YORK COUNTY CODE OF ORDINANCES
CHAPTER 154: LAND DEVELOPMENT CODE

ADOPTED FEBRUARY 21, 2022

Amended by:
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EXECUTIVE SUMMARY

Adopted February 21, 2022

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EXECUTIVE SUMMARY

LAND DEVELOPMENT IN YORK COUNTY, SOUTH CAROLINA

The major purpose of the Land Development Code is to protect and promote the public health, safety, and general welfare of the County by providing for the orderly development of land within the County and implement York County’s long-term planning policies found in its Comprehensive Plan.

The Comprehensive Plan and the Small Area Plans (adopted as amendments to the Comprehensive Plan) establish long-term policies for land use and development. The Plans establish specific goals and strategies related to land use, economic development, housing, natural resources, cultural resources, community facilities, and transportation—many of which are implemented through the Land Development Code.

The Land Development Code provides clear rules about what is expected of applicants in order to gain approval to develop and subdivide land in the County.

HOW TO READ THIS DOCUMENT

The Land Development Code is written in a way that allows readers to quickly find information that is of interest to their property or neighborhood. Purpose statements are included to assist readers in understanding the intent of a regulation. In addition, the numbering conventions are consistent with the rest of the York County Code to maintain consistency.

How the Document is Organized

The Land Development Code is divided into 12 subchapters, some of which are further separated into parts and subparts. These are structured so that the most frequently used information appears first, with the definitions and technical information (such as submittal requirements) appearing later.

Subchapter A: Introduction contains basic information on the purpose of the Land Development Code. It sets the stage for the remainder of the document.

Subchapter B: Subdivision and Site Design establishes standards for the subdivision of land and design of individual development sites in accordance with the goals and strategies of the Comprehensive Plan. This Subchapter includes standards for specific development types, including townhouse subdivisions, cluster subdivisions, and cottage courts.

Subchapter C: Infrastructure Standards establishes standards for infrastructure that is required to be installed in conjunction with development and redevelopment activity in York County, including streets, driveways, pedestrian facilities, and utilities. These standards are intended to ensure that new projects provide consistent and high-quality infrastructure to facilitate the development and use of property.
Subchapter D: Green Infrastructure establishes regulations and incentives for the preservation and enhancement of the County’s natural resources. This Subchapter includes the County’s tree preservation regulations and requirements for passive and active open space. This Subchapter also establishes incentives for the use of low impact development stormwater management techniques in new development.

Subchapter E: Guarantee and Acceptance of Improvements ensures all improvements required by this Chapter are installed and constructed in a manner that protects the health, safety, and welfare of the public, and limits the exposure of York County and private property owners for unanticipated expenses related to the installation and proper function of public and private infrastructure.

Subchapter F: Property Owner Associations sets forth requirements for the establishment, governance, and responsibilities of property owner associations. The standards are intended to ensure that commonly owned elements and infrastructure of developments are maintained in a manner that supports their long-term viability and reduces the risk that public intervention will be needed to financially support the maintenance of such infrastructure.

Subchapter G: Procedures tells the applicant how projects are entitled. This Subchapter provides information on the County’s administrative framework and procedural workflows. Part 1 provides general information about the application process, public hearings, and notification. The subsequent parts describe the procedures for land development-related approvals, including preliminary plats, civil construction plans, and traffic impact analyses. Processes to appeal and request waivers from the Planning Commission also are set out in this Subchapter.

Subchapter H: Agencies establishes, or references York County Code or state statutes relating to, the agencies and bodies involved in administering the Land Development Code. These include the Planning and Development Services Department, Public Works Department, and Planning Commission. The County Council is the County’s legislative body, and adopts amendments to this Chapter.

Subchapter I: Enforcement establishes procedures to enforce the Land Development Code, including penalties for violations.

Subchapter J: Rules of Interpretation, Definitions, and Acronyms establishes general rules for interpreting the Land Development Code; describes how to resolve conflicts in County Codes, or with state law or federal law; and defines terms and phrases used in the Land Development Code.

Subchapter K: Legal Provisions, includes legal language such as the severability clause and the effective date.

Subchapter L: Submittal Requirements, provides the information applicants need to have a complete application that the County can process. It also cross-references fees established in other sections of the York County Code.
Purpose Statements

Many sections of the Land Development Code include a purpose statement. These statements are aids in explaining and interpreting this Chapter. They are not separate standards. They will not be used to deny or condition development, but they may be used to explain how the standards are applied. They may also include legislative findings, which provide facts that support code requirements.

DETERMINING THE REGULATIONS FOR A SPECIFIC SITE

The Land Development Code applies to all major subdivisions, including townhouse subdivisions; minor subdivisions; other land divisions; and non-residential, multi-family residential, and cottage court developments in the unincorporated areas of York County.

This Chapter works in conjunction with Chapter 155: Zoning Code. The Zoning Code establishes standards, such as setbacks, bufferyards, and parking ratios, that impact subdivision and site design. Refer to the Zoning Code Executive Summary to understand how to determine the zoning development standards applicable to a specific site.

DETERMINING WHICH PROCEDURES APPLY

Step 1

Review the requirements in Subchapter G: Procedures, Part 1: General Provisions, which are applicable to some or all of the specific procedures.

Step 2

Following Part 1, Subchapter E: Procedures establishes the requirements for each specific land development procedure. Each specific procedure includes a process workflow.

This starts with a section entitled “Applicability.” This section describes the situations where a particular process is needed. If the section applies, the reader should then consult the following sections, which describe how an application is initiated, how an application is processed, the criteria for review, and cross-references to other parts of the Land Development Code. In addition, a subsection entitled “Scope of Approval” describes the rights granted to an applicant by the approval of the permit.

If the proposed development involves the division of one lot into two or more lots or the combination of existing lots, determine whether the proposed development is:

- A minor subdivision (six or fewer lots that does not involve construction of new streets or improvements to an existing street);
- A major subdivision (seven or more lots and/or the construction of new streets or improvements to an existing street); or
- A land division subject to the individual plat process [see § 154.004(E)].
Minor subdivisions and individual plats are subject to the procedure specified in Part 2: *Minor Subdivisions and Individual Plats*.

Major subdivisions are subject to the preliminary plat, final plat, and civil construction plan procedures in Parts 4, 5, and 6.

If the proposed development does not involve the division of land and is a non-residential, multi-family, or cottage court development, the proposed development is subject to the civil construction plan procedure (Part 5).

The sketch plan procedure (Part 3) is an optional process that applicants may use to receive advice and guidance from staff prior to undertaking extensive site planning and engineering work on a proposed subdivision or land development project.

**Step 3**

For proposed developments subject to the preliminary plat or civil construction plan process, determine whether the proposed development meets the traffic impact analysis (TIA) thresholds specified in § 154.362(C).

A preliminary plat or civil construction plan application will not be deemed complete until a final approved TIA, if required, is received and approved by the Planning and Development Services Director.
SUBCHAPTER A: INTRODUCTION

Adopted February 21, 2022
Amended through June 20, 2022

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SUBCHAPTER A: INTRODUCTION

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§ 154.001 TITLE.
This Chapter is known and may be cited as the Land Development Code of York County, and may be cited and abbreviated as the “York County Land Development Code,” the “Land Development Code,” or the “LDC.”

§ 154.002 PURPOSE.
The purpose of this Chapter is to protect and promote the public health, safety, and general welfare of the County by providing for the orderly development of land within the County. These regulations are established for the following specific purposes:

(A) To implement the Comprehensive Plan;

(B) To encourage the development of an economically sound and stable County;

(C) To assure the timely provision of required streets, utilities, and other facilities and services to new developments;

(D) To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new developments;

(E) To assure the provision of needed public open space and building sites in new developments through the dedication or reservation of land for recreational, educational, and other public purposes;

(F) To assure, in general, the wise and timely development of new areas and redevelopment of previously developed areas in the County;

(G) To conserve the County’s natural and environmental resources;

(H) To preserve agricultural land and working farms; and

(I) To establish procedures for processing development applications that encourage appropriate and streamlined land use decisions.

§ 154.003 AUTHORITY.
This Chapter is adopted pursuant to the authority conferred by the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, Title 6, Chapter 29, of the South Carolina Code Annotated, as amended.
§ 154.004 APPLICABILITY.

(A) **In General.** This Chapter applies to all land divisions and land development within the unincorporated areas of York County.

(B) **Land Development.** Non-residential, multi-family residential, and cottage court developments are subject to the provisions of this entire Chapter.

(C) **Major Subdivisions.** Major subdivisions are subject to the provisions of this entire Chapter.

(D) **Minor Subdivisions.** Minor subdivisions are subject to the provisions of this entire Chapter except Subchapter B: *Subdivision and Site Design Standards* and Subchapter C: *Infrastructure Standards*.

(E) **Individual Plats for Land Divisions.**

   (1) Individual plats for the types of land divisions listed below are subject to the provisions of this entire Chapter except Subchapter B: *Subdivision and Site Design Standards* and Subchapter C: *Infrastructure Standards*.

      (a) The division of land by will or inheritance under the statute of descent and distribution;

      (b) The division of property into lots of a minimum of five acres that does not involve construction of new streets or improvements to an existing street;

      (c) The division of property for the placement of utilities. "Utilities" means unmanned facilities including electrical substations, water tanks, cellular towers, repeater stations, and the like;

      (d) The combination or recombination of portions of previously platted lots where the total number of lots is not increased. The term "previously platted" means lots platted, approved, and recorded in accordance with this Chapter or lots that were platted before the adoption of subdivision regulations; and

      (e) Family divisions of land that meet the following requirements:

         1. The property to be divided must be a minimum of ten acres prior to any division of land pursuant to this section, and must be located within the Agricultural Conservation or the Rural Development Zoning Districts;

         2. The grantor must have owned the property for a minimum of 20 years and may grant up to two exempted lots per year;

         3. Property must be conveyed by deed from the grantor to another member of the grantor’s immediate family (mother, father, children, grandchildren, brothers, sisters, and stepchildren). Individuals listed as the grantor’s spouse, aunt, uncle, cousin, in-law
or the like do not qualify. A trust or trustee for individuals under 18 years of age are not permitted for this exemption. A deed indicating property conveyance from one family member to another shall be submitted along with the plat;

4. Grantees that have previously received land from other family members or from other properties within the unincorporated areas of York County, pursuant to this family exemption, are ineligible to receive additional lots; and

5. Lots created under the family exemption shall be titled in the name of the grantee for a period of not less than three years, unless such lots are subject to involuntary transfer including, but not limited to, court order, foreclosure, death, judicial sale, condemnation, or bankruptcy.

(2) If a lot created by a land division listed in § 154.004(E)(1), above, has less than 25 feet of road frontage on an existing State or County maintained road, a 25-foot minimum access easement shall be obtained connecting the proposed lot(s) with a State or County maintained road.

(a) This easement shall be granted by deed and delineated on a plat recorded with the Clerk of Court.

(b) A disclaimer shall be placed on the plat identifying the proposed access easement as a private access easement not eligible for County road maintenance.

(3) Lots created by a land division listed in § 154.004(E)(1), above, that are less than two acres in size are required to submit written approval from the South Carolina Department of Health and Environmental Control (SCDHEC) for septic or an agency that will supply sewer. This includes the portion of the lot that is remaining if it is less than two acres.

(4) Lots created by a combination or recombination of portions of previously platted lots shall not include more than one zoning district.

§ 154.005 APPROVAL REQUIRED BEFORE CONSTRUCTION.

(A) No person shall proceed with any construction work on a proposed subdivision or land development, including grading, clearing, or grubbing, before obtaining approval of the construction plans. Construction work includes carrying out any building activity or the making of any material change in the use or appearance of any structure or land.

(B) However, prior to approval of a preliminary plat or civil construction plans, the Planning and Development Services Director may authorize limited selective clearing for the purpose of conducting an evaluation of the site for an on-site wastewater system if the clearing:

(1) Is the minimum necessary to conduct the site evaluation; and

(2) Is conducted in accordance with an approved Land Disturbance Permit for sites that are part of a Larger Common Plan (LCP), as defined by § 152.010, or for sites that are not
part of a LCP where the site evaluation activities are anticipated to disturb 10,000 square feet or more of the site.

(C) The applicant may clear sight lines for surveys and provide access for boring equipment, when necessary, if any related disturbance of the site is the minimum needed to obtain required information for the final engineering plans.

§ 154.006 APPROVAL REQUIRED FOR PLAT FILING.

(A) **Filing of Subdivision Plats.** No plat of the subdivision of land within the unincorporated areas of the County shall be filed with or recorded by the Clerk of Court until the plat has been submitted to and approved by the Planning and Development Services Director or Planning Commission, as applicable, according to the procedures set forth in this Chapter. A deed should not be recorded by the Clerk of Court involving property required to be approved as stated above, unless a plat is prepared in association with the deed and stamped approved accordingly.

(B) **Exempt Plats.** The plats listed below do not require approval by the Director prior to recording with the Clerk of Court.

    (1) Divisions or recombination of property upon court order including, but not limited to, judgements of foreclosure; and

    (2) Plats that do not create new property lines. These types of plats shall include the statement “No New Lots or Property Lines Established” and include the following:

        (a) Surveys that accurately represent approved parcels shown on the York County Zoning Map;

        (b) Surveys that are for the purpose of transferring approved parcels from one person to another;

        (c) Surveys that are for the purpose of indicating improvements found on a parcel;

        (d) Surveys that are for the purpose of indicating topography, easements, rights-of-way, record names, data, and other similar conditions; and

        (e) Surveys in which the only property line established is a County or State maintained road. Defining an existing County or State maintained road with bearings and distances is not considered establishing a new property line. This Code recognizes County and State maintained roads as property lines.
§ 154.007 APPROVAL REQUIRED FOR LAND AND INFRASTRUCTURE ACCEPTANCE.

No street, right-of-way, or land shall be accepted or maintained; nor shall any water lines, sewerage, street lighting, or similar improvements be extended or connected; nor shall any certificate of occupancy be issued by any Department of the County for any building or other improvements that has not been approved by the Director and met the requirements as prescribed by this Chapter.

