoning district.
 - b) Setbacks/yard requirements.
 - c) Area of property (gross & net area) in acres &/or square feet.
 - d) Number of lots to be created and/or combined.
 - e) Density in units per acre (if residential).
 - f) Building coverage (percent).
 - g) Buffer requirements.
- 3) North arrow and scale (graphic and numerical).
- 4) Location map (vicinity map) at a scale of no less than 1" = 1000'.
- 5) Embossed seal and the signature of the Registered Land Surveyor responsible for the full conduct of the survey.
- 6) Boundary lines and property lines (lot lines) shown and defined by bearings and distances, measured in feet and decimals. Existing lot line(s) to be dissolved must show a "Z" symbol for removal, and property lines within a stream/creek shall be stated as such.
- 7) Label lot dimensions, lot numbers, lot areas, and building set back lines (showing the building envelope).
- 8) Right-of-way lines, names of roads, width of roadways, alleys, and access easements, with accurate dimensions and bearings, along with deflection

angles and the radii and central angles of all curves.

- 9) The lines of streets and alleys that adjoin the subdivision with their width and names. Adjoining lots tax map numbers shall also be indicated on the plat.
- 10) Easements for water mains, sanitary sewers, or other utilities not located in the public right-of-way. Label easement type, width, bearings, and dimensions.
- 11) Location and size of all sanitary sewers and water mains within or adjacent to the area to be subdivided
- 12) Show stubs of abutting lot lines, and place names and tax map numbers of all abutting land owners in their lots.
- 13) At least one corner of the property surveyed shall be referenced so as to form a tie-line which can be used to help establish or verify the correct location of the property.
- 14) Location and description of all monuments. Monuments shall be designated on the plat with a small open circle at the point of installation.
- 15) Location and extent of all water courses, and all land subject to flooding in accordance with the Town of Pendleton Flood Damage Prevention Ordinance.
- 16) Boundaries of cemeteries, burial grounds, wetlands, or other known sensitive features located within the premises. Label feature and provide bearings and dimensions of boundaries, if discernable.
- 17) All known or discovered encroachments or projections onto or from adjoining property.
- 18) Statement of private restrictions, trusteeships, or protective covenants.
- 19) Statement of deed right-of-ways.
- 20) Applicable Certificates per Section 3.2.

**ARTICLE VII:
DESIGN STANDARDS AND REQUIRED IMPROVEMENTS**

SECTION 7.1: GENERAL SITE DESIGN

(1) **Residential Subdivisions:**

- (a) All subdivisions serving 51 or more units shall have a minimum of two access points to adjacent streets as permitted in this ordinance. In addition, subdivisions serving 85 or more units must include a left turning lanes from primary roads designed and installed according to SCDOT specifications. Based on the character of the subdivision and adjacent traffic patterns, the Planning Commission may allow the second entrance to be an emergency access road. Specifications shall be approved by the Fire Marshall and the Planning Commission.
- (b) Every lot shall have sufficient access for emergency vehicles as well as for needing access to the property in its intended use.

(2) **Commercial Subdivisions:**

- (a) Commercial and industrial subdivisions shall be designed according to the same principles governing residential subdivisions; namely, building lots shall be created according to the topography, with environmentally sensitive areas avoided to the maximum extent practicable; surrounding land uses shall be considered; and sufficient access provided.
- (b) Depending on the character and intended uses of the lots and proposed buildings;, the Planning Commission may require additional entrances and turn lanes to ensure safety and ease of traffic flow and circulation.

SECTION 7.2: STREETS

(1) **Circulation System:**

- (a) The street system shall be designed to permit the safe, efficient, and orderly movement of traffic; to meet, but not exceed the needs of the present and future population served; to have a simple and logical pattern; to respect natural features and topography; and to present an attractive streetscape.
- (b) In residential subdivisions, the layout shall be designed to meet the needs of the residents of the subdivision and shall discourage through traffic.

(2) **Right-of-Way, Lane and Pavement Widths:**

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

Road Classification	Lane Width	Pavement Width	Right-of-Way
Minor Residential	10'	22'	50'
Major Road	11'	32'	66'
Major Road with a turn lane	11'	40'	66'
Alley	9'	18'	22'
Cul-de-sac	10'	24'	50'
Cul-de-sac (turn around)	--	80'	100'

(b) On-street parking is prohibited as the primary form of parking; however it shall be acceptable as supplemental parking or visitor parking as regulated by Section 903 in the Zoning Ordinance and by the following:

1. In addition to the pavement widths listed above, on-street parking shall require an extra eight (8) feet in pavement width for each side of the street where parking is proposed.
2. If on-street parking is proposed for both sides of the street, an additional ten (10) feet of dedicated right-of-way is required.
3. On-street parking shall only be parallel parking. Angled or perpendicular on-street parking is prohibited.

(3) Cul-de-sacs:

- (a) Dead-end streets, designed to be permanently closed at one end, shall not exceed 1000 feet in length, except where no other access is practical due to topographic conditions. The length shall be measured from the right-of-way to the center point of the turn around.
- (b) In a phased project, temporary dead end streets may be allowed. The street shall also have a temporary turn around.

(4) Alleys:

- (a) Alleys are permitted in commercial or industrial subdivisions to provide service access, off-street loading and unloading, and parking consistent with and adequate for the uses proposed.
- (b) Alleys may be permitted in residential subdivisions to provide access for parking. All garages must be offset from the front face of the home and open to the rear, facing the alley.

- (c) Dead end alleys should be avoided; however, where necessary, shall be provided with adequate turn around facilities at the end of the dead end, as determined by the Public Works Director.

(5) Grading:

The minimum grade on any street shall not be less than one-half (1/2) percent. The maximum grade shall not exceed fifteen (15) percent.

(6) Curves:

- (a) Street right-of-ways shall be curved where a deflection angle of more than ten (10) degrees in the alignment of the street occurs.
- (b) Centerline radii of not less than one hundred (100) feet shall be provided on all curves unless conditions warrant a shorter radius, which must be approved by the Public Works Director.

(7) Intersections:

Streets shall be laid out to intersect as nearly as possible at right angles and should not intersect at an angle of less than 60 degrees. Streets intersecting State Highways shall be laid out according to SCDOT specifications.