§ 154.008 RELATIONSHIP TO OTHER REGULATIONS.

(A) This Chapter works in conjunction with Chapter 155: Zoning Code and the other chapters in York County Code Title XV: Land Usage to regulate the development, redevelopment, and use of land and structures in the County.

(B) The use and development of land and structures is subject to all applicable requirements of this Chapter, Chapter 155, and all other applicable requirements of the York County Code and state and federal law.

(C) In their interpretation and application, the provisions of this Chapter are considered the minimum requirements adopted for the promotion of public health, safety, comfort, convenience, and general welfare. Meeting the minimum requirements of this Chapter may not be sufficient to meet minimum requirements of Chapter 155 or other chapters of the County Code or state or federal law.

(D) When applicable regulations conflict with one another, the provisions of § 154.292: Conflicting Regulations apply.

(E) Unless exempted by Chapter 152: Stormwater Management and Sediment Control, the disturbance, grading, and/or altering of land in York County without civil construction plan approval is prohibited.

(F) Land Development Manual.

(1) The Director shall develop and maintain the York County Land Development Manual (the Development Manual) that will be reviewed and adopted by County Council, the terms, provisions, and design standards of which may be amended from time to time by County Council.

(2) The Development Manual shall serve as guidance for the design, construction, and maintenance of land development activities. The Development Manual shall be used to assist in the design and evaluation of land development projects in York County. The Development Manual will include additional guidance on matters addressed by this Land Development Code, including tree conservation, landscaping, the design of streets, curbs, driveways, sidewalks, and pedestrian paths.
(3) Although the intention of the Development Manual is to establish uniform design practices, it neither replaces the need for engineering and planning judgment nor precludes the use of information not presented.

§ 154.009 RESERVED.

§ 154.010 RESERVED.

§ 154.011 RESERVED.

§ 154.012 RESERVED.

§ 154.013 RESERVED.

§ 154.014 RESERVED.
# SUBCHAPTER B: SUBDIVISION AND SITE DESIGN STANDARDS

Adopted February 21, 2022
Amended through July 17, 2023

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### SUBCHAPTER B: SUBDIVISION AND SITE DESIGN STANDARDS

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SUBCHAPTER B: SUBDIVISION AND SITE DESIGN STANDARDS

PART 1: GENERAL PROVISIONS

§ 154.015 PURPOSE.

The Purpose of this Subchapter is to establish standards for the subdivision of land and design of individual development sites in accordance with the goals and strategies of the Comprehensive Plan. Specifically, these regulations implement the policy of achieving quality new development throughout York County by utilizing thoughtful site planning in the urbanizing areas and context sensitive design solutions to preserve the rural character and integrity of the natural landscape.

§ 154.016 APPLICABILITY.

The standards established in this Subchapter shall apply to all land subdivision and site development activity within the jurisdiction of the York County Land Development Code.

§ 154.017 LAND SUITABILITY.

(A) The Planning Commission shall not approve a subdivision where the soil conditions have been determined by SCDHEC as not suitable for the development proposed.

(B) Lands subject to flooding shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life, or property or aggravate erosion or flood hazard.

§ 154.018 SITE ALTERATION.

(A) Infrastructure shall be designed to minimize the alteration of site topography.

(B) Infrastructure shall:

(1) Accommodate natural grades to the maximum feasible extent;

(2) Minimize the removal of existing ground cover and subsoil; and

(3) Minimize the importation of fill material.

§ 154.019 RESERVED.

§ 154.020 RESERVED.

§ 154.021 RESERVED.
§ 154.022 RESERVED.

§ 154.023 RESERVED.

§ 154.024 RESERVED.
PART 2: SITE DESIGN

§ 154.025 PURPOSE.

The purpose of this Part is to establish a common set of site design standards for non-residential and multi-family development projects that ensures a higher quality development outcome through careful site planning and consideration of the relationship of buildings to each other, the adjacent street network, and the supporting on-site infrastructure.

§ 154.026 APPLICABILITY.

(A) The standards in this Part apply only to non-residential and multi-family developments.

(B) Table 154.026-1: Applicability of Site Design Standards generally summarizes the applicability of the standards in this Part.

<table>
<thead>
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<th>Table 154.026-1: Applicability of Site Design Standards</th>
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<tbody>
<tr>
<td>General Parking Area Design Standards</td>
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<tr>
<td>All non-residential and multi-family developments</td>
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<tr>
<td>Buildings and developments in any zoning district with more than 50 parking spaces</td>
</tr>
<tr>
<td>All individual buildings and developments in the RC District with more than 100 parking spaces</td>
</tr>
<tr>
<td>All developments containing one or more primary buildings and subordinate pad sites / outparcels</td>
</tr>
<tr>
<td>All structures that contain any use or operation with associated drive-through service</td>
</tr>
</tbody>
</table>

Key: ● = the site design standard applies


§ 154.027 GENERAL PARKING AREA DESIGN STANDARDS.

(A) Entrances and Exits.

(1) Curbing shall be provided along parking area boundaries to control entrance and exit of vehicles and pedestrians.

(2) All parking facilities shall be designed so that all exiting movements onto a public street are in a forward motion.

(B) Separation from Walkways and Streets. Off-street parking spaces shall be separated from walkways, sidewalks, streets, alleys, and required yards by a wall, fence, or curbing.

(C) Parking Space Dimensions. Table 154.027-1: Parking Space Dimensions specifies the minimum width, length, and aisle separation requirements for all parking spaces.

<table>
<thead>
<tr>
<th>Type of Parking Space</th>
<th>Width (min)</th>
<th>Length (min)</th>
<th>Aisle Separation (min)</th>
</tr>
</thead>
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<tr>
<td>Perpendicular or Angled, without wheel stops</td>
<td>9 ft</td>
<td>19 ft</td>
<td>--</td>
</tr>
<tr>
<td>Perpendicular or Angled, with wheel stops</td>
<td>9 ft</td>
<td>17 ft</td>
<td>--</td>
</tr>
<tr>
<td>Parallel</td>
<td>9 ft</td>
<td>24 ft</td>
<td>--</td>
</tr>
<tr>
<td>Accessible</td>
<td>8 ft</td>
<td>18 ft</td>
<td>5 ft</td>
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Key: min = minimum required | ft = feet | -- = not applicable

1 Where wheel stops are provided, vehicle overhangs shall not extend into required buffers, bufferyards, required landscape areas, required sidewalks, or other similar areas.

(D) Accessible Parking Spaces. The minimum required number of accessible parking spaces for non-residential and multi-family residential parking lots is based on the total number of parking spaces provided and is established by the Building Code.

(E) Parking Space Surfacing and Marking.

(1) Surfacing.

(a) Except as provided in § 154.027(E)(1)(b) below, all required off-street parking spaces shall be surfaced with an impervious, all-weather material, such as asphalt, concrete, or bituminous surface treatment, as specified in the Land Development Manual.

(b) In the PR district and for the uses listed below (when located in any district), driveway aprons and accessible parking spaces and associated ingress/egress
walkways shall be paved. Other required parking areas may be constructed of pervious materials.

1. Agriculture and natural resources uses;
2. Agritourism uses;
3. Amusement or theme parks;
4. Bed and breakfasts;
5. Churches and religious institutions;
6. Event venues;
7. Fairgrounds; and
8. Motor vehicle, recreational vehicle, or boat storage facilities;

(2) **Marking.** Parking spaces shall be marked by painted lines to indicate individual spaces, as specified in the Land Development Manual. Signs or markers shall be used as necessary to ensure efficient traffic circulation on the lot.

(F) **Electric Vehicle Charging Stations.**

(1) Electric vehicle charging stations may be incorporated into parking lots.

(2) Electric vehicle charging stations count towards the minimum or maximum number of parking spaces required or allowed on a lot.

(3) Electric vehicle chargers shall be:

   (a) Located in a parking lot island;

   (b) Mounted to a structure; or

   (c) Protected by bollards, curbs, or other structures.

(4) Electric vehicle chargers shall not obstruct vehicular or pedestrian circulation.

(G) **Parking Lot Lighting.** If off-street parking spaces will be used at night, adequate lighting shall be provided in accordance with Zoning Code Subchapter D, Part 4: *Outdoor Lighting*.

(H) **Drainage and Maintenance.**

(1) Off-street parking facilities shall be properly graded for drainage to prevent damage to abutting property and public streets and alleys.
(2) The lot owner or tenant shall maintain off-street parking areas in a clean, orderly, and weed-free condition.

(3) Off-street parking facilities shall not be used for the sale, repair, dismantling, or servicing of any vehicles or equipment.

§ 154.028 PARKING AREA LANDSCAPING.

(A) Landscaping Required. Parking areas shall be landscaped with a mixture of trees, shrubs, grasses, and groundcovers in accordance with the following standards:

(1) Location. Landscaped areas and islands shall:

(a) Be dispersed throughout the parking area so that parking stalls do not exceed more than 15 consecutive stalls without an island break; and

(b) Not be placed around the parking area perimeter.

(2) Minimum Area. Each landscaped area or island shall have a minimum planting area of 280 square feet.

(3) Shrubs, Grasses, and Groundcover.

(a) An area equal to at least 5% of the total impervious surface area on a lot shall be planted with shrubs, grasses, and groundcovers selected from the Approved Species List.

(b) An appropriate mixture of shrubs, grasses, and groundcover shall cover a minimum of 50% of the landscaped area at full maturity. The designated areas shall be planted utilizing industry-standard spacing requirements per plant species to ensure the required coverage is obtained.

(c) Groundcovers may not consume more than 30% of the dedicated area.

(d) Turfgrasses are not allowed in landscaped areas.

(4) Tree Planting.

(a) Each landscaped area or island shall include at least one tree of at least two inches caliper at the time of planting.

(b) Trees shall be planted so that each parking space is no more than 50 feet from a tree trunk.

(c) At least 75% of trees planted in parking areas shall be large-maturing trees selected from the Approved Species List. Small-maturing trees may only be used near front entrances of buildings and along pedestrian walkways.
(d) Multi-stem trees are prohibited in parking area islands and bulb-outs as they can restrict sight lines within the parking area.

(5) **Preservation of Existing Vegetation.**

(a) The natural landscape must be preserved in all possible instances.

(b) Wherever healthy plant material exists on a site, the minimum planting standards may be adjusted for the plant material, if the existing plant material otherwise meets the requirements in this Section.

(B) **Parking Areas Adjacent to Arterial Roads.**

(1) In addition to the other standards in this Section, all non-residential and multi-family residential parking areas with more than 20 spaces and located adjacent to an arterial road shall be screened from public view by providing a continuous hedge.

(2) The screening shall be located immediately adjacent to the parking stalls and may be included within the right-of-way bufferyard area.

(3) Screening shall consist of evergreen shrubs, planted at a minimum height of 24 inches, with a spread of at least 24 inches, and planted no further apart than four feet on-center.

(4) The selected shrubs species shall be maintained to a maximum height of four feet.

(C) **Maintenance Standards.**

(1) Landscaped areas must be maintained in good condition and kept free of dead plants, weeds, or debris.

(2) Failure to maintain or replace dead, damaged, or diseased plant material within 30 days of notification will constitute a violation of this Section.

(3) If a catastrophic event occurs that destroys a large quantity of vegetation, the owner or lessee must replant within a reasonable time period determined by the Director, normally during the next planting season, which is November through March. Replaced plant material must be in compliance with the minimum size, spacing, and quantity standards of this Part.

§ 154.029 **RELATIONSHIP OF BUILDINGS TO PARKING AREAS.**

The following standards shall apply to the location of buildings in relation to parking areas serving them:
(A) The following standards shall apply to developments in any base zoning district that provide more than 50 parking spaces, with the exception of the RC district, where the threshold for applicability is more than 100 parking spaces:

(1) No more than 40% of the parking spaces provided within a development may be located between the front façade of a building within the development and an abutting street, except as provided in § 154.029(A)(2), below.

(2) In developments containing multiple buildings with outparcels / pad sites, more than 40% of the parking spaces provided may be located in the area between the outparcels / pad sites and buildings located toward the rear of the development, provided that the buildings on the outparcels / pad sites occupy a minimum of 50% of the length of the abutting street frontage and all parking is located to the side or rear of the buildings on the outparcels / pad sites.

(B) Within areas designated as a Special District, no parking shall be permitted between the façade of the primary building(s) on a site and the abutting street, except as specified in § 154.029(C), below.

(C) Developments containing multiple buildings that are required to provide more than 100 parking spaces, combined, may provide parking between the primary building façade and an abutting street, if:

(1) The parking area is screened by buildings occupying at least 80% of the abutting street frontage; and

(2) All parking is located to the rear of the buildings screening the parking area.
Figure 154.029–1: Parking Between Front Façade and Abutting Street Restricted to 40%
§ 154.030 LARGE PARKING AREA AND CIRCULATION DESIGN STANDARDS.

(A) Individual buildings and developments providing more than 50 parking spaces shall comply with the following standards, with the exception of parking areas associated with buildings in the RC District, which shall be required to meet these standards if 100 or more spaces are provided.

(1) Landscaped medians measuring at least eight feet in width as measured from back of curb to back of curb shall be installed between every third parking aisle. The landscaped median shall include ground cover and at least one tree at intervals of 30 feet, which may be counted towards other required landscaping on the site.

(2) No parking space or parking access aisle shall take access from an entry drive within 60 feet of the entry drive’s intersection with a collector or arterial street;

(3) For parking areas that measure 300 feet or more in width as measured parallel to the fronting street:

(a) One landscaped pedestrian path with a paved sidewalk measuring at least eight feet in width and located outside of the driveways and parking aisles shall be constructed for each 300 feet in frontage;
(b) The landscaped strip along the walkway shall measure at least eight feet in width on each side of the walkway. The strip shall include ground cover and at least one tree staggered on each side of the walkway at intervals of 30 feet, which may be counted towards other required landscaping on the site;

Figure 154.030–1: Separated Pedestrian Paths Through Parking Areas More than 300 ft. in Width

(c) The pedestrian walkway shall extend from the sidewalk along the fronting street to the largest (principal) building on the site and shall connect all other buildings and pad sites with the principal building;

(d) The walkway shall be approximately equally spaced between side streets; and

(e) Where the pedestrian walkway crosses a driveway or parking aisle, the walkway shall be constructed in a texture and color that is distinct from the texture and color of the driveway or parking aisle.

(4) An unobstructed sidewalk measuring at least eight feet in width shall be constructed along the full length of all building walls containing an entrance. Additional width shall be required if the sidewalk is used for seating, displays, or other purposes.
§ 154.031 SITE DESIGN STANDARDS FOR PAD SITES.

(A) **In General.** Developments containing one or more primary buildings and subordinate pad sites / outparcels shall be developed as an integrated unit that respects the context of the overall site in terms of both layout and architectural consistency.

(B) **Building Orientation on Pad Sites.** The primary entrance to pad site buildings shall be oriented in the context-dependent manner specified below:

1. To the maximum extent practical, buildings on pad sites shall be situated in a manner that creates consistent edges along streets and provide safe and convenient pedestrian connections between buildings.

2. Buildings on pad sites shall be oriented toward the abutting street sidewalk, and shall have parking provided along the side and/or rear of the building.

(C) **Connections Between Pad Sites.** Spaces between adjacent pad site buildings shall provide pedestrian connections and amenities between sites. Examples include: a landscaped pedestrian walkway linking customer entrances between pad site buildings, a public seating or outdoor eating area, sculptures or fountains, or other amenities approved by the Planning and Development Services Director.

§ 154.032 ENTRANCE STACKING.

(A) **Applicability.** This Section applies to all vehicular entrances to developments and parking areas.

(B) **Minimum Stacking Distance.** A stacking distance of at least the minimum specified in Table 154.032-1: *Vehicle Stacking at Entrances* shall be provided at the entrance to a parking area or development, between the lot line at the point of access and the first parking space, entry gate, perpendicular drive aisle, or internal street, as applicable.

<table>
<thead>
<tr>
<th>Number of Parking Spaces</th>
<th>Stacking Distance (min)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 49</td>
<td>40 ft</td>
</tr>
<tr>
<td>50 to 99</td>
<td>60 ft</td>
</tr>
<tr>
<td>100 to 499</td>
<td>80 ft</td>
</tr>
<tr>
<td>500 to 999</td>
<td>100 ft</td>
</tr>
<tr>
<td>1,000 or more</td>
<td>120 ft</td>
</tr>
</tbody>
</table>

*Key: min = minimum required | ft = feet*

§ 154.033 VEHICLE QUEUING.

(A) **Applicability.** This Section applies to:
(1) Any use or operation with associated drive-through service; and

(2) Any child or adult day care center.

(B) Vehicle Queuing Lanes.

(1) Minimum Length.

(a) All facilities subject to this Section shall provide a vehicle queuing lane or lanes with a minimum length in accordance with Table 154.033-1: Vehicle Queuing Lane Lengths.

(b) The total minimum length of a queuing lane is specified by the number of vehicles the lane must accommodate. The standard length of one vehicle is 21 feet.

(c) A queuing lane is measured as the linear distance between the queuing lane entrance and the drive-through service area or, for day care centers, the designated client drop-off location.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Number of Cars (per lane)</th>
<th>Length (min)</th>
</tr>
</thead>
<tbody>
<tr>
<td>ATM (Standalone)</td>
<td>3</td>
<td>63 ft</td>
</tr>
<tr>
<td>Bank (ATM or Teller Window)</td>
<td>4</td>
<td>84 ft</td>
</tr>
<tr>
<td>Car Wash (Automatic)</td>
<td>5</td>
<td>105 ft</td>
</tr>
<tr>
<td>Car Wash (Full Service)</td>
<td>8</td>
<td>168 ft</td>
</tr>
<tr>
<td>Car Wash (Self-Service)</td>
<td>2 per bay</td>
<td>42 ft</td>
</tr>
<tr>
<td>Day Care Center</td>
<td>2 for centers that serve up to 25 clients, plus 1 for each additional 25 clients</td>
<td>42 ft</td>
</tr>
<tr>
<td>Pharmacy</td>
<td>6</td>
<td>126 ft</td>
</tr>
<tr>
<td>Restaurant, with One Drive-Through Lane</td>
<td>8</td>
<td>168 ft</td>
</tr>
<tr>
<td>Restaurant, with Two Drive-Through Lanes</td>
<td>4</td>
<td>84 ft</td>
</tr>
<tr>
<td>Retail or Service (not otherwise listed)</td>
<td>3</td>
<td>63 ft</td>
</tr>
<tr>
<td>Vehicle Repair (Quick Service, such as oil changes)</td>
<td>3 per bay</td>
<td>63 ft</td>
</tr>
</tbody>
</table>

Key: min = minimum required | ft = feet

(2) Minimum Width. Vehicle queuing lanes shall be at least 10 feet in width, excluding curbs.
(3) **Location.** Vehicle queuing lanes:

(a) Shall be located entirely on the lot containing the use or operation subject to this Subpart;

(b) Shall not encroach into any public right-of-way;

(c) Shall be clearly marked; and

(d) Shall not interfere with or degrade the function of parking spaces, drive aisles, loading areas, internal circulation, driveway access, or fire lanes.

(4) **Queuing Lane Bypass.**

(a) Vehicle queuing lanes shall be designed so that vehicles may exit the queuing lane at any point. This may be accomplished by locating the vehicle queuing lane on one side of a parking area drive aisle or through the use of a separate bypass lane located adjacent to the queuing lane.

(b) Where two parallel queuing lanes are provided, only one bypass lane is required.

(5) **Pedestrian Crossing Areas.** Pedestrian areas that cross a vehicle queuing lane shall be provided with a sign and clearly painted, stamped, or constructed with alternative materials.

§ 154.034 RESERVED.

§ 154.035 RESERVED.

§ 154.036 RESERVED.

§ 154.037 RESERVED.

§ 154.038 RESERVED.

§ 154.039 RESERVED.
PART 3: BLOCK AND LOT LAYOUT

§ 154.040 PURPOSE.

The purpose of this Part is to establish general standards for the design and layout of blocks and lots created through the land subdivision process.

§ 154.041 APPLICABILITY.

These standards shall apply to all proposed subdivisions of land subject to the jurisdiction of the York County Land Development Code.

§ 154.042 LOT STANDARDS.

(A) Street Access. Every lot created under this Ordinance shall front upon or abut a legally established public or private street that meets the design and construction standards established Subchapter C: Infrastructure Standards. This standard shall not apply to:

   (1) Individually platted lots within a Cottage Court;

   (2) Minor subdivisions with three lots or fewer (see Subchapter C, Part 3, § 154.110: Residential Driveway Access); or

   (3) Parcels within a non-residential subdivision that have a cross-access easement guaranteeing the right of access to a public street.

(B) Irregular Lot Shapes. Lots shall be generally rectangular in shape. Unnecessarily curved, triangular, or excessively jagged (zig-zag) lot shapes are discouraged.

(C) Lot Orientation. All new lots shall be designed to face the primary street frontage. Wherever feasible, lots shall be arranged so that the rear line does not abut the side line of an adjacent lot.

(D) Side Lot Lines. To the greatest extent practical, side lot lines shall be at approximate right angles to straight street lines or radial to curved street lines.

(E) Minimum Lot Dimensions. All lots shall meet the minimum dimensional standards for the zoning district in which they are located, as established in Zoning Code Subchapter B, Subpart 2.2: Base District Dimensional Standards, or the applicable standards imposed by a Special District or Overlay District.

(F) Flag Lots. Flag lots shall meet the following standards:

   (1) Flag lots are prohibited within major single-family residential subdivisions and in all cases within the RMX Districts.
(2) No flag lot may be separated from the road from which it takes access by more than one intervening lot (see Figure 154.042-1).

\textit{Figure 154.042-1: Flag Lot Road Frontage Separation}

(3) The “flagpole” portion of the lot shall not begin less than 100 feet from the right-of-way from which it takes access, shall be a minimum of 50 feet in width, and shall not extend more than 300 feet from the right-of-way from which access is taken. All flag lots shall meet the zoning district minimum lot width at the street right-of-way. See Figure 154.042-2.
(4) Where more than one “flagpole” section of a lot meets at the right-of-way line, no more than one driveway access point shall be permitted to serve the two adjacent flag lots (see Figure 154.042-3).

Figure 154.042-2: Flag Lot Flagpole Standards

Figure 154.042-3: Flag Lot Shared Access Requirements
(G) **Through Lots (Double Frontage Lots).** The creation of through lots within major single-family residential subdivisions shall be prohibited except in the following circumstances:

1. Through lots located along the exterior of a subdivision adjacent to an existing road are permitted, provided that driveway access is only permitted from such lots to the new internal street.

2. Through lots adjoining a rear alley are permitted, provided that driveway access is only permitted from the alley.

(H) **Jurisdictional Boundaries.** Lots shall be designed, to the extent practical, to not cross jurisdictional boundaries, such as being split between County jurisdiction and the jurisdiction of a municipality.

§ 154.043 **BLOCK LAYOUT**

(A) **Street Network Coordination.** Blocks shall be designed and platted in a manner that provides for an integrated street system that is coordinated with the surrounding street network.

(B) **Residential Block Design.** Residential blocks shall generally be designed in a manner that permits the development of two rows of lots, back-to-back, within each block, unless the block is located along the perimeter of the development tract or abuts a major watercourse, rail line, or major road right-of-way along the rear of the block.

(C) **Block Orientation.** Residential blocks shall be generally oriented so that their short side is oriented toward the higher capacity road, while non-residential blocks shall be generally oriented so that their longer side is oriented to the higher capacity road.

(D) **Integration of Open Space.** Where included within a development, blocks should be designed and oriented to frame open spaces, such as a square or park.

(E) **Mid-Block Connections.** All blocks within a residential subdivision that are 800 feet in length or longer shall include a mid-block pedestrian connection between the opposite block faces. Such connection shall be situated within a dedicated open space area with a minimum width of 20 feet, and shall be aligned to form a continuous pedestrian path through adjacent blocks.

(F) **Block Length.** The following block length standards shall apply in the applicable circumstances:

1. Block lengths within single-family residential subdivisions shall be governed by the standards in Table 154.043-1 below:
Table 154.043-1: Single-Family Residential Block Length Standards

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Maximum Length (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>AGC, AGC-I</td>
<td>None</td>
</tr>
<tr>
<td>RUD, RUD-I</td>
<td>1,200</td>
</tr>
<tr>
<td>RSF-40, RSF-30</td>
<td>1,000</td>
</tr>
<tr>
<td>RMX-20</td>
<td>800</td>
</tr>
<tr>
<td>RMX-10, RMX-6</td>
<td>600</td>
</tr>
</tbody>
</table>

(2) Blocks designed for non-residential development along major streets shall be designed to meet the minimum street intersection spacing standards in the [SCDOT Access and Roadside Management Standards](#).

(G) **Reserve Strips Prohibited.** The platting of reserve strips or similar impediments to the extension of development between adjacent tracts is prohibited. Where a bufferyard is required on the external perimeter of a subdivision, the bufferyard shall include breaks to provide for future street connections at such locations where a street stub is required under Subchapter C, Part 2, § 154.049(E): *Access to Adjacent Properties*. Perimeter bufferyard plantings shall not be required along the width of the dedicated right-of-way in these locations.

§ 154.044 RESERVED.

§ 154.045 RESERVED.

§ 154.046 RESERVED.

§ 154.047 RESERVED.

§ 154.048 RESERVED.

§ 154.049 RESERVED.
PART 4: TOWNHOUSE SUBDIVISIONS

§ 154.050 PURPOSE.

The purpose of this Part is to establish additional standards for the design and development of townhouse subdivisions.

§ 154.051 APPLICABILITY.

The standards contained in this Part shall apply to all proposed townhouse subdivisions subject to the jurisdiction of the York County Land Development Code.

§ 154.052 DESIGN STANDARDS.

(A) Block Length. The maximum block length in a townhouse subdivision shall be 400 feet for developments where front-loaded driveway access is provided and 600 feet where rear-loaded driveway access is provided via an alley that provides at least one mid-block access point.

(B) Sublot Access. Each sublot within a townhouse subdivision shall be provided with driveway access from either a public or private street or an alley. Where a townhome sublot is less than 24 feet wide, access may only be taken from the rear of the sublot.

(C) Front-Loaded Driveway Standards.

    (1) Where driveway access is provided to the front of a sublot within a townhouse subdivision, each driveway shall be separated from each other driveway by a minimum of eight feet, and shall be designed in a manner to provide the maximum practical separation from driveway edge to driveway edge.

    (2) Driveway width shall be no more than 18 feet within the right of way, and 20 feet at any point within a given property.

    (3) Front-loaded garages must be flush with or recessed from the front façade (habitable area).

    (4) Garage doors facing a street or open space must be recessed within the façade and include windows and detailing elements to create visual interest.

(D) Sublot Separation. The rear property lines of all sublots and exterior side property lines of each individual group of contiguous sublots within a townhouse subdivision shall be separated by a minimum distance of 20 feet (see Figure 154.052-1).
(E) **Sublot Outdoor Living Area.** An outdoor living area shall be provided upon each sublot within a Townhouse Subdivision in accordance with the following standards:

1. The total outdoor living area must be the product of 12 feet multiplied by the width of the lot. (For example, a 24-foot-wide lot would require a 288 square foot outdoor living area.)

2. The minimum depth of any outdoor living area must be six feet.

3. The required total area must be contiguous, except where the total area is divided between the levels of a two-story front porch.

4. The outdoor living area must be clearly delineated from common areas with a fence or a hedge. Parking areas, sidewalks, walkways, and driveways do not count towards this requirement.