(8) Drainage:

A drainage study and plan of the area involved must be submitted to the Director of Public Works for approval. SCDHEC shall issue all required permits and conduct inspections.

(9) Roadway Base:

The paved road bed shall have a compacted base course extending one foot beyond the edge of pavement on each side and shall consist of:

- (a) Select topsoil sub-base compacted to a minimum depth of six inches, or
- (b) Crushed aggregate sub-base compacted to four inches.

(10) Roadway Surface:

The wearing surface shall consist of one of the following:

- (a) Bituminous surfacing as specified under 408 type 1,2,3, or 4 as specified in the SCDOT's Standard Specifications for Highway Construction, latest edition; or
- (b) A minimum of one and one half inches of hot laid asphaltic concrete prepared as specified under section 401, 402, or 403 of the SCDOT's Standard Specifications for Highway Construction, latest edition.

SECTION 7.3: CURB AND GUTTER

(1) Requirements:

- (a) Curbs and gutters shall be required and installed along both sides of all streets.
- (b) The concrete shall be batched and mixed in accordance with the provisions of Section 701, Portland Cement Concrete for Structures, SCDOT specifications.
- (c) Curbs and gutters shall be constructed in uniform sections eight (8) to ten (10) feet in length except where shorter sections are necessary for closure, but none less than four (4) feet in length.
- (d) Forms shall not be displaced during concrete pouring and the concrete shall be spaded or vibrated throughout the entire volume especially against forms and joints. The surface of the concrete shall be floated, troweled, broomed, corners edged and finished to the typical cross-section used.
- (e) Rollover (Rolled) or Standard Curb and Gutter – These types of curbs may be used as long as they provide a six (6) inch face against the pavement. Expansion and weakened joints shall be constructed at the same locations as required with formed construction. Weakened joints, spaced at eight (8) to ten (10) foot intervals, shall be made by cutting the concrete by an acceptable method. The manner of construction of all joints shall meet the approval of the Director of Public Works and shall present a workmanlike finish.

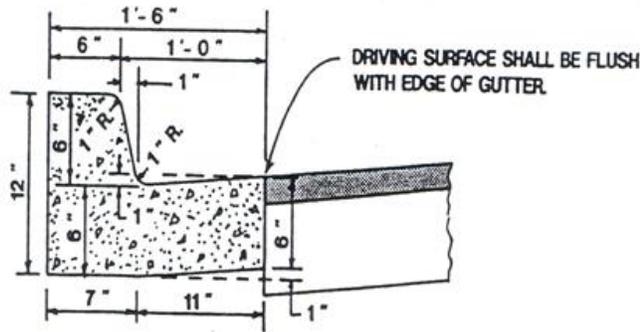
(2) Construction Specifications:

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

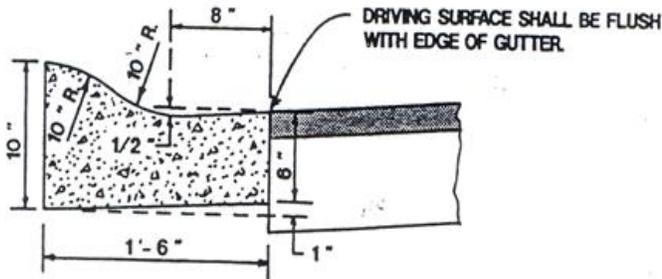
(3) Design Specifications:

Acceptable curb types are rollover or standard curb and gutter, and are illustrated as follows:

STANDARD CURB AND GUTTER



ROLLOVER CURB AND GUTTER



(4) Transition:

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

SECTION 7.4: INTERSECTION SIGHT CLEARANCE

Road Intersection Sight Clearance: In order to minimize accidents caused by obstruction to vision at road intersections, clear sight triangles shall be maintained in all districts.

Within the clear sight triangle, any object that obstructs the driver's view should be removed. These objects may include (but are not limited to) parked vehicles,

trees, hedges, tall crops, unmowed grass, fences, and retaining walls. No new obstructions should be placed in the clear sight triangle without approval by the Town.

Applicable height to Clear Sight Triangle: The Clear Sight Triangles shall apply between the height of three (3) feet and ten (10) feet. The Clear Sight Triangles shall also apply to heights outside of three (3) and ten (10) feet when a change in grade creates a situation in which the height of the driver's eye (figured at 3.5 feet) cannot clearly see to a point 3.5 feet above the road grade at the Intersection Sight Distance (ISD) point farthest from the intersection on the Major Road. Intersection Sight Distance (ISD) refers to the corner sight distance available in intersection quadrants that allows a driver approaching an intersection to observe the actions of vehicles on the crossing leg(s).

Clear Sight Triangle Dimensions: The clear sight triangles at intersections are figured for the following intersection types as follows:

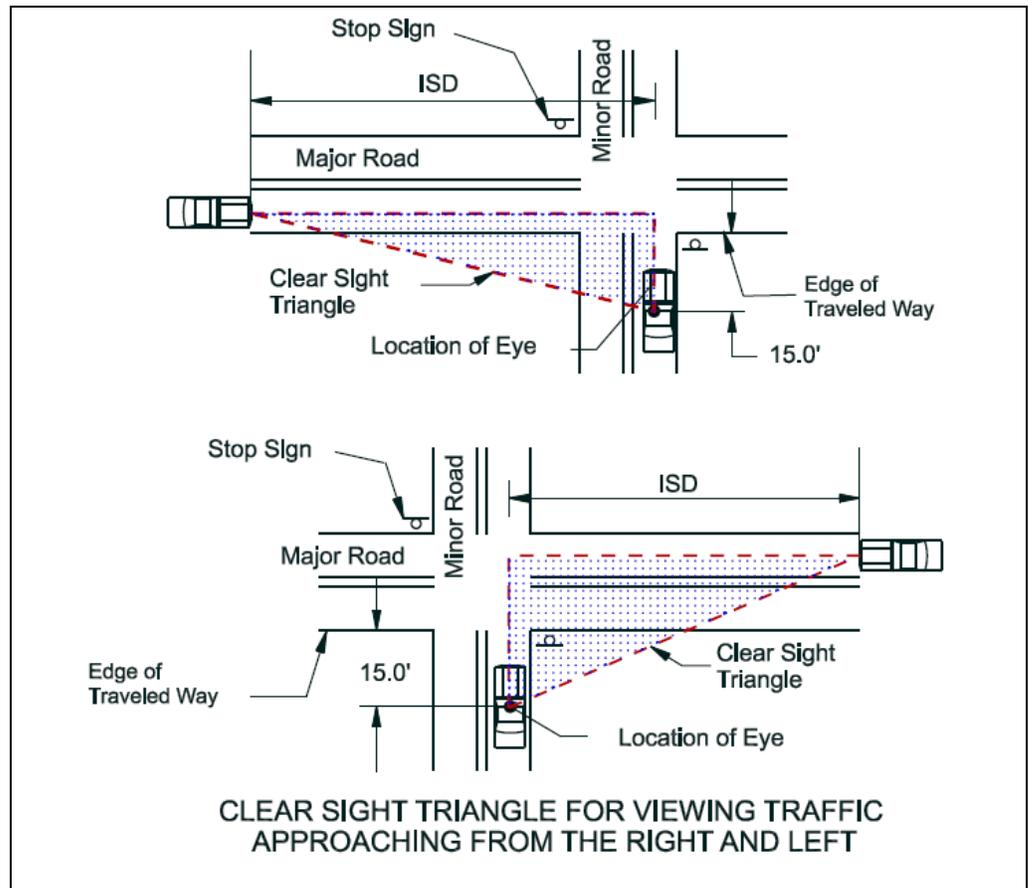
- (a) Intersections with Stop Control on the Minor Road: Where traffic on a road of an intersection is controlled by stop signs (referred to as a minor road), the driver of the vehicle on the minor road should have sufficient sight distance for a safe departure from the stopped position assuming that the approaching vehicle comes into view as the stopped vehicle begins its departure. At a four-road intersection, the sight distance across the intersection should be maintained.

For this intersection type, Clear Sight Triangle is the space bounded by the three legs as described below with lengths determined as follows:

- 1) **Minor Road** (road with stop control at the intersection). The length of the leg along the minor road is based on two parts. The first is the location of the driver's eye on the minor road. This is typically assumed to be 15 feet from the edge of traveled way for the major road and in the center of the lane on the minor road. The second part is based on the distance to the center of the vehicle on the major road. For vehicles approaching from the left, this is assumed to be the center of the closest travel lane from the left. For vehicles approaching from the right, this is assumed to be the center of the closest travel lane for vehicles approaching from the right.
- 2) **Major Road** (road without stop control at the intersection). The length of the major road leg, or Intersection Sight Distance ISD, is determined using the following chart:

Miles per hour	Intersection Sight Distance (ISD) in Feet (ft)	
	Two Lane Roads	Four Lane Roads
15	170	195
20	225	255
25	280	320
30	335	385
35	390	445
40	445	510
45	500	575

- 3) **Sight Line.** The sight line is the line connecting the location of the driver’s eye on the Minor Road to the endpoint of the ISD point farthest from the intersection on the Major Road.



Reference: SC Department of Transportation "Access and Roadside Management Standards"

- (b) Intersections with all-way stop control: For intersections with all-way stop control (stop signs at all roads or a traffic light), provide sufficient sight distance so that the driver in the first stopped vehicle on each approach is visible to all other approaches.

SECTION 7.5: DRAINAGE

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

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

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

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

SECTION 7.6: OPEN CHANNELS

All constructed channels shall be uniform in cross section and fully grassed, including any berms, dikes, and spoil areas along the sides of the channels. The calculated wetted perimeter of the channels cross-section may be ripped, with the remaining disturbed area temporarily mulched if permanent grassing cannot be established due to weather, season, excessive channel velocities, etc. If a good planting or permanent grassing cannot be established, the developer may sign an agreement that he will be responsible for the channels until such time as they are acceptable by the Director of Public Works.

SECTION 7.7: CATCH BASINS

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

SECTION 7.8: CULVERTS

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

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

SECTION 7.9: SHOULDERS

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

SECTION 7.10: CONSTRUCTION STANDARDS FOR ALL PIPE WORK

(1) Installation:

All drain lines shall be laid in accordance with Section 714, Pipe Culverts of the SCDOT specifications. However, all piping must be RCP (Reinforced Concrete Pipe). Strict compliance to backfilling and compaction restrictions and regulations will be enforced.

(2) Inspection:

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

(3) Subsurface Drainage:

- (a) Where pipe underdrains are required, they shall be installed within two and one half (2 ½) feet outside or behind the back of the curb and shall be properly connected to a permanent type drainage outlet such as a catch basin. A minimum of two (2) feet of cover must be provided.
- (b) Pipe underdrains shall be a minimum of two (2) feet below the bottom of the curb and shall be shown on the street profile.
- (c) Pipe underdrains shall be installed before the base course is placed.
- (d) In sections where mucking out and backfilling have been done, pipe underdrains shall be installed on both sides of the street.

- (e) Pipe underdrains shall be covered by washed stone of appropriate size on all sides to a one (1) foot minimum dimension and wrapped in geotextile fabric.
- (f) Pipe underdrains shall be required on both sides of the street in cut sections where the water table is within two (2) feet of the centerline subgrade elevation.
- (g) Pipe underdrains shall be required in addition as determined by the Director of Public Works.
- (h) Pipe underdrains shall not be covered over until the Director of Public Works has inspected them.
- (i) Manufactured “strip” or edge drain consisting of a perforated piped core enclosed in non-woven engineering fabric surrounded by granular backfill is an acceptable alternative.

SECTION 7.11: SIDEWALKS

Sidewalks are required on both sides of the street. Sidewalks must be installed according to the following standards:

(1) Design Specifications:

Sidewalks are required to be a minimum of five (5) feet wide according to ADA (Americans with Disabilities Act) Standards. Sidewalks shall be placed parallel to streets, with exceptions permitted to preserve natural features or to provide visual interest where required for pedestrian safety. Design and location of sidewalks shall connect with existing pedestrian infrastructure.