(F) **Relationship to Open Space.** In addition to the open space requirements of Subchapter D, Part 3: *Open Space*, when open space is required as part of a townhouse subdivision, at least 10% of the dwelling units of the overall development must front onto open space that is interior to the development. This percentage may be reduced if the opportunities to front appropriately designed common open spaces have been maximized, but this percentage cannot be reasonably met.

1. Streets and buildings should be arranged to frame open space to the maximum extent practicable.

2. Dwelling units that are separated by a street from an open space may be included in the 10% requirement.

3. Required open space areas must have a minimum width and depth of at least 40 feet, excluding right-of-way. Areas that are at least 20 feet wide and that have hard surface trails at least five feet wide connecting at least two points in a sidewalk system may also count towards required open space area.

(G) **Off-Street Parking.**
(1) **Off-Street Parking Areas.**

   (a) Each single-family attached development shall provide guest parking areas at a rate of one space for every three units.

   (b) Off-street parking areas and drive aisles must be screened from public view with a decorative wall or hedging that is at least four feet tall.

   (c) Off-street parking areas must be no more than 500 feet from the entrance to any dwelling within the townhouse building that the parking serves.

(2) The parking or storage of trailers, boats, recreational vehicles, or other major recreational equipment must either be prohibited through covenants, rules, and restrictions, or must be provided in a parking area separate from regular automotive parking for the residents. Such parking areas do not count towards required off-street parking spaces.

(H) **Perimeter Bufferyards.** Townhouse subdivisions shall provide a perimeter bufferyard between the development and adjacent properties in accordance with Zoning Code Subchapter D, Part 3, Subpart 3.3: *Perimeter and Right-of-Way Bufferyards.*

(I) **Pedestrian Walkways.**

   (1) Continuous internal pedestrian walkways must be provided to connect dwellings in the development to each other, guest and off-street parking areas, neighborhood amenities, and to the public sidewalk system.

   (2) At least one internal pedestrian walkway with a minimum width of five feet must be provided from the primary building entrance(s) to the public sidewalk system at a major connection point. In the case of corner lots, a connection must be made to the sidewalk of both streets.

   (3) Where a trail network runs through or adjacent to a townhome subdivision, the pedestrian walkways must connect to it.

(J) **Centralized Mail Facility.** Townhouse subdivisions shall provide a centralized mail facility in accordance with the standards of Subchapter C, Part 6: *Centralized Mail Delivery.*

(K) **Solid Waste.** Communal solid waste collection points shall be established for all townhouse subdivisions that provide front-loaded driveway access. Where such facility is required or provided, no sublot shall be located more than 500 feet from the most distant solid waste collection point.

§ 154.053 RESERVED.

§ 154.054 RESERVED.

§ 154.055 RESERVED.
§ 154.056 RESERVED.
§ 154.057 RESERVED.
§ 154.058 RESERVED.
§ 154.059 RESERVED.
PART 5: CLUSTER SUBDIVISIONS

§ 154.060  PURPOSE.

(A)  General. The value of conserving natural resources, reducing the application of mass clearing and grading, and increasing the amount of open space in new subdivisions is recognized as an important consideration in subdivision development and design. Therefore, a cluster subdivision is a permitted development design alternative to a conventional subdivision.

(B)  Cluster Subdivisions. A cluster subdivision is the grouping of dwelling units within a development site, permitting a reduction in the otherwise applicable lot size, while preserving substantial open space on the remainder of the parcel.

(C)  Cluster Subdivision Design:

   (1)  Encourages the designation and protection of open space in new subdivisions;

   (2)  Preserves existing, healthy vegetation and wildlife habitat;

   (3)  Maintains existing wooded areas along roads;

   (4)  Protects water quality;

   (5)  Reduces infrastructure construction and maintenance costs;

   (6)  Reduces demand for publicly funded open space;

   (7)  Provides a wider range of feasible sites to locate stormwater BMPs;

   (8)  Reduces soil erosion and forest fragmentation by reducing the amount of clearing and grading on the site; and

   (9)  Reduces the impervious cover in a development.

§ 154.061  APPLICABILITY.

The cluster subdivision provisions may be utilized for the design and construction of a subdivision in any of the base residential zoning districts.

§ 154.062  MINIMUM OPEN SPACE REQUIREMENT.

(A)  Cluster Subdivisions shall provide the amount of open space as set forth in Subchapter D, Part 3, Table 154.182-1: Minimum Amount of Open Space Required in Base Districts.

(B)  All required open space shall meet the standards established in Subchapter D, Part 3: Open Space.
§ 154.063 GENERAL DESIGN STANDARDS.

(A) Cluster Groups. Residential lots within cluster subdivisions shall be designed within a series of one or more cluster groups in accordance with the following standards (see Figure 154.063-1 for a concept illustration):

(1) Dwellings shall be located in distinct cluster groups of 15 or fewer dwellings.
   
   (a) The Planning Commission may approve up to 20 dwellings to be located within a distinct cluster group if it is found that the increase furthers cluster subdivision design principles, as outlined in § 154.060(C).

(2) Cluster groups shall be visually defined and separated by open space, utilizing existing vegetation, topography, or other natural features whenever feasible.

(3) A cluster group is defined by the outer perimeter of contiguous lots and abutting streets and open space.

(4) Cluster groups shall be located a minimum of 200 feet from existing public roads and other cluster groups, as measured from the closest lot line in a cluster group.
   
   (a) The Planning Commission may reduce the minimum separation distances for a cluster group if it is found that the decrease(s) further cluster subdivision design principles, as outlined in § 154.060(C). In no event shall the minimum separation be lower than 100 feet.

(5) All lots in a cluster group shall abut open space to the front or rear. This includes open space located directly across a street from a lot.

(B) Pedestrian Network. Cluster subdivisions shall include an interconnected pedestrian network comprised of sidewalks and multi-use trails that meet the following requirements.

(1) Sidewalks. Sidewalks shall be provided on both sides of roads within a cluster group to connect lots and open space.

(2) Multi-Use Trails. Multi-use trails may be located on one or both sides of the road and shall:
   
   (a) Be located in open space areas between cluster groups;
   
   (b) Connect to the sidewalks located in cluster groups;
   
   (c) Have a minimum width of ten feet; and
   
   (d) Be covered by a pedestrian easement.
(3) **Connectivity.** The pedestrian network within a cluster subdivision shall be designed to meet the following standards:

(a) Sidewalks and multi-use trails shall provide a continuous pedestrian network throughout a cluster subdivision.

(b) The pedestrian network shall connect to all existing sidewalks or multi-use trails that abut the cluster subdivision boundary.

(c) At least one sidewalk or multi-use trail shall extend to the cluster subdivision boundary at each subdivision entrance and connect with the existing sidewalk, if present.

(d) Where property adjacent to the cluster subdivision is undeveloped, a sidewalk or multi-use trail shall extend to the property line to provide at least one connection to each adjacent undeveloped property.
(C) **Perimeter Bufferyards.** Cluster subdivisions shall provide a perimeter bufferyard between the development and adjacent properties in accordance with Zoning Code Subchapter D, Part 3, Subpart 3.3: *Perimeter and Right-of-Way Bufferyards.*

§ 154.064 RESERVED.

§ 154.065 RESERVED.

§ 154.066 RESERVED.

§ 154.067 RESERVED.

§ 154.068 RESERVED.

§ 154.069 RESERVED.
PART 6: COTTAGE COURTS

§ 154.070 PURPOSE.

The purpose of this Part is to establish development standards for cottage courts to supplement the general use and zoning standards established for developments of this type in Subchapter B Part 2, Subpart 2.2: Base District Dimensional Standards and Subchapter C, Part 3, Subpart 3.11: Cottage Courts of the Zoning Code.

§ 154.071 APPLICABILITY.

These standards shall apply to all proposed developments designed as a cottage court, as defined in the Zoning Code, and shall apply equally to cottage courts designed with individual lots and those designed to be under common ownership. Cottage courts may be developed individually, as a series of two or more individual cottage courts, or may be included within a larger common development plan, as either a separate component of the development or included within a conventional neighborhood.

§ 154.072 GENERAL SITE DESIGN STANDARDS.

(A) Site Design. Cottage courts shall be designed with individual dwelling units/ lots surrounding and fronting upon a central courtyard that is adjacent to the primary roadway.

(B) Open Space. The central courtyard shall contain the minimum required open space for the site as set forth in Subchapter D, Part 3, Table 154.102-1: Minimum Amount of Open Space Required in Base Districts.

(C) Courtyard Requirements. The following shall govern the design and use of central courtyards in cottage courts.

(1) Courtyards shall be designed as a single, contiguous open space.

(2) Courtyards shall have a minimum width of 50 feet along the primary street frontage.

(3) No portion of the courtyard shall have a dimension (length or width) of less than 20 feet at any point.

(4) A continuous pedestrian path meeting the minimum standards of the York County Land Development Manual for on-street sidewalks shall run through the courtyard and connect each dwelling unit to each other, any common structure, the adjacent street sidewalk, and to the parking area(s) provided for the development.

(5) Parking and vehicular access within courtyards is prohibited.
(D) **Access.** The only permitted means of vehicular access to a cottage court shall be from an alley that provides access to the side(s) and/or rear of the cottage court. Direct access from a public street to an individual lot or dwelling unit within a cottage court is prohibited.

(E) **Parking.** Off-street parking shall be provided in accordance with the standards established in Zoning Code Subchapter D, Part 5: *Parking.* Where desired, the developer may construct carports, detached garages, or other detached covered enclosed parking structures to serve the dwelling units in the cottage court. All parking areas and structures shall be located off of an alley serving the cottage court.

(F) **Solid Waste.** A single solid waste collection point shall be established for the cottage court, which shall be located at the rear alley access, and preferably collocated with the off-street parking area.

(G) **Centralized Mail Facility.** Cottage courts shall provide a centralized mail facility in accordance with the standards of Subchapter C, Part 6: *Centralized Mail Delivery.*

§ 154.073 RESERVED.

§ 154.074 RESERVED.

§ 154.075 RESERVED.

§ 154.076 RESERVED.

§ 154.077 RESERVED.

§ 154.078 RESERVED.

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<th>PURPOSE.</th>
</tr>
</thead>
<tbody>
<tr>
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<td>APPLICABILITY.</td>
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</tr>
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</tr>
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</tr>
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<td>§ 154.163</td>
<td>RESERVED.</td>
</tr>
<tr>
<td>§ 154.154</td>
<td>RESERVED.</td>
<td>§ 154.164</td>
<td>RESERVED.</td>
</tr>
</tbody>
</table>
§ 154.080 PURPOSE.

The purpose of this Subchapter is to establish the standards for infrastructure that is required to be installed in conjunction with development and redevelopment activity in York County. These standards are intended to ensure that new projects provide consistent and high-quality infrastructure to facilitate the development and use of property.

§ 154.081 APPLICABILITY.

The standards established in this Subchapter shall apply to all development and redevelopment activity within the jurisdiction of this Ordinance.

§ 154.082 LAND DEVELOPMENT MANUAL.

The York County Land Development Manual supplements and establishes the minimum design and construction standards for the infrastructure required under this Subchapter, and is incorporated herein by reference.

§ 154.083 TRAFFIC IMPACT ANALYSIS.

Where a Traffic Impact Analysis (see LDC Subchapter G, Part 7: Traffic Impact Analysis), establishes mitigation requirements that exceed or are different from the standards of this Subchapter or the York County Land Development Manual, the required mitigation measures determined in the Traffic Impact Analysis shall control the design and construction of such improvements.

§ 154.084 RESERVED.

§ 154.085 RESERVED.

§ 154.086 RESERVED.

§ 154.087 RESERVED.

§ 154.088 RESERVED.

§ 154.089 RESERVED.
PART 2: STREETS

§ 154.090 PURPOSE.

The purpose of this Part is to establish the minimum standards for the design and construction of public and private streets built or improved in conjunction with development activity in York County.

§ 154.091 APPLICABILITY.

These standards shall apply to the design and construction of all streets subject to the jurisdiction of this Ordinance.

§ 154.092 GENERAL PROVISIONS.

(A) Coordination with Existing Street System. Proposed street layouts shall be coordinated with the street system of the surrounding area. Street networks shall be designed to be a series of interconnected streets to allow traffic to filter through a variety of routes, rather than concentrating all traffic onto single local, collector, or arterial streets.

(B) Coordination with Adopted Transportation Plans.

(1) Dedication Required. Where a proposed development is adjacent to a road designated for widening or improvement on an adopted transportation plan and insufficient right-of-way exists to provide for the designated improvement, such additional right-of-way, as specified for the future road cross-section in the plan, shall be dedicated to the appropriate public entry by the developer as a requirement of final plat approval.

(2) Scope of Dedication. Such dedication shall be limited to the length of the road immediately along the subject property lines, and shall be limited to one-half of the total required right-of-way when the development is situated along only one side of the road.

(C) Utility Coordination. Where additional right-of-way is required to be dedicated for a planned road improvement, new utilities installed to serve the development shall be placed within easements located in a manner that will not require their relocation as part of the improvement project, and easements will be provided at the edge of the dedicated right-of-way for existing utilities to accommodate their relocation during construction.

(D) External Connections.

(1) Minimum Requirement. A minimum of one proposed street shall be connected to an existing state or County-maintained street that meets the minimum standards of the York County Land Development Manual or applicable SCDOT standards.

(2) Secondary Connection Threshold. Where the number of proposed lots within a residential development exceeds 150, a second connection to the external street network shall
be required. Where possible, the two required connections shall provide access to different external roads.

(3) Additional Connections. Additional connections may be required pursuant to a Traffic Impact Analysis (see LDC Subchapter G, Part 7: Traffic Impact Analysis).

(E) Access to Adjacent Properties.

(1) Purpose. The purpose of this provision is to improve connectivity between adjacent developments in order to provide for a more efficient street network that:

(a) Reduces the need for additional access points to the external road network;

(b) Allows greater flexibility in route choice for residents;

(c) Enhances the ability of emergency responders to access neighborhoods when a primary entrance is blocked;

(d) Provides more efficient routing for service providers, such as mail carriers, utility meter readers, school buses, and the like; and

(e) Encourages a greater sense of community by eliminating physical barriers between neighborhoods.

(2) Standard. All proposed street systems shall be designed to provide a network of interconnected streets and points of access to adjacent properties, or where an existing / planned development has provided or planned a road stub to the proposed development.

(a) Cul-de-sacs shall not be used to avoid a connection with an existing street or access to adjacent properties.

(b) Proposed street connections to adjacent properties shall be extended by dedication to the boundary of the property and a temporary turn around shall be provided. Construction easements on adjacent lots within the development shall be provided on the plat in order to permit any future work necessary to connect the stub road to the adjacent parcel.

(3) Dead-End Streets. Cul-de-sacs and other permanently dead-end streets that do not exceed the lesser of the maximum block length established for the district or 1,000 feet may be permitted where the Planning and Development Services Director finds that one or more of the following conditions offer no practical alternative for connectivity:

(a) Topographical conditions;

(b) Environmental conditions;

(c) Property shape;

(d) Property accessibility; or
(e) Land use relationships.

(F) Improvement of Substandard Roads. Improvements to existing roads shall be required in the following circumstances:

(1) Adjacent Substandard Roads. Where a proposed development is situated on a road maintained by York County and the road does not meet the current design and construction standards, as set forth in the York County Land Development Manual, the developer shall make the improvements required to bring it up to the current standard along the length of the adjoining right-of-way as a condition of final plat approval. This provision may be waived by the County Council upon application by the developer if it finds that such improvement would negatively impact adjacent properties or impair the function of the roadway.

(2) Connections to Unpaved Roads. If a property owner/developer elects to build a new street(s) that provides a connection to one or more unpaved County-maintained street(s), the property owner(s)/developer(s) shall, at their expense, upgrade the existing unpaved County street(s) to minimum County street standards as set forth in the York County Land Development Manual prior to final plat approval. Such improvement shall extend from the point of the connection to the nearest intersection with another County street external to the development that meets the minimum standards.

(3) Transitions Required. Wherever an improvement is made to a substandard road, transitions and tapers designed in accordance with the standards of the York County Land Development Manual or SCDOT, as applicable, shall be provided between the improved section and any other road or section of road that does not meet these standards.

§ 154.093 STREET DESIGN AND CONSTRUCTION STANDARDS.

(A) Design Standards. Streets, whether public or private, classified as alleys, local streets, or connectors shall be designed and constructed in accordance with the standards established in the York County Land Development Manual. The design for arterial streets and other types of major roads shall meet South Carolina Department of Transportation Road Design Standards and be approved by the County Engineer on a case-by-case basis. The design for these roads, other than those roads listed herein, should be based on the expected traffic load, speed, and a complete soil report.

(B) Right-of-Way Width. Right-of-way, meeting the width standards of the York County Land Development Manual for the specific type of street, shall be dedicated for all proposed streets.

(C) Half Streets Prohibited. Whenever a street is planned adjacent to the tract boundary of a proposed development, the entire street right-of-way shall be platted and dedicated.

(D) Curb and Gutter. Curb and gutter, meeting the specifications of the York County Land Development Manual, shall be installed on all streets where a sidewalk is required on at least one side of the street as set forth in § 154.121(A).
(E) **Intersections.** The centerline of no more than two streets shall intersect at any one point, and no street shall intersect any other street at an angle of less than 80 degrees.

(F) **Clear Sight Distance.** Clear sight distance, as set forth in the York County Land Development Manual, shall be provided at all street intersections, and sight easements shall be required at all locations subject to such requirement.

(G) **Alleys.**

   (1) **Private Roads.** All alleys must be private roads, with a homeowners or property owners association formed with sufficient scope and authority to provide maintenance.

   (2) **Standards.**

      (a) A right-of-way must be at least 20 feet wide, and the paved portion of an alley must be at least 16 feet wide.

      (b) One-way alleys are prohibited.

      (c) Dead-end alleys are prohibited.

      (d) Intersections of alleys or turns in alleys are discouraged, and will be approved only where existing development precludes a through route, or where road configuration or a significant feature, such as a public square or other open space, justifies a turn or intersection.

   (3) **Maintenance.** Alleys must be maintained to allow for access to public utilities and the provision of public services.

(H) **Bridges.** Proposed bridge crossings for all roads subject to the provisions of this Part shall be designed to meet South Carolina Department of Transportation Standards for Bridge Design. Waivers from these standards are not permitted. Large bridge designs will require approvals from the York County Planning and Development Services Department and the SC Department of Transportation.

(I) **Storm Drainage.** A storm drainage system shall be designed in accordance with the standards of Chapter 152: Stormwater Management and Sediment Control and the York County Land Development Manual and installed according to plans and specifications approved by the Planning and Development Services Department.

(J) **Traffic Calming.** Traffic calming measures are required on roads 2,000 linear feet or more and can be accomplished by incorporating measures proscribed in the Land Development Manual, as recommended by the Planning and Development Services Director. Three and four-way stop conditions will not be permitted as a traffic calming measure.

(K) **Street Access Management.**
(1) **Public Streets.** Gates or other access-limiting features are prohibited on public streets.

(2) **Private Streets.** Private streets may be designed with access management infrastructure, such as gates, provided that approval of the design and location of such infrastructure is approved by the York County Public Safety Communications Department and the County Engineer.

   (a) Gated entrances shall provide for sufficient vehicle stacking to ensure that automobiles waiting to enter do not block traffic on the public street. Stacking space for gated entrances shall be provided at the rate of one space per ten vehicular trips generated at the peak hour for the development.

   (b) Gated entrances shall provide turn-around accommodations to ensure that vehicles are not required to back out onto a public street, if access is not possible. For residential developments, the largest design vehicle for turn-around geometry shall be a standard school bus.

   (c) In the event a private street is requested to be accepted into the County’s roadway inventory for maintenance (see Subchapter G, Part 8: *Private Road Acceptance*), all access management infrastructure are to be removed and the street brought up to County roadway standards.

**L) Required Signage.** The developer shall be responsible for ensuring that all required signage, as specified below, is installed in coordination with the Public Works Department:

   (1) **Street Name and Traffic Control Signage.** Street names and traffic signs shall be installed on all new streets at any location determined by the Planning & Development Services Department. York County does not allow the production or installation of non-standard signs. The owner shall purchase the required sign(s) and poles from York County, to then be installed by the Public Works Department.

   (2) **Future Streets.** Where a future street connection to adjacent property is proposed pursuant to § 154.092(E)(2)(b), above, the developer shall install a sign at the terminus of the street that states the street end is temporary and a future connections is planned.

   (3) **Street Maintenance Signs.** When streets are not to be dedicated to the State or County for public maintenance, the developer/subdivider shall install and maintain signs at the beginning of the private street(s) that state “State/County Maintenance Ends.”

**M) Right-of-Way Obstructions.** Construction shall be limited to between the road right-of-way and the road itself, drainage features, and related items. Plant beds, fences, structures, and similar items will not be accepted unless approved by the County Public Works Department prior to construction through an approved encroachment permit. York County reserves the right to remove any noncompliant vegetation, structure, or non-standard item within the public right-of-way.
(N) **Roadway Clearance.** Following the completion of construction, all debris, trash, and fallen trees within the road right-of-way shall be cleared and removed, and all paved areas shall be cleared of any accumulated soil sedimentation.

§ 154.094 **STREET TREES.**

(A) **Generally.** The planting of street trees in single-family residential developments is not required.

(B) **Location.**

(1) If the developer elects to plant street trees to enhance the appearance of the development, the trees must be planted outside the right-of-way and at least 30 feet from the centerline of the street right-of-way unless the exemption of § 154.094(B)(3), below, applies.

(2) When planted on a street with a ditch cross-section, street trees shall be planted on the far side of the ditch from the street, so as not to interfere with the ditch surface flow and maintenance.

(3) On local streets with curb and gutter and on-street parking, the Director of Public Works may approve locations of street trees that are inside the right-of-way or closer than 30 feet to the centerline of the right-of-way if:

   (a) The trees are appropriately sized for the site conditions;

   (b) Planting strips are adequately sized for the selected trees, with a minimum width of four feet;

   (c) Each tree is provided a root-accessible soil volume of at least 600 cubic feet; and

   (d) Root barriers or other accepted practices are used to reduce conflicts between trees and infrastructure.

(C) **Tree Standards.** Street trees must be listed in the Approved Species List in the Land Development Manual and conform with all standards in Subchapter D, Part 4: Tree Conservation.

(D) **Maintenance.** Street trees shall be maintained by the developer or the homeowners or property owners association in perpetuity pursuant to the repair and maintenance requirements of Subchapter F, Part 3: Required Covenants, Conditions, and Restrictions.

§ 154.095 **STREET NAME STANDARDS.**

(A) **Approval Required.** It shall be unlawful for any person in laying out any new street or road to name the street or road on any plat, by marking, or in any deed or instrument, without first obtaining the approval of the Planning Commission.
SUBCHAPTER C: INFRASTRUCTURE STANDARDS
PART 2: STREETS

(B) **Name Continuation.** A proposed street that is obviously in alignment with or an extension of an existing and named street (in which vehicles are not required to stop) shall bear the assigned name of the existing street.

(C) **Duplication Prohibited.** Except for the above, in no case shall the name of a proposed street duplicate or be phonetically similar to an existing street name, regardless of the use of suffix/prefix, Street, Avenue, Boulevard, Drive, Place, Court, Lane, North, South, East, West, and the like.

(D) **Procedure for Naming or Renaming Streets.** The procedure for naming or renaming a street is provided in Subchapter G, Part 4: *Preliminary Plats.*

§ 154.096 RESERVED.

§ 154.097 RESERVED.

§ 154.098 RESERVED.

§ 154.099 RESERVED.

§ 154.100 RESERVED.

§ 154.101 RESERVED.

§ 154.102 RESERVED.

§ 154.103 RESERVED.

§ 154.104 RESERVED.
PART 3: ACCESS MANAGEMENT AND DRIVEWAYS

§ 154.105 PURPOSE.
The purpose of this Part is to establish standards for managing access to new development in a manner that maintains the safe and efficient movement of traffic.

§ 154.106 APPLICABILITY.
These standards shall apply to all development and redevelopment activity subject to the jurisdiction of this Ordinance.

§ 154.107 ACCESS TO EXISTING LOTS.
All lots existing on or before September 16, 1996 that cannot meet the minimum curb cut spacing are guaranteed one access. The access location is to be determined by the Planning and Development Services Director.

§ 154.108 DRIVEWAY DESIGN STANDARDS.
All driveways and curb cuts shall be designed to meet the minimum standards of the York County Land Development Manual or the SCDOT Access and Roadside Management Standards, as applicable.

§ 154.109 SIGHT DISTANCE.
Clear sight distance shall be established and maintained at each driveway access point in accordance with the minimum standards of the York County Land Development Manual or the SCDOT Access and Roadside Management Standards, as applicable. Sight distance easements shall be established at all driveway access points to ensure the perpetual maintenance of clear sight distance.

§ 154.110 RESIDENTIAL DRIVEWAY ACCESS.

(A) Major Subdivisions. Standards for driveway access and separation for residential lots within major subdivisions shall be determined as part of the civil construction plan review process and in accordance with the standards of the York County Land Development Manual. No lot within a major residential subdivision shall be permitted to have driveway access from an existing external street or from a new collector road proposed to provide access to local roads within the subdivision.

(B) Minor Subdivisions With Three or Fewer Lots. Access to up to three residential lots in a minor subdivision may be provided via a shared driveway if:
(1) The driveway has a minimum width of 25 feet and a minimum unobstructed vertical clearance of 13 feet, six inches, from the driveway’s point of connection to an existing public road to the lot(s) proposed for development;

(2) The driveway is established by the creation and legal establishment of an access easement:
   (a) That is appurtenant;
   (b) That is non-exclusive;
   (c) In which the owners of all lots accessed by the driveway own an undivided interest in the driveway; and
   (d) That designates an individual, group, or entity responsible for maintenance of the driveway;

(3) A disclaimer is placed on the proposed plat identifying the proposed shared driveway as a private access easement not eligible for County road maintenance;

(4) The area of the shared driveway is excluded from the calculation of minimum lot size; and

(5) All buildings on the proposed lots observe a setback of at least 25 feet from the shared driveway. This setback requirement shall be noted on the proposed plat.

(C) Other Residential Driveways. In all other cases, the location and minimum separation requirements for driveways serving residences shall be as determined by SCDOT or the Public Works Department in accordance with the York County Land Development Manual, as applicable.

§ 154.111 NON-RESIDENTIAL AND MULTI-FAMILY DRIVEWAY ACCESS.

(A) Minimum Separation Distances. The following minimum separation standards shall apply to the establishment of new driveways:

<table>
<thead>
<tr>
<th>Posted Speed Limit (mph)</th>
<th>AADT &gt; 2,000 or &gt; 50 Peak Hour Trips</th>
<th>AADT &lt; 2,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>30 or less</td>
<td>160</td>
<td>75</td>
</tr>
<tr>
<td>35</td>
<td>220</td>
<td>125</td>
</tr>
<tr>
<td>40</td>
<td>275</td>
<td>175</td>
</tr>
<tr>
<td>45</td>
<td>325</td>
<td>225</td>
</tr>
</tbody>
</table>
Table 154.111-1: Minimum Driveway Separation Standards

<table>
<thead>
<tr>
<th>Posted Speed Limit (mph)</th>
<th>AADT &gt; 2,000 or &gt; 50 Peak Hour Trips</th>
<th>AADT &lt; 2,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>&gt; 50</td>
<td>400</td>
<td>275</td>
</tr>
</tbody>
</table>

Key: mph = miles per hour | ft = feet

1. Minimum spacing will be increased if right-turn deceleration lanes are required and shall equal the length of the turning lane and taper plus 50 feet.

(B) **Measurement.** The minimum separation distances for driveways shall be measured from the nearest edge of each driveway to each other.