(2) Construction Specifications:

- (a) Sidewalks shall be four (4) inches thick except at points of vehicular crossing where they shall be at least six (6) inches thick. At vehicular crossings, sidewalks shall be reinforced with welded wire fabric mesh or an equivalent.
- (b) There shall be a minimum distance of two (2) feet between the back of curbing to the edge of sidewalk to provide an area for a planting strip and buffer from vehicular traffic.
- (c) Expansion Joints: Preformed expansion joints three-quarter ($\frac{3}{4}$) inch thick, extending the full depth of the concrete, shall be constructed at the locations indicated on the plans and at other locations as follows:

- (i) Whenever a sidewalk is constructed between an adjoining substantial structure on one side and curbing on the other side, an expansion joint shall be formed adjacent to the curbing.
 - (ii) An expansion joint shall be placed between the sidewalk and the radius curbing at street intersections.
 - (iii) When sidewalks are constructed adjacent to existing or new pavements or structures, expansion joints shall be placed to match these existing joints.
 - (iv) Sidewalks shall be installed in accord with Section 720 of the Standard Specifications for Highway Construction Manual, Latest Edition, as amended.
- (d) Contraction Joints: The concrete slabs in sidewalks between expansion joints shall be divided into blocks five (5) feet in length by scoring transversely after floating operations are complete. Whenever the sidewalk slabs are more than ten (10) feet in width, they shall be scored longitudinally in the center. All scoring shall extend for a depth of one (1) inch and shall not be less than one-quarter (1/4) inch or more than one-half (1/2) inch in width. All scoring shall be edged and finished smooth and true in line.
- (e) Graded areas shall be planted with grass or treated with other suitable ground cover, and their width shall correspond to that of sidewalks.
- (3) Bonding Requirements:

The bond requirement for sidewalk is 150% of the estimated construction costs for all sidewalks required by the provisions of this ordinance. The contractor may secure the bond to allow for installation at the closing stages of phase or complete development of the project. The contractor must secure approval from the Director of Public Works and the designated ordinance administrator to bond sidewalk installation and improvements.

SECTION 7.12: ROAD CONSTRUCTION STANDARDS

Before final approval, the following road improvements shall have been completed and approved in accordance with the construction standards specified herein. Such improvements shall be certified in writing by the Director of Public Works.

SECTION 7.13: EASEMENTS

Easements must be a minimum width of eight (8) feet wide and have minimum building setbacks of eight (8) feet on each side of the easement lot lines. Easements shall be located along the side and rear lot lines and shall be provided as required by the Commission for utility lines and underground mains and cables.

SECTION 7.14: BLOCKS

(1) Residential:

- (a) Block lengths shall be appropriate to topographic conditions and density to be served, but shall not exceed 1,800 feet in length. Maximum block length in a multi-family area shall not exceed 1,000 feet.
- (b) Blocks shall be not less than 400 feet in length.

(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 7.15: LOTS FOR DETACHED DWELLINGS

- (1) All lots except those in exempt subdivisions as defined by this ordinance shall be accessible by a public street.
- (2) The lot size, width, depth, shape and grade shall be in proper relation to street and block design, to existing and proposed topographical conditions, and for the type of development and use contemplated.
- (3) All lots shall meet the minimum area and dimensional requirements of the zoning district in which they are located and shall have a minimum of twenty-five (25) feet of frontage on an approved street.
- (4) Side lot lines shall be at right angles to straight street lines and radial to curved street lines to the extent feasible.
- (5) Subdivision of property into flag lots is prohibited.

SECTION 7.16: WATER SUPPLY

A water system shall be installed in a subdivision, according to plans and specifications approved by the SCDHEC and the Town. When the water main is located so that it will be necessary to cut into the street surface to serve the abutting lots, a connection shall be stubbed out to the property line to serve each lot before the street is surfaced.

SECTION 7.17: SANITARY SEWER

A sanitary sewer system shall be installed in a subdivision according to the plans and specifications approved by the Town and SCDHEC. When the sewer line is located so that it will be necessary to cut into the street surface to serve the abutting lots, a connection shall be stubbed out to the property line to serve each lot before the street is surfaced.

SECTION 7.18: FIRE HYDRANTS

Fire hydrants shall be installed and spaced throughout each subdivision to maintain a 500 foot radius between hydrants. The fire marshall shall approve the location and spacing of the hydrants.

SECTION 7.19: MAILBOXES

Mailboxes shall be installed according to the US Postal Service Standards and Requirements.

SECTION 7.20: SIGNAGE AND NAMES

(1) Street Signs:

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

(2) Names:

- (a) Streets: Street names shall be subject to the approval of the Planning Commission. Proposed street names shall be substantially different in sound and spelling from existing streets in the town unless, at a future date, plans call for a tie-in between the proposed street and an existing street.
- (b) Subdivisions: Subdivision names shall be subject to the approval of the Planning Commission and shall not duplicate the name of any recorded subdivision or of existing established locality names. When a subdivision name has been recorded on a plat, no other name may be used for advertising or a sales purpose unless an approved amended plat is recorded, bearing the revised name.
- (c) Anderson County Recommendation: The Planning Commission will receive the recommendation of approval from Anderson County E-911 Office. The applicant is responsible to obtain approval from Anderson County for both the subdivision and all street names.

SECTION 7.21: STREET LIGHTING

- (1) Lighting for safety shall be provided at all street intersections, and between intersections where distance is 500 feet or more, provided that such spacing between intersections shall be not less than 250 feet between streetlights.
- (2) The maximum height of streetlights shall not exceed twenty-five (25) feet.
- (3) Street lighting shall be properly shielded so as not to create a hazard to drivers or a nuisance to residents. The light source must be low wattage and shielded so as to light only the ground and surrounding area and not project into the sky.
- (4) Decorative lighting is required to be installed by the applicant or developer. The specific light fixture must be approved by the Planning Commission.

SECTION 7.22: FINAL PLAT REVISIONS

If it should become necessary to revise a final plat due to a dimensional error, a revised plat shall be submitted to Register of Deeds for final recording after the Planning Commission has approved and signed the final plat.

SECTION 7.23: PERFORMANCE BONDS

In lieu of the completion of required improvements and the installations previous to the final approval of a plat, the Town Council may accept a bond, in any amount and with surety and conditions satisfactory to it, providing for and securing to the Town the actual construction and installation of such improvements and utilities within a period specified by the Planning Commission and expressed in the bond; and the municipality is hereby granted the power to enforce such bonds by all appropriate legal and equitable remedies. A surety bond or letter of credit will also be deemed acceptable.