(C) **Access to Outparcels.** Access to outparcels that are part of larger common developments shall be provided internally.

(D) **Joint Access Required.**

(1) The establishment of joint driveway access for adjacent parcels is required to minimize the overall number of curb cuts and facilitate traffic flow.

(2) The Director may waive this requirement where the characteristics or layout of abutting properties would make development of a joint driveway access impractical. In making this determination, the Director shall consider the following:

(a) Topographic features;

(b) Drainage features;

(c) Relationship of the driveway access to parking areas and internal site circulation;

(d) Distance from nearby intersections, driveways, crosswalks, and transit stops;

(e) Provision of adequate intersection sight distance;

(f) Amount and type of vehicle traffic anticipated to be generated by the site;

(g) Likely volume and origin of incoming traffic;

(h) Likely volume and destination of outgoing traffic; and

(i) Speed of traffic on the abutting road.
(E) **Deceleration Lanes.** Right-turn deceleration lanes shall be provided for all new driveways that meet the minimum threshold as established in the most recent version of the SCDOT Access and Roadside Management Standards.

§ 154.112 RESERVED.

§ 154.113 RESERVED.

§ 154.114 RESERVED.

§ 154.115 RESERVED.

§ 154.116 RESERVED.

§ 154.117 RESERVED.

§ 154.118 RESERVED.

§ 154.119 RESERVED.
§ 154.120 PURPOSE.

The purpose of this Part is to establish requirements for the provision of a network of safe and comfortable pedestrian pathways for both business and recreation use throughout York County.

§ 154.121 SIDEWALKS.

(A) Where Required. Sidewalks shall be installed along all public and private roads, both existing and proposed, in accordance with the standards in Tables 154.121-1 and 154.121-2, unless otherwise specifically exempted in § 154.121(C), below.

<table>
<thead>
<tr>
<th>Street Type</th>
<th>Both Sides</th>
<th>One Side</th>
<th>None</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterial (major and minor)</td>
<td>●</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Collector (major and minor)</td>
<td>●</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local (commercial)</td>
<td>●</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local (commercial cul-de-sac)</td>
<td>●</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local (residential)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>See Table 154.121-2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local (residential cul-de-sac)</td>
<td>●</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Key: ● = Required
Table 154.121-2: Sidewalk Requirements for Local Residential Roadways and New Developments in Agricultural and Residential Districts

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Both Sides</th>
<th>One Side</th>
<th>External Sidewalk Along Existing Roads</th>
<th>None</th>
</tr>
</thead>
<tbody>
<tr>
<td>AGC, AGC-I</td>
<td></td>
<td></td>
<td></td>
<td>●</td>
</tr>
<tr>
<td>RUD, RUD-I</td>
<td></td>
<td></td>
<td></td>
<td>●</td>
</tr>
<tr>
<td>RSF-40, RSF-30</td>
<td>●</td>
<td>●</td>
<td></td>
<td>●</td>
</tr>
<tr>
<td>RMX-20, RMX-10, RMX-6</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Key: ● = Required

(B) Additional External Sidewalk Construction Requirements.

(1) In addition to the locations set forth in (A), above, sidewalks shall also be installed along a new development’s frontage on an existing road when any portion of the new development is located:
   (a) Within one-half-mile, straight-line distance, of an existing or planned public school location; or
   (b) Within one-half mile, straight-line distance, of any existing or planned civic facility, public park, or open space providing public access.

(2) In such instances, the sidewalk shall be installed along the side of the existing road on which the new development is located.

(3) .

(C) Exemptions. The following shall be exempt from the requirement to provide sidewalks as set forth in Tables 154.121-1 and 154.121-2, above:

(1) Infill residential lot construction where no sidewalk network exists to serve adjacent parcels;

(2) New industrial developments or sites, except for sidewalk facilities required to provide connection to or extension of an existing public sidewalk network; and

(3) Existing developed lots, except that redevelopment of non-residential sites shall subject the new development to all requirements.
(D) **Design Standards.** All sidewalks shall be designed and constructed in a manner that complies with the specifications of the York County Land Development Manual.

(E) **Connectivity.**

1. All sidewalks shall be connected to provide a continuous internal pedestrian system.

2. Sidewalks shall also connect any neighborhood or on-site public amenity, such as club houses, centralized mail facilities, pools, and trails, to the sidewalk network.

3. An internal sidewalk system shall be connected to any external sidewalk system stubbed to the property. Where no external system exists, appropriate stub out connections shall be constructed at lot lines to provide for future expansion of the pedestrian network.

(F) **Maintenance.** All sidewalks located within a County right-of-way shall be maintained by York County following their acceptance. Until such time as sidewalk facilities have been accepted by the County, the developer shall be responsible for their maintenance.

§ 154.122 **TRAILS AND MULTI-USE PATHS.**

(A) **Design.** Trails and multi-use paths proposed pursuant to the requirements of this Chapter or Chapter 155: Zoning Code shall be designed and constructed to the width and with the surface types established in the York County Land Development Manual for the designated type of facility.

(B) **Easements.** All trails and multi-use paths constructed under this Section shall be constructed within an easement that dedicates the facility to public use in perpetuity. This shall not apply to any trail constructed within an area under a conservation easement that generally provides for public access.

(C) **Maintenance.** Prior to final plat approval, the developer shall establish a means of providing for the maintenance of all trails and appurtenant facilities. This may be through the owner, a Property Owners Association, or a third-party that agrees to assume maintenance responsibility and liability for the trail. If a third party (other than a Property Owners Association) is designated to maintain the trail(s), the legal instrument establishing such acceptance of responsibility shall be provided to the County prior to final plat approval.

§ 154.123 **RESERVED.**

§ 154.124 **RESERVED.**

§ 154.125 **RESERVED.**

§ 154.126 **RESERVED.**
§ 154.127  RESERVED.

§ 154.128  RESERVED.

§ 154.129  RESERVED.
PART 5: UTILITIES

§ 154.130 PURPOSE.

The purpose of this Part is to ensure the orderly extension of public and private utilities to serve new development in unincorporated York County.

§ 154.131 WATER AND SEWER CONNECTIONS REQUIRED.

(A) Connections Required. Subject to any limitations imposed by the Utility Extension Policy established in § 154.132 and the rules and regulations established in Title V: Public Works, Chapters 51, 52, and 53, all new development located within 1,000 feet of a County water distribution or gravity sewer collection line, as measured from the closest point of the parcel to the line(s), shall connect to such systems.

(B) Waiver. Upon a finding by either the County Engineer or the Director of Public Works that such connection is not feasible due to capacity constraints, line sizes, topography, or other limiting factors, the requirement for connection may be waived.

§ 154.132 UTILITY EXTENSION POLICY.

(A) Purpose. The purposes of the utility extension policy are to:

(1) Reduce County-wide sprawl by limiting utility extension to within the Urban Services Boundary;

(2) Encourage rational and efficient extensions of utility service throughout the Urban Services Boundary;

(3) Ensure that on-site and off-site utilities are adequate to serve proposed development;

(4) Increase the predictability and consistency of utility extension decisions; and

(5) Facilitate improved capital improvements planning coordination between public service providers.

(B) Applicability. The provisions of this section apply to any development within the York County service areas.

(C) Standards. The following standards, as well as those standards established in Title V: Public Works, of the York County Code of Ordinances shall govern all proposed utility extensions:

(1) No water or sewer utilities shall be extended outside the Urban Services Boundary as delineated in the adopted York County Comprehensive Plan unless approved by the County Council.
(2) The County may require the over-sizing of utilities to meet the demands of planned system capacities, and may require the extension of utility lines to immediately adjacent properties. An applicant required to oversize utilities or extend them past the necessary connection point may be offered a cost-sharing agreement by the County.

(3) Utility extensions that are not scheduled within the first two years of an adopted capital improvements program shall be authorized only subject to a development agreement that addresses:

(a) On-site and off-site improvements required to adequately serve the proposed development;
(b) Funding for required improvements;
(c) The timing of the provision of required improvements; and
(d) The coordination of the timing of development with the provision of required improvements.

§ 154.133 WATER AND SEWER UTILITY STANDARDS.

(A) Generally. Water distribution and sewer collection systems shall be installed according to plans and specifications approved by SCDHEC, York County, and any other applicable agencies.

(B) Proposed York County and Wholesale Systems. All water and sewer systems that are to be dedicated and maintained by York County and wholesale systems shall meet all requirements as described in Title V: Public Works; the York County Water and Sewer Policies, Procedures, Standards, and Specifications; and the State Department of Health and Environmental Control Regulations.

(1) Prior to civil construction plan approval, the following shall be provided:

(a) Water and sewer plans meeting the submittal specifications of the York County Water and Sewer Specifications;
(b) A non-reimbursable extension agreement between York County and the developer;
(c) A letter of willingness and capability from York County stating the intent to provide the project with water and/or sewer service. This does not constitute approval or acceptance of the proposed system. This approval will be given by the York County Engineer;
(d) A copy of the application for construction to be submitted to SCDHEC; and

(2) Prior to final plat approval, the following shall be provided:
(a) As-built water and sewer plans drawn to the specifications of the York County Land Development Manual;

(b) All necessary approved inspections from the York County Planning and Development Services Department;

(c) Signed easements for all water and sewer lines throughout the development that are to be dedicated to York County;

(d) Submittal sent to SCDHEC requesting a permit to operate water and sewer facilities; and

(e) Statement of inventory including major material quantities and approximate system cost.

(C) Proposed Non-York County Systems (Other than Wholesale Systems). All water and sewer systems that are to be dedicated and maintained by agencies other than York County or wholesale systems shall be approved by both York County and the applicable agency. These lines shall be designed and constructed to the standards of the appropriate agency(ies) and are subject to review by York County, the SCDHEC, and any other appropriate agency.

(1) The following shall be submitted for York County’s review prior to civil construction plan approval:

(a) A general layout plan and typical section drawn to the specifications of the York County Land Development Manual or those of the service provider, if it is not York County; and

(b) A letter from the servicing agency indicating their approval of the utility plan and willingness and capability to supply the proposed development.

(2) Prior to final plat approval, the following shall be obtained:

(a) A letter from the servicing agency indicating their acceptance of the system for the number of lots proposed; and

(b) Documentation from the engineer indicating a permit to operate has been applied for from SCDHEC.

§ 154.134 ON-SITE WASTEWATER DISPOSAL SYSTEMS.

Prior to the construction of any on-site waste water disposal system, the location, size, plans, and specifications of such a facility shall be approved by SCDHEC and any other applicable agencies. In addition, the following standards shall apply to all on-site wastewater systems:

(A) Drain Fields. On-site wastewater system drain fields may not occupy any portion of a dedicated open space.
(B) **Pipe Location.** Pipes associated with an on-site wastewater system may not encroach within or cross any right-of-way.

**§ 154.135 IRRIGATION SYSTEMS.**

(A) Individual lot irrigation systems are not permitted to be installed within road rights-of-way. Irrigation systems shall only be permitted in entrance medians and cul-de-sac islands if a surface and subsurface drainage system is designed to adequately drain excess water from the surface and to prevent soil saturation that could lead to curb and road subgrade deterioration.

(B) This drainage system design shall be submitted for approval as part of the roadway design drawings, and inspected by the York County Planning and Development Services Department during construction.

**§ 154.136 UTILITY INSTALLATION ON ARTERIAL ROADS.**

(A) On arterial roads, all utility services constructed outside the road right-of-way or an existing utility easement will be installed underground or along the rear property line. Existing distribution facilities may remain in place.

(B) Utility lines constructed along new arterial roads will be placed underground where feasible, utilizing appropriate utility industry best engineering practices in making the determination.

**§ 154.137 COORDINATION WITH TRANSPORTATION IMPROVEMENTS.**

Where additional right-of-way is required to be dedicated under § 154.092(C), new utilities installed to serve the development shall be placed within easements located in a manner that will not require their relocation as part of the improvement project, and easements will be provided at the edge of the dedicated right-of-way for existing utilities to accommodate their relocation during construction.

**§ 154.138 UTILITY EASEMENTS.**

(A) All utility lines and appurtenant facilities shall be located within dedicated easements, unless installed within a road right-of-way.

(B) Water and sewer utility lines that will be dedicated to York County shall be located within easements that meet the specifications of the York County Land Development Manual.

(C) All other utilities shall be installed in easements having a minimum width of 20 feet, and shall be centered on side and rear lot lines.
§ 154.139 STORMWATER UTILITIES.

All stormwater drainage systems and related facilities shall be designed, constructed, and provided with easements in the public right-of-way in accordance with the standards of Chapter 152: Stormwater Management and Sedimentation Control.

§ 154.140 RESERVED.

§ 154.141 RESERVED.

§ 154.142 RESERVED.

§ 154.143 RESERVED.

§ 154.144 RESERVED.
PART 6: CENTRALIZED MAIL DELIVERY

§ 154.145  PURPOSE.

The purpose of this Part is to establish standards for the provision of centralized mail delivery facilities in new residential developments in order to comply with the established mail delivery practices of the U.S. Postal Service and ensure that such facilities are designed and located in a safe, convenient, and accessible manner.

§ 154.146  APPLICABILITY.

These standards shall apply to all single-family residential developments where the Postmaster has determined that mail delivery will be provided through communal delivery sites. Prior to the submission of a preliminary plat, the applicant should contact the local Postmaster to determine the manner in which mail will be delivered to the development.

§ 154.147  LOCATION.

The number of sites for centralized mail delivery within a development will be determined by the Postmaster. A letter of acceptance from the U.S. Postal Service shall be provided to the County prior to approval of civil construction plans. Once the number of sites and the general locations have been determined, the following standards shall apply.

(A)  Preferred Location. The preferred location for centralized mail delivery facilities shall be within a common area of the development that provides off-street parking for residents and allows the postal delivery vehicle to park outside of the right-of-way when making deliveries.

(B)  Alternative Locations. Within developments that do not have suitable common space, or where multiple locations within a development are necessary, centralized mail delivery facilities may alternatively be established adjacent to a vehicular pull-off or “eyebrow” along the street, or in such other location as may be determined during the plan review process.

(C)  Location Considerations. The following shall apply to the selection of sites for centralized mail delivery facilities:

   (1) Facilities shall be sited such that there is no disruption or interference with the vehicular traffic flow on the adjacent roadway or any public street.

   (2) Facilities shall not be installed so close to an intersection or traffic lane that they block visibility for approaching traffic or could be struck by a passing motor vehicle.

   (3) Facilities shall not be located on dead-end streets where there is no safe turnaround for postal delivery vehicles.
§ 154.148 PARKING REQUIREMENTS.

(A) **Off-Street Parking.** Where centralized mail facilities are provided with off-street parking, one parking space shall be provided for each 50 dwelling units, or portion thereof, that are served by the centralized mail facility. At least one space shall be designed for handicapped van accessibility.

(B) **On-Street Parking.** Where centralized mail facilities are provided with on-street parking, such as in a pull-off along a street, or in an “eyebrow,” one parking space shall be provided for each 50 dwelling units, or portion thereof, that are served by the centralized mail facility. At least one space shall be designed for handicapped van accessibility. Such spaces shall be located so as to not encroach into the travel lane of the adjacent street.

§ 154.149 INSTALLATION STANDARDS.

(A) **Placement.**

   (1) Centralized mail facilities must be installed facing a sidewalk or other off-street pedestrian area. They shall not be installed so that they face a roadway in a manner that they can only be accessed from within the road.

   (2) Centralized mail facilities shall not be located in a public right-of-way or in a utility easement.

(B) **Design.** Facilities for mail delivery shall be provided in accordance with the latest edition of the U.S. Postal Service’s *National Delivery Planning Standards – A Guide for Builders and Developers* and per the York County Land Development Manual.

§ 154.150 RESERVED.

§ 154.151 RESERVED.

§ 154.152 RESERVED.

§ 154.153 RESERVED.

§ 154.154 RESERVED.
PART 7: LIABILITY AGREEMENTS

§ 154.155 PURPOSE.

(A) The type and volume of vehicular traffic associated with certain industrial uses and large developments may cause deterioration and/or damage to roadways in the vicinity of the proposed development.

(B) If the Director of Public Works determines that a County road designated for regular hauling and transport within two miles of a proposed development is not adequately constructed to meet the weight and volume of the heavy truck traffic associated with the proposed use or development, the liability agreement allows for mitigation by the applicant of deterioration or damage to public roadways resulting from the proposed use or development.

§ 154.156 APPLICABILITY.

The requirements contained in this Part apply to the following land uses, developments, and roads:

(A) Land Uses.

(1) All landfill uses;

(2) Mining, major resource extraction uses;

(3) Mining, minor resource extraction uses; and

(4) Nonmetallic mineral product manufacturing uses.

(B) Applicable Roads. The liability agreement may address any County roads within two miles of a proposed development to be used for the purpose of regular hauling and transport.

§ 154.157 CONTENTS OF LIABILITY AGREEMENT.

(A) The liability agreement shall, in sufficient detail, document the existing condition of all roads designated for regular hauling and transport in an approved access and routing plan. The evidence of existing conditions shall be based on information provided by the applicant or identified by the County Public Works Director.

(B) The liability agreement shall, in sufficient detail, document the type and sufficiency of the road construction of any roads to be used for regular hauling and transport and the extent to which the roads can physically support the weight and volume of the anticipated vehicular traffic associated with the proposed industrial use.

(C) The liability agreement shall include a methodology for calculating costs of mitigating the deterioration or damage attributable to the proposed industrial use, which may be based on prior improvements to similar roads, capital improvements, or other transportation plans.
indicating costs, recent traffic studies, state and County road construction requirements and road classifications, and other evidence of reasonable cost estimates for mitigating deterioration or damage resulting from the proposed use due to heavy truck traffic.

(D) The liability agreement shall provide for initial and periodic inspections of the condition of the impacted roads over the duration of the agreement.

(E) The liability agreement shall provide terms and procedures for:

   (1) The County’s determination that a trucking route has experienced deterioration or damage attributable to the industrial use;

   (2) Providing notice by the Public Works Director to the applicant of deterioration or damage;

   (3) Timeframes for performance by the applicant upon notice of deterioration or damage;

   (4) The manner in which the applicant will make or pay for improvements upon notice of deterioration or damage, in accordance with applicable road design and construction standards; and

   (5) The manner in which such improvements or payments will be deemed satisfied by the County.

(F) The duration of the agreement shall be specified.

§ 154.158 CONSTRUCTION STANDARDS.

The liability agreement shall specify that road surfaces and supporting road bases shall be repaired in accordance with adopted County standards. However, if the roads were not constructed in accordance with adopted standards at the time the liability agreement was executed, the required repairs, if any, shall be sufficient only to return the road to the existing conditions documented in the liability agreement.

§ 154.159 FINANCIAL GUARANTEE.

(A) The applicant shall post a performance bond, letter of credit, escrow, or other form of financial guarantee in an amount sufficient to perform repairs of damage or deterioration attributable to impacts on the road(s) caused by the industrial use, in accordance with the terms of the liability agreement.

(B) If, after notice by the Public Works Director, the applicant fails to make or pay for repairs due to deterioration or damage within the timeframes established in the liability agreement or in the notice by the County, the guarantee will be forfeited and applied to the costs of repairing the deterioration or damage to the impacted roads.
(C) The financial guarantee shall be in a form and amount approved by and acceptable to the Public Works Director.

(D) This Section in no way releases the applicant from liability or financial responsibility for repairing or paying for road deterioration or damage as provided in the agreement, above the value of any financial guarantee made as part of the liability agreement.

§ 154.160 EXECUTION OF LIABILITY AGREEMENT.

The liability agreement shall be fully executed prior to final civil construction plan approval.

§ 154.161 RESERVED.

§ 154.162 RESERVED.

§ 154.163 RESERVED.

§ 154.164 RESERVED.
YORK COUNTY, SOUTH CAROLINA CODE OF ORDINANCES

CHAPTER 154: LAND DEVELOPMENT CODE

SUBCHAPTER D: GREEN INFRASTRUCTURE STANDARDS

Adopted February 21, 2022
Amended through July 17, 2023

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§ 154.165 PURPOSE.

(A) Preserving and enhancing the County’s natural resources, or “green infrastructure,” provides environmental, economic, social, and health benefits to the community. Green infrastructure includes forests; water resources, such as rivers, lakes, and wetlands; soils that support agriculture; healthy tree canopy; open space and parks; and low impact development features. These components function optimally and provide the most benefits when they are interconnected.

(B) The purposes of this Subchapter are to:

1. Protect human health and life;
2. Conserve natural resources;
3. Maintain and improve air, water, and soil quality;
4. Provide wildlife habitat by reducing forest loss and fragmentation;
5. Protect, facilitate, and enhance the aesthetic qualities of the community;
6. Preserve, protect, maintain, and increase the County’s tree canopy;
7. Encourage the protection and planting of native trees;
8. Increase the amount of open space in new developments;
9. Improve the quality and usability of open space in new developments;
10. Improve the quality of stormwater runoff discharge from new development and redevelopment to surface waters and groundwater;
11. Moderate temperature and promote energy conservation; and
12. Ensure County compliance with all applicable Federal and State regulations.

§ 154.166 APPLICABILITY.

(A) Organization. The regulations of this Subchapter include different applicability provisions for low-impact development (Part 2: Low-Impact Development), open space (Part 3: Open Space), and tree conservation (Part 4: Tree Conservation) based on the different concerns and situations that each Part is designed to address.
(B) **Other Regulations.** This Subchapter should be interpreted in coordination with:

(1) [Chapter 151: Floodplain Management](#);

(2) [Chapter 152: Stormwater Management and Sediment Control](#); and

(3) [Chapter 155: Zoning Code](#).

§ 154.167 RESERVED.

§ 154.168 RESERVED.

§ 154.169 RESERVED.
PART 2: LOW-IMPACT DEVELOPMENT

§ 154.170 PURPOSE.

(A) Low impact development (LID) is an approach to managing stormwater through systems that use or mimic natural processes for the infiltration, evapotranspiration, or reuse of stormwater and runoff on the site where it is generated. LID techniques reduce the amount of untreated runoff discharged to surface waters by allowing stormwater to be absorbed and cleansed by soil and vegetation before flowing into groundwater or surface water resources. This reduces stormwater maintenance costs and protects water quality.

(B) This Part establishes incentives for the use of low impact development (LID) techniques to:

   (1) Facilitate the design of drainage systems that are consistent with good engineering practice and design and in accordance with the County’s overall planning efforts and stormwater management planning;

   (2) Minimize the cost of constructing and maintaining engineered stormwater drainage systems by facilitating natural drainage patterns and infiltration of stormwater runoff;

   (3) Provide a mechanism that allows development with minimum adverse effects to the natural environment;

   (4) Mitigate heat island effects; and

   (5) Improve the aesthetic quality of development.

§ 154.171 APPLICABILITY.

The incentives established in this Part are available for any new development in the County that increases the amount of impervious surface on a lot or alters the drainage characteristics of a lot.

§ 154.172 LOW IMPACT DEVELOPMENT TECHNIQUES.

(A) Low impact development techniques are typically used in conjunction with on-site detention for larger storm events.

(B) LID techniques may include one or more of the following:

   (1) Bioretention swales and basins;

   (2) Level spreaders and filter strips;

   (3) Porous pavement and permeable pavers;
(4) Cisterns and water harvesting;
(5) Pocket wetlands; and
(6) Rooftop runoff mitigation measures, such as green roofs and rooftop gardens.

§ 154.173 DESIGN STANDARDS.
In order for a development to be eligible for one or more of the incentives listed in § 154.174: Incentive Allowances, the low impact development techniques utilized on the site shall meet the requirements of the Land Development Manual, Chapter 152: Stormwater Management and Sediment Control, and the York County Stormwater Management Design Manual.

§ 154.174 INCENTIVE ALLOWANCES.
(A) Applicability. An applicant may utilize one or more of the incentives specified in this Section if:

(1) At least two LID features, using one or more LID techniques specified in § 154.172: Low Impact Development Techniques, are approved as part of the Stormwater Permit issued pursuant to Chapter 152: Stormwater Management and Sediment Control and manage at least 40% of the site water quality volume; or

(2) The required width of a riparian buffer is increased by at least 15% (see Zoning Code Subchapter D, Part 3: Buffers, Screening, and Landscaping).

(B) Incentives.

(1) In any development:

(a) Vegetated LID features may be constructed within:

1. Required perimeter bufferyards; and
2. Required setbacks;

(b) Landscaping used in vegetated LID features may count towards any landscaping required by this Chapter or Chapter 155: Zoning Code; and

(c) Vegetated LID features may count towards required open space, as provided in § 154.183: Minimum Dimensions and Composition of Open Space.

(2) In a non-residential, mixed use, or multi-family development:

(a) The maximum height specified in Zoning Code Subchapter B, Part 2, Subpart 2.2: Base District Dimensional Standards may be increased by up to 10%;
(b) The development may deviate from the requirements for parking area circulation, design, and landscaping in Subchapter B, Part 2: Site Design if the deviations are necessary to implement one or more LID techniques; and

(c) The development may reduce the minimum parking ratio specified in Zoning Code Subchapter D, Part 5: Parking by up to 10%; or

(d) The development may exceed the maximum parking ratio specified in Zoning Code Subchapter D, Part 5, Subpart 5.2: Off-Street Parking Ratios if all parking spaces above the maximum are constructed of pervious materials.

(3) In a major residential subdivision, the minimum lot size required by Zoning Code Subchapter B, Part 2, Subpart 2.2: Base District Dimensional Standards may be reduced by up to 10%.

§ 154.175 MAINTENANCE.

Low impact development features are subject to the ongoing inspection and maintenance requirements specified in Chapter 152, §§ 152.031 et seq., On-Going Inspection and Maintenance of Stormwater Facilities and Practices.

§ 154.176 RESERVED.

§ 154.177 RESERVED.

§ 154.178 RESERVED.

§ 154.179 RESERVED.
PART 3: OPEN SPACE

§ 154.180 PURPOSE.

(A) Open space is land and/or bodies of water used for recreation, amenity, or buffer.

(B) The purposes of open space requirements are to:

1. Preserve existing vegetation and important wildlife habitat;
2. Provide active and passive recreational opportunities for residents;
3. Enhance the aesthetic and environmental quality of development; and
4. Connect neighborhoods, open space, and employment areas.

§ 154.181 APPLICABILITY.

(A) Except as provided in § 154.181(B), below, this Part applies to:

1. New major residential subdivisions, including townhouse subdivisions;
2. New cottage courts;
3. New multi-family developments;
4. New non-residential developments;
5. Additions to an existing non-residential building or structure that result in an increase in the gross floor area of the building or structure of 50% or more; and
6. Expansion of existing multi-family developments by more than 10 dwelling units.

(B) This Part does not apply to non-residential development located on sites less than three acres in area.

§ 154.182 MINIMUM AMOUNT OF OPEN SPACE REQUIRED.