SECTION 7.24: DEDICATIONS

Streets shall be dedicated to the Town of Pendleton after having been constructed according to the specifications contained herein.

SECTION 7.25: BUILDING PERMITS

No building permit shall be issued and no building shall be erected on any lot within the limits of the Town unless the street is giving access to the lot upon which the building is proposed to be placed has been accepted or opened as, or shall have otherwise received the legal status of a public street, or a performance bond or equivalent has been submitted and accepted by the Commission as described in this Ordinance.

SECTION 7.26: UNDERGROUND WIRING

- (1) All electric, telephone, television and 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.
- (2) Lots that abut existing easements or public right-of-way where overhead electric or telephone distribution supply lines and service connections have previously been installed may be supplied with electric and telephone service from those overhead lines, but the service connections from the utilities' overhead lines shall be installed underground. In the case of existing overhead utilities, should a road widening or an extension of service, or other such condition occur as a result of the subdivision and necessitate the replacement or relocation of such utilities, such replacement or relocation shall be underground.

SECTION 7.27: SEDIMENT AND EROSION CONTROL

Unless otherwise provided in this section, the surface of land in the town shall not be disturbed or changed for any purposes whatsoever, except in accordance with an erosion and sedimentation

control plan approved by SCDHEC. A grading permit must be obtained from the Director of Public Works prior to any grading, construction or land disturbance of any nature. The permit shall be valid for a period of two years.

EXEMPTIONS

The provisions of this division shall not apply to:

- (1) Agricultural and silvi-cultural land management and horticultural practices, or to the construction of on-farm buildings and structures used in a farming operation.
- (2) Construction or land improvement of a single-family residence or its accessory buildings. A single-family residence property owner may make land improvements on his/her single lot without an approved erosion and sediment control plan and without obtaining a grading permit.
- (3) Mining and mineral resource extraction operations conducted in accordance with a valid mining permit issued by the mining and reclamation division of the land resources commission of the state.
- (4) Emergency repairs or maintenance of existing structures and facilities, which require ground to be broken. The responsible person shall notify the Director of Public Works in writing within five working days of such emergency repairs and maintenance actions.
- (5) Construction or land improvement by state or federal agencies conducted in accordance with a state or federal land management program.
- (6) Construction of transmission lines for electricity, water, telephone, gas, sanitary sewers, storm sewers and other utilities, which require disturbance of less than two acres of natural ground surface.
- (7) Construction by public service districts, utility companies, Pickens or Anderson County, and the town when plans for such construction or improvements include a sedimentation control plan, which is certified by a registered professional engineer or architect to be in conformity with this division. A registered landscape architect or tier B land surveyor, as empowered by state law, may certify plans.

SECTION 7.28: ROAD REQUIREMENTS PRIOR TO CONSTRUCTION

- (1) The road base must be installed prior to the sale of any lots.
- (2) Binder asphalt must be in place prior to the issuance of permits or the commencement of any construction.

- (3) The final road surface must be in place before 50% build out as determined by the Director of Public Works or within two (2) years of final plat approval by the Planning Commission, whichever occurs first.
- (4) Any and all deterioration to the road must be repaired to the satisfaction of the Director of Public Works within 30 days of notification by the Director of Public Works or within a time frame determined by the Director of Public Works if seasonal or weather conditions make the 30-day time frame impractical.
- (5) If the work is not repaired to the satisfaction of the Town or if the conditions are deemed unsafe, the Town Administrator may put a stop work order of all building permits and construction activity other than the repair of the roads.

SECTION 7.29: DRIVEWAYS

The county or town may construct a driveway easement or entrance to a county or town road. The maximum width will be twenty (20) feet for residential driveways and forty (40) feet for commercial driveways. The driveway will be cut to the edge of the right-of-way. If there is no dedicated right-of-way the driveway will be cut twenty (20) feet or only a sufficient length to get across the road ditch. A maximum of two (2) driveways to each tract or lot of land will be installed. A pipe or valley gutter will be provided for the first driveway only, if a pipe is needed for the second drive the pipe must be furnished to the town or county.

**ARTICLE VIII:
GROUP DEVELOPMENTS**

SECTION 8.1: GROUP DEVELOPMENT

In order to prevent traffic hazards and to insure the provision of off-street parking and necessary utilities, site plans for the following types of development shall be submitted to the Planning Commission for review and approval:

- a) Manufactured home parks, apartment complexes, and commercial complexes where the site is not subdivided;
- b) Attached dwellings such as townhouses and condominiums; and
- c) Any site that has two or more sellable or leasable spaces where the zoning has not been changed to a 'PD', Planned Development District (that process is addressed in the zoning ordinance).

Overlay design districts within the town shall additionally have site plans reviewed by the Design Review Board.

SECTION 8.2: REVIEW OF GROUP DEVELOPMENTS

SUBMITTAL

Submittal of a site plan and supplemental materials will be required for Planning Commission Review. All site plans must be filed at least twenty-one (21) days prior to the next Planning Commission meeting to be placed on the agenda.

The applicant shall submit the following to the Town Planning Department, and a submittal shall not be considered complete until all of the following are submitted (additional materials may be requested by the Town if required materials submitted are inadequate to make a decision):

- 1) Completed Site Plan Application with Owner's signature.
- 2) Application filing fee for the amount listed on the Town of Pendleton Fee Schedule.
- 3) 10 large copies of the site plan (18" x 24" or 24" x 36"). Additional copies of the plan must be provided to the Planning Department upon request.
- 4) 10 small copies of the site plan (8.5" x 11" up to 11" x 17").
- 5) A statement of intent of the development.

REVIEW

Site Plans shall be distributed to all departments and agencies as deemed applicable by staff for review. A copy will also be made available for the public to review at Town Hall. Comments shall be written in a staff report with staff recommendations of approval, conditional approval, or denial. Staff shall mail or email the staff report to the Planning Commission and to the applicant one (1) week prior to the Planning Commission meeting.

TIMEFRAME

The Planning Commission shall act on the site plan within forty-five (45) days after the initial consideration at a Planning Commission Meeting. The applicant may waive this requirement and consent to an extension of such period.

PLANNING COMMISSION ACTION

The Planning Commission action on the site plan shall consist of approval as submitted, conditional approval, denial, or tabled for additional information. The decision and the reasons for the action shall be noted on two copies of the plan with reference to any conditions determined. One copy shall be returned to the applicant and the other retained by the Planning Commission.

If conditional approval is granted, then the applicant shall submit five (5) copies of the revised site plan meeting the conditions required within thirty (30) business days; otherwise the site plan is null and void.

EFFECT OF PLANNING COMMISSION APPROVAL

Approval of the site plan shall allow the applicant to obtain building permits for the property to be developed. No site improvements can be made until a building permit is obtained.

EXPIRATION

Approved site plans expire three (3) months after Planning Commission approval, unless the Planning Commission grants an extension. An application for a building permit must be filed, or an extension approved by the Planning Commission, before this expiration date; otherwise, the site plan is null and void.

CONTENTS OF SITE PLANS

Site plan contents shall be as described in Section 8.3.

SECTION 8.3: REVIEW OF GROUP DEVELOPMENTS WITHIN OVERLAY DESIGN DISTRICTS

SUBMITTAL

Submittal of items is as described in Section 8.2. For Design Review Board review, additional materials are required as described in Article VI of the Zoning Ordinance.

REVIEW

If the development site is in an overlay design district, the Planning Commission shall review the intent and purpose of the development, regular district regulations (not the overlay district regulations), connection to infrastructure, and the arrangement of uses on the property or properties. The Design Review Board shall review all aspects covered in the specific overlay design district regulations, including building and parking orientation.

Staff shall mail or email the staff report to the Planning Commission, the Design Review Board and to the applicant one (1) week prior to the Planning Commission meeting.

TIMEFRAME

The Planning Commission shall act on the site plan within forty-five (45) days after the initial consideration at a Planning Commission Meeting. The applicant may waive this requirement and consent to an extension of such period.

The Design Review Board shall act in accordance with Article VI of the Zoning Ordinance.

PLANNING COMMISSION ACTION

The Planning Commission action on the site plan shall consist of approval as submitted, conditional approval, denial, or tabled for additional information. The decision and the reasons for the action shall be noted on two copies of the plan with reference to any conditions determined. One copy shall be returned to the applicant and the other retained by the Planning Commission.

If conditional approval is granted, then the applicant shall submit five (5) copies of the revised site plan meeting the conditions required within thirty (30) business days; otherwise the site plan is null and void.

EFFECT OF PLANNING COMMISSION APPROVAL

Approval of the site plan shall allow the applicant to bring the plan for review by the Design Review Board. No site improvements can be made until the Design Review Board approves the plan and a building permit is obtained.

DESIGN REVIEW BOARD ACTION

Action by the Design Review Board is described in Article VI of the Zoning Ordinance.

EFFECT OF DESIGN REVIEW BOARD APPROVAL

Approval of the plans shall allow the applicant to obtain building permits for the property to be developed. No site improvements can be made until a building permit or grading permit is obtained.

EXPIRATION

Approved site plans in overlay design districts expire three (3) months after Design Review Board approval, unless the Planning Commission grants an extension. An application for a building permit must be filed, or an extension approved by the Planning Commission, before this expiration date; otherwise, the site plan is null and void.

CONTENTS OF SITE PLAN

All developments must meet all applicable sections of this Ordinance. Such plans shall show the following information (design overlay districts must additionally show items listed in the relevant sections in “Article VI: Design Review Board”):

- 1) A plat of the property drawn to a scale of at least one hundred (100) feet to one inch.
- 2) The location of the parcel of land with respect to adjacent rights-of-way.
- 3) The shape, dimensions, and locations of all buildings, existing and proposed, on the subject parcel.
- 4) The proposed use of the buildings and/or land.
- 5) Topography of the site by contours at vertical intervals of not more than ten (10) feet.
- 6) The location and dimension of off-street parking and loading space and the means of ingress and egress to and from such space.
- 7) The location and size of all proposed utilities and storm drainage facilities.
- 8) Such other information as the Planning Commission may deem necessary because of the physical characteristics peculiar to the particular development.
- 9) The standards for each specific development must comply with the zoning district to which the land is classified.

**ARTICLE IX:
PLANNED DEVELOPMENT DISTRICTS**

SECTION 9.1: PURPOSE

The purpose of the planned development districts is to derive the benefits of efficiency, economy and flexibility by encouraging unified development of large sites, while also obtaining the advantages of creative site design, improved appearance, compatibility with adjacent uses, increased functionality of vehicular access and circulation, and optimal levels of service by community facilities and open space amenities.

SECTION 9.2: REQUIREMENTS FOR PLANNED DEVELOPMENT DISTRICTS

The characteristics of Planned Development Districts and subsequent planned developments are regulated by specific district regulations or provisions stated in the Zoning Ordinance. The process of land subdivision and development of physical infrastructure shall be regulated by these Land Development Regulations.

Procedures guiding the approval and development of a Planned Development shall follow the steps set forth for Major Subdivisions with the additional steps required for Planned Development Districts listed in the Zoning Ordinance. The following listing states the collective steps between the Land Development Regulations Major Subdivision procedures and the Zoning Ordinance Planned Development District procedures and shall be followed accordingly for all Planned Development Districts, including PD-C, Planned Development-Commercial, PD-MH, Planned Development-Manufactured Home, PD-MU, Planned Development-Mixed Use, and PD-R, Planned Development-Residential.

Planned Developments require a 6 step review process modified from the major subdivision review process:

- 1) Pre-Application Conference
 - a) Major Subdivision Pre-Application Conference
 - b) **Preliminary Site Development/Conceptual Plan Review**
- 2) **Final Site Development Plan/Descriptive Statement Review**
- 3) Preliminary Plat Technical Review
- 4) Preliminary Plat Planning Commission Review
- 5) Construction Plan Review (Grading Permit)
- 6) Final Plat Review

SECTION 9.3: FAILURE TO BEGIN, FAILURE TO COMPLETE, OR FAILURE TO MAKE ADEQUATE PROGRESS

The Descriptive Statement as approved by Town Council shall set forth the development schedule for the project including phasing of residential units, commercial units, etc., if proposed. The Town Council shall require the posting of a bond with a corporate surety to guarantee that the schedule as set forth in the Descriptive Statement will be materially adhered to in order to guarantee construction of streets, utilities, and other facilities and amenities or to allow for rectification of improper development characteristics such as failure to develop areas designated as common open spaces. If there is failure to begin, complete or make adequate progress as agreed to in the descriptive statement, the Town Council may enforce and collect upon such bonds or sureties as described above, or may change the district classification of the planned development in accordance with provisions of Article IV, and thus terminate the right of the applicant to continue development, or may initiate action to charge the developers with specific violation of the Zoning Ordinance subject to the penalties set forth in Article XIII, or any appropriate combination of the above remedies may be taken.

**ARTICLE X:
IMPROVEMENT GUARANTEES**

SECTION 10.1: PURPOSE

Where required improvements have not been completed and certified by the applicant or sub-divider, improvement guarantees may be provided to ensure the proper installation of such required street, utility, and other improvements. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the developer. The same guarantees shall apply to amenity improvements (community pools, walking trails, parks, etc.) included in Site Development Plans or Descriptive Statements approved by Town Council.

SECTION 10.2: OPTIONAL GUARANTEE

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

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

SECTION 10.3: OPTION TO REFUSE GUARANTEE

The Town Council shall have the right to refuse any of the above financial guarantees and require construction and installation of all improvements by the sub-divider, where:

- (1) Past performance of the sub-divider is unsatisfactory;
- (2) The selection option is unacceptable; or
- (3) Unique topographic or physical characteristics that require the improvements prior to building to ensure safe conditions.

SECTION 10.4: 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 10.5: DEFAULT OF GUARANTEE

In the event the sub-divider 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 Town of Pendleton to be used for the completion of the improvements.

SECTION 10.6: EXTENSION OF GUARANTEE

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

SECTION 10.7: ACCEPTABLE FORMAT FOR IMPROVEMENT GUARANTEE

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

STATE OF SOUTH CAROLINA
TOWN OF PENDLETON
IMPROVEMENT GUARANTEE

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

Signed, sealed, and dated this _____ day of _____, 20____.

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

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

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

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

Approved and accepted

This _____ day of _____, 20____

by the Pendleton Town Council

_____(L.S.)

_____(L.S.)

Mayor

Clerk

**ARTICLE XI:
DEDICATION, ACCEPTANCE AND MAINTENANCE
OF IMPROVEMENTS**

SECTION 11.1: IMPROVEMENTS TO BE DEDICATED

The final responsibility for the installation of the improvements required by this ordinance as the standards impose rests with the sub-divider. Upon proper installation of these improvements, the sub-divider shall take the final steps to dedicate the improvements and have them accepted by the Town Council.

SECTION 11.2: GUIDELINES FOR DEED PREPARATION

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

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

TOWN OF PENDLETON, 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 Town 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 Public Works Director to be forwarded to the Town Attorney for review and recommendation prior to acceptance of any such deed by Town Council. The time for processing the deed shall not exceed 60 days from the time of receipt by the Public Works Director.

SECTION 11.3: TITLE CERTIFICATION AND PROVISION OF AFFIDAVIT

Prior to the acceptance of title to any improvements by Town Council, the developer shall provide to Council a title certification by an attorney licensed to practice in the State of South

Carolina, certifying that the developer owns fee simple title to such improvements, free and clear of liens and encumbrances. Should said attorney make any exceptions in his/her certification on title, these must be specifically recited in the Resolution to be presented to Town Council for acceptance of such improvements and the Town 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 Town Council, the developer and the contractor who constructed the road shall provide to Council an affidavit that all construction costs for the road have been paid and that the road is free of all encumbrances. For the purposes of this section, a “newly constructed road” is one that has been completed within two years of the date of the Town Council’s consideration of whether to accept the road.

SECTION 11.4: EFFECT OF THE RECORDING

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

SECTION 11.5: 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 Town Council concerning maintenance or improvements until the Town Council has made actual acceptance by resolution, by entry, or by improvement.

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

DEED RIGHT-OF-WAY

STATE OF SOUTH CAROLINA

RIGHT-OF-WAY DEED
TOWN OF PENDLETON
COUNTY OF ANDERSON

KNOW ALL MEN BY THESE PRESENTS, that the undersigned _____, hereinafter called Grantor, whether one or more, for and in consideration of One Dollar (\$1.00) cash in hand does hereby grant, bargain, sell, convey and warrant unto the **Town of Pendleton**, its successors and assigns (hereinafter called Grantee), a permanent right-of-way and easement _____feet in width for the purpose of laying, constructing, maintaining, operating, repairing, altering, replacing and removing sewer pipeline(s) and the necessary appurtenances therein upon a route herein after defined, as selected by the Grantee, its agents or servants, under, upon, over and through and across lands of the Grantor, situated in the _____, Anderson County, South Carolina, shown and designated as Parcel No. _____, formerly containing ____ acres, upon a plat of the same recorded in the Office of the Clerk of Court for said County in Plat Book ____ at Page ____ and being the same parcels formerly of _____, which is of record in said Clerk's Office in Deed Book ____ Page ____.

The route to be followed by the sewer pipeline(s) is generally shown upon a right-of-way map dated _____, prepared by _____, attached hereto, and made part and parcel to this document. The length of the easement as measured along the centerline designated on the right-of-way map is _____ feet, more or less, extending from _____ to land of _____.

The Grantor and his/her successors shall have the right to use the lands within the right-of-way for any purpose not inconsistent with the operation, maintenance, inspection, repair and replacement of the sewer pipeline(s) and appurtenances, but may not erect within the right-of-way any permanent building which will interfere with access to the sewer pipeline(s), and may not plant trees in the right-of-way, the roots of which might clog or rupture the pipeline(s). The Grantee shall have the right of its agents, servants, employees and contractors to have access to said pipeline(s) and appurtenances along the right-of-way or along such other route as may appear to them to do the least damage to the Grantor's contemporaneous use of any property of the Grantor adjoining or near the right-of-way, to inspect, repair and replace the pipeline(s) and appurtenances and to cut trees and other growth endangering the line(s). The Grantee will be responsible to the Grantor for damages done to fences, improvements, growing crops and timber outside the right-of-way as a result of such entry.

During initial construction of said pipeline(s) and until it shall have been inspected, put in operation and accepted as completed, the right-of-way, instead of being _____feet wide as previously provided, shall be _____feet wide consisting of an additional twelve and one-half _____ feet on each side of the permanent right-of-way, as indicated on the above-referenced map, and shall include the right to lay and construct said lines(s) and appurtenances.

The contractor constructing the new sewer line(s) and appurtenances shall restore the surface of the ground to approximately the grade and shape existing before construction, shall repair or replace all fences cut or damaged by the construction work, shall be responsible for damage done outside said right-of-way and will cut and leave (if desired by the Grantor) for disposition by the Grantor all merchantable timber or pulpwood removed in clearing the right-of-way.

TO HAVE AND TO HOLD said right-of-way and easement unto the said Grantee, its successors and assigns forever, and the undersigned hereby binds himself, his/her heirs, executors and administrators to warrant and forever defend all and singular said premises unto the Grantee, its successors and assigns, against himself and all other claiming the same or any part hereof, by, through or under him.

DEED RIGHT-OF-WAY FOR WATER

STATE OF SOUTH CAROLINA

WATER RIGHT-OF-WAY AND EASEMENT
TOWN OF PENDLETON
COUNTY OF ANDERSON

KNOW ALL MEN BY THESE PRESENTS, that _____, (hereinafter called Grantor, whether one or more), for and in consideration of the sum of One Dollar (\$1.00) cash in hand does hereby grant, bargain, sell convey and warrant unto the **Town of Pendleton** (hereinafter called Grantee), its successors and assigns a permanent right-of-way and easement _____ feet in width as shown in Exhibit "A" attached for the purpose of laying, constructing, maintaining, operating, repairing, replacing and removing an underground water line and the necessary appurtenances (the right-of-way to be _____ feet on each side), as selected by the Grantee, its employees, agents, or consultants, through and across lands of the grantor, situated in Anderson County, South Carolina designated at **Tax Map Parcel No.** _____.

The Grantor and its successors shall have the right to use the lands within the right-of-way for any purpose not inconsistent with the operation, maintenance, inspection, repair and replacement of the water line and appurtenances, but may not erect within the right-of-way, the roots of which might obstruct or rupture the water line(s). The Grantee shall have the right of its employees, agents, and contractors to have access to said water line(s) and appurtenances along the right-of-way or along such other route as may appear to them to do the least damage to the Grantor's contemporaneous use of any property of the Grantor adjoining or near the right-of-way, to inspect, repair and replace the water line(s) and appurtenances and to cut trees and other growth endangering the line(s).

TO HAVE AND TO HOLD said right-of-way and easement unto the said Grantee, its successors and assigns forever, and the undersigned hereby binds himself, his/her heirs, executors and administrators to warrant and forever defend all and singular the said premises unto the Grantee, its successors and assigns, against himself and all others claiming the same or any part thereof, by, through or under him.

It is agreed that this grant covers all the agreements between the parties relating to this right of way and no representations or statements, verbal or written, have been made modifying, adding to or changing the terms of this agreement.

IN WITNESS WHEREOF, I (or we) have hereunto set my (or our) hand and seal this _____ day of _____, 2006.

Signed, Sealed and Delivered in the Presence of:

Grantor

1st Witness

2nd Witness

STATE OF SOUTH CAROLINA

Town of Pendleton Land Development Regulations

PROBATE
COUNTY OF ANDERSON

PERSONALLY appeared before me, the undersigned witness and make oath that (s)he say within named Grantor sign, seal and as Grantor's act and deed deliver the within right-of-way and easement, and that (s)he with the other witness whose name is subscribed above witnessed the execution thereof.

Sworn to before me this _____
Day of _____, 2006

1st Witness

Notary Public for South Carolina
My Commission expires _____

DEED RIGHT-OF-WAY FOR SEWER

STATE OF SOUTH CAROLINA
SEWER RIGHT-OF-WAY AND EASEMENT
TOWN OF PENDLETON
COUNTY OF ANDERSON

KNOW ALL MEN BY THESE PRESENTS, that _____, (hereinafter called Grantor, whether one or more), for and in consideration of the sum of One Dollar (\$1.00) cash in hand does hereby grant, bargain, sell convey and warrant unto the **Town of Pendleton** (hereinafter called Grantee), its successors and assigns a permanent right-of-way and easement _____ feet in width as shown in Exhibit "A" attached for the purpose of laying, constructing, maintaining, operating, repairing, replacing and removing an underground sewer line and the necessary appurtenances (the right-of-way to be _____ feet on each side), as selected by the Grantee, its employees, agents, or consultants, through and across lands of the grantor, situated in Anderson County, South Carolina designated at **Tax Map Parcel No.** _____.

The Grantor and its successors shall have the right to use the lands within the right-of-way for any purpose not inconsistent with the operation, maintenance, inspection, repair and replacement of the sewer line and appurtenances, but may not erect within the right-of-way, the roots of which might obstruct or rupture the sewer line(s). The Grantee shall have the right of its employees, agents, and contractors to have access to said sewer line(s) and appurtenances along the right-of-way or along such other route as may appear to them to do the least damage to the Grantor's contemporaneous use of any property of the Grantor adjoining or near the right-of-way, to inspect, repair and replace the sewer line(s) and appurtenances and to cut trees and other growth endangering the line(s).

TO HAVE AND TO HOLD said right-of-way and easement unto the said Grantee, its successors and assigns forever, and the undersigned hereby binds himself, his/her heirs, executors and administrators to warrant and forever defend all and singular the said premises unto the Grantee, its successors and assigns, against himself and all others claiming the same or any part thereof, by, through or under him.

It is agreed that this grant covers all the agreements between the parties relating to this right of way and no representations or statements, verbal or written, have been made modifying, adding to or changing the terms of this agreement.

IN WITNESS WHEREOF, I (or we) have hereunto set my (or our) hand and seal this _____ day of _____, 2006.

Signed, Sealed and Delivered in the Presence of:

Grantor

1st Witness

2nd Witness

Town of Pendleton Land Development Regulations

STATE OF SOUTH CAROLINA
PROBATE
COUNTY OF ANDERSON

PERSONALLY appeared before me, the undersigned witness and make oath that (s)he say within named Grantor sign, seal and as Grantor's act and deed deliver the within right-of-way and easement, and that (s)he with the other witness whose name is subscribed above witnessed the execution thereof.

Sworn to before me this _____
Day of _____, 2006

1st Witness

Notary Public for South Carolina
My Commission expires _____