(A) Base Districts. Table 154.182-1: Minimum Amount of Open Space Required in Base Districts specifies the amount of open space required in each base zoning district, based on the type of development.
Table 154.182-1: Minimum Amount of Open Space Required in Base Districts

<table>
<thead>
<tr>
<th>Development Type</th>
<th>AGC, AGC-I</th>
<th>RUD, RUD-I</th>
<th>RSF-40, RSF-30</th>
<th>RMX-20</th>
<th>RMX-10</th>
<th>RMX-6</th>
<th>RC, NC, OI, OA, GC, UD</th>
<th>RI, LI</th>
<th>ID</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major Residential Subdivision - Conventional</td>
<td>0%</td>
<td>0%</td>
<td>20%</td>
<td>20%</td>
<td>20%</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td></td>
</tr>
<tr>
<td>Major Residential Subdivision - Cluster</td>
<td>50%</td>
<td>50%</td>
<td>50%</td>
<td>50%</td>
<td>40%</td>
<td>40%</td>
<td>--</td>
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<td></td>
</tr>
<tr>
<td>Major Townhouse Subdivision</td>
<td>--</td>
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<td>--</td>
<td>30%</td>
<td>--</td>
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<td></td>
</tr>
<tr>
<td>Cottage Court</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>20%</td>
<td>20%</td>
<td>20%</td>
<td>--</td>
<td></td>
</tr>
<tr>
<td>Multi-Family Development</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>30%</td>
<td>--</td>
<td>--</td>
<td></td>
</tr>
<tr>
<td>All Other Development</td>
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<td>0%</td>
<td>20%</td>
<td>20%</td>
<td>20%</td>
<td>20%</td>
<td>15%</td>
<td>10%</td>
<td></td>
</tr>
</tbody>
</table>

Key: -- = development type not permitted in zoning district

(B) Special Districts. Table 154.182-2: Minimum Amount of Open Space Required in Special Districts specifies the amount of open space required in each special zoning district.

Table 154.182-2: Minimum Amount of Open Space Required in Special Districts

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Required Open Space (min)</th>
</tr>
</thead>
<tbody>
<tr>
<td>BT, MU, BV</td>
<td>25%</td>
</tr>
<tr>
<td>PD</td>
<td>30%</td>
</tr>
</tbody>
</table>

Key: min = minimum required

(C) How to Calculate the Required Amount of Open Space.

1. The minimum amount of required open space is calculated by multiplying the percentage specified in Table 154.182-1: Minimum Amount of Open Space Required in Base Districts or Table 154.182-2: Minimum Amount of Open Space Required in Special Districts by the total area of the site proposed for development, less the area of any electric or gas transmission line easements.

2. The following equation represents this calculation:

   \[
   \text{minimum \% required} \times (\text{total site area} - \text{area of electric or gas transmission line easements}) = \text{minimum area of open space}
   \]
§ 154.183 MINIMUM DIMENSIONS AND COMPOSITION OF OPEN SPACE.

(A) Minimum Dimensions.

(1) All required open space shall be at least 40 feet in width and 40 feet in depth, except for greenways which shall be at least 20 feet in width.

(2) At least 40% of required open space must be comprised of dry land with a slope less than 15%.

(B) Areas Counted as Open Space.

(1) Types of Open Space. Open space shall be comprised of two or more of the types described in Table 154.183-1: Types of Open Space, except in cottage courts where the central courtyard shall comprise at least the minimum amount of required open space (see Subchapter B, Part 6: Cottage Courts).

<table>
<thead>
<tr>
<th>Type of Open Space</th>
<th>Description</th>
<th>Min. Size¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>Natural Area</td>
<td>An area of undisturbed or minimally disturbed vegetation. Examples include woodlands and wetlands. A natural area may contain multi-use paths to accommodate pedestrians, bicyclists, and equestrians, but typically does not contain structures or other improvements.</td>
<td>1,600 sf (min)</td>
</tr>
<tr>
<td>Regional Park</td>
<td>Large park that serves as a destination to all county residents. Contains a range of active and passive recreation opportunities.</td>
<td>100 ac (min)</td>
</tr>
<tr>
<td>Community Park</td>
<td>An open space available for civic and recreational purposes. Serves multiple neighborhoods or developments. May contain a limited number of athletic fields.</td>
<td>10 ac (min)</td>
</tr>
<tr>
<td>Neighborhood Park</td>
<td>An open space available for civic purposes, unstructured recreation, and limited amounts of structured recreation. Typically serves a single neighborhood or development.</td>
<td>0.5 ac (min)</td>
</tr>
<tr>
<td>Greenway</td>
<td>A linear open space that links multiple neighborhoods, developments, or open spaces. May follow natural corridors, such as rivers and creeks. Greenways often contain multi-use trails to accommodate pedestrians, bicyclists, and equestrians.</td>
<td>none</td>
</tr>
<tr>
<td>Active Recreation Area</td>
<td>An open space designed for specific, active recreational uses such as tennis courts, swimming pools, ballfields, and similar uses.</td>
<td>1,600 sf (min)</td>
</tr>
</tbody>
</table>
Table 154.183-1: Types of Open Space

<table>
<thead>
<tr>
<th>Type of Open Space</th>
<th>Description</th>
<th>Min. Size¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>Square/Green</td>
<td>An open space available for civic purposes, unstructured recreation, and limited amounts of structured recreation. Typically serves a single neighborhood or development in a prominent location. Includes landscaped areas and lawns with or without trees and shrubs. May include limited hardscaping.</td>
<td>0.25 ac (min)</td>
</tr>
<tr>
<td>Plaza</td>
<td>A formal open space available for civic purposes or commercial activity. Located in commercial and mixed use areas, typically at the intersection of important streets or other significant locations. Predominantly hardscaped.</td>
<td>0.5 ac (min)</td>
</tr>
<tr>
<td>Pocket Park</td>
<td>An open space available for informal activities in close proximity to dwellings and/or workplaces. Often contains benches or other seating areas.</td>
<td>1,600 sf (min)</td>
</tr>
</tbody>
</table>

Key: min = minimum required | max = maximum allowed | sf = square feet | ac = acres | mi = miles

¹ The minimum area of any type of open space located in a cottage court is 1,600 sf.

(2) Buffers, Bufferyards, and Tree Save Areas. Buffers and bufferyards required by Chapter 155: Zoning Code and designated tree save areas, as may be required by Part 4: Tree Conservation, may constitute up to 50% of required open space, provided that contributing areas meet the other requirements of this Part.

(3) Golf Courses. Neighborhood amenity golf courses may constitute up to 50% of required open space.

(4) Undevelopable Areas. LID Features, and Stormwater Facilities. Undevelopable areas, vegetated LID features, and other stormwater facilities may constitute up to 50% of required open space.

(a) Undevelopable areas include:

1. Natural water bodies;
2. Wetlands; and
3. Historical, cultural, and archaeological sites.

(b) Up to 100% of the site area that contains vegetated LID features may be counted as open space.

(c) Stormwater facilities may be counted as open space, if such facilities:

1. Are wet basins designed to provide safe access to water;
2. Are amenitized with a walking trail around the perimeter of the facility and a fountain or similar water feature;

3. Encompass at least 10,000 square feet of area with less than 2% grade;

4. Have side slopes with at least six feet of horizontal run for each one foot of vertical rise;

5. Are not obscured from sight or enveloped by a chain-link or similar fence; and

6. Do not comprise, in sum, more than 20% of required open space.

(C) **Areas Not Counted as Open Space.** The following areas do not count towards the minimum required open space:

1. Private lots, yards, balconies, and patios dedicated for use by a specific unit;

2. Electric and gas transmission line easements;

3. Public right-of-way and private streets and drives;

4. Parking areas and driveways;

5. Land covered by structures, except for ancillary structures associated with the use of the open space such as gazebos and picnic shelters;

6. Designated outdoor storage areas; and

7. Undevelopable areas and stormwater facilities, except as provided in § 154.183(B)(4), above.

§ 154.184 LOCATION AND DESIGN OF OPEN SPACE.

(A) **Generally.** All open space shall:

1. Be an integral part of the overall development design, with the specific layout of open space designed to be sensitive to the physical and design characteristics of the site;

2. Be contiguous and connected with other open space both within the development and on abutting properties;

3. Not be occupied by structures unless the structures are an integral part of the open space;

4. Have direct access to the pedestrian network; and

5. Be accessible to all residents, occupants, and tenants of the development.
(B) **Connectivity Required.** To the maximum extent practicable, open space shall be organized to create integrated systems of open space that connect with the following types of land uses located within or adjacent to the development:

1. Dedicated public park or greenway lands;
2. Dedicated school sites;
3. Other dedicated open spaces;
4. Open space located adjacent to the development;
5. Portions of the regional trail and open space system;
6. Neighborhood shopping and activity centers; and
7. Adjacent employment centers.

(C) **Accessibility Required.**

1. Open space must be accessible to all of the residents, occupants, and tenants by providing pedestrian access to open space within 1,320 feet of every dwelling unit in the development.
2. The County may require access to be restricted if it would degrade, destroy, or adversely interfere with sensitive environmental or natural areas or with significant historic or cultural resources.
3. Where provided, access to open space shall:
   a. Include a pedestrian connection such as a trail or sidewalk;
   b. Be a minimum of 20 feet in width;
   c. Be located where such access is visible to dwelling units and other buildings in the development; and
   d. Not be isolated by walls, screening, landscaping, or any other kind of barrier that would prevent resident, occupant, or tenant surveillance of the open space.
   e. Not be located on individual residential lots.

(D) **Amenities Required.**

1. **Number and Type of Amenities.** To ensure that open space is functional and usable, required open space shall contain the number and type of amenities specified in Table 154.184-1: *Number and Type of Required Amenities.*
2. **Design of Amenities.**
(a) In all developments, amenities shall be:

1. Integrated with the overall development and open space design in a manner that is sensitive to the overall function and layout of the site;

2. Located not more than 1,320 feet from dwelling units, major buildings, major tenants, or any transit stops; and

3. Constructed of materials similar in quality to the principal materials of the primary buildings and landscape.

(b) In multi-family and non-residential developments, buildings, trees, walls, topography, and other site features should be oriented and arranged to enclose open spaces and site amenities.

(3) Occupied Phases. To ensure that residents or employees of a phase under development have access to amenities during buildout, the required amenities for each phase of development must be completed prior to issuance of 50% of the certificates of occupancy for the phase.

### Table 154.184-1: Number and Type of Required Amenities

<table>
<thead>
<tr>
<th>Number of Amenity Types Required (min)</th>
<th>Type of Amenities Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major Subdivisions (including Townhouses), Cottage Courts, &amp; Multi-Family Developments</td>
<td></td>
</tr>
<tr>
<td>7-49 du</td>
<td>1</td>
</tr>
<tr>
<td>50-99 du</td>
<td>2</td>
</tr>
<tr>
<td>100-149 du</td>
<td>3</td>
</tr>
<tr>
<td>150+ du</td>
<td>4 + 1 per each additional 50 du</td>
</tr>
</tbody>
</table>

- Landscaped seating area;
- Gazebo or other covered shelter;
- Multi-use trail;
- Community garden;
- Fenced dog park with a minimum area of 5,000 sf;
- Bicycle storage and repair station;
- Basketball, volleyball, or other sports court;
- Public swimming pool sized to comply with NRPA standards;
- Public or private golf course;
- Canoe and kayak launch, or boat ramp;
- Resident clubhouse;
- Playground with a minimum area of 2,500 sf; and
- Picnic area with a minimum size of 2,500 sf per area that includes at least two picnic tables and at least one barbeque grill or pit.

Non-Residential Developments

| 99 or fewer parking spaces | 1 |
Table 154.184-1: Number and Type of Required Amenities

<table>
<thead>
<tr>
<th>Number of Amenity Types Required (min)</th>
<th>Type of Amenities Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>100-149 parking spaces</td>
<td>• Seating area;</td>
</tr>
<tr>
<td></td>
<td>• Gazebo or other covered shelter;</td>
</tr>
<tr>
<td></td>
<td>• Multi-use trail;</td>
</tr>
<tr>
<td></td>
<td>• Water feature;</td>
</tr>
<tr>
<td></td>
<td>• Memorial;</td>
</tr>
<tr>
<td></td>
<td>• Clock tower;</td>
</tr>
<tr>
<td></td>
<td>• Public art;</td>
</tr>
<tr>
<td></td>
<td>• Community garden; and</td>
</tr>
<tr>
<td></td>
<td>• Any other similar, deliberately designed amenity or focal feature that adequately enhances the development and serves as a gathering place.</td>
</tr>
<tr>
<td>150+ parking spaces</td>
<td>3 + 1 per each additional 50 parking spaces</td>
</tr>
</tbody>
</table>

Key: min = minimum required | du = dwelling unit | sf = square feet

§ 154.185 OPEN SPACE PLAN REQUIRED.

(A) When Required. An applicant shall submit an open space plan as a part of the application for a building permit, civil construction plan, or preliminary plat, as applicable.

(B) Contents of Plan. An open space plan shall include the following information:

1. Designate open space areas;
2. Designate the type of open space that will be provided;
3. Specify the manner in which the open space will be owned, preserved, and maintained as required by § 154.186: Long Term Preservation and Maintenance of Open Space;
4. Specify open space maintenance requirements, which include that:
   a. Open space shall be free from hazards, nuisances, or unhealthy conditions;
   b. Landscaped areas shall be regularly mowed, trimmed, cleaned, and weeded to ensure neatness;
   c. Hardscaped areas shall be maintained in good repair;
   d. Maintenance of natural areas is limited to removal of litter, dead trees, plant materials, and brush. Natural water courses shall be maintained as free flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels, nor
violate U.S. Army Corps of Engineers or S.C. Department of Health and Environmental Control requirements; and

    (e) Include a statement acknowledging that open space will be maintained subject to § 154.186: Long Term Preservation and Maintenance of Open Space.

§ 154.186 LONG-TERM PRESERVATION AND MAINTENANCE OF OPEN SPACE.

(A) Generally. Land designated as open space to meet the requirements of this Part shall:

    (1) Be platted as a lot, if designated on a preliminary plat;

    (2) Remain as open space in perpetuity; and

    (3) Be maintained so that its use and enjoyment as open space is not diminished or destroyed.

(B) Permanent Protection Required.

    (1) Open space shall be permanently protected through deed restrictions, covenants, or other legal instruments to:

        (a) Ensure the open space is used for its intended purpose; and

        (b) Provide for the continued and effective management, operation, and maintenance of the open space.

    (2) Open space may be owned, preserved, and maintained as required by this Part by any of the following mechanisms or combinations thereof:

        (a) Common ownership of the open space by a property owners’ association that assumes full responsibility for its management and maintenance;

        (b) Conveyance of the open space to a third-party organization, such as a land trust or civic organization, that is capable of and willing to accept responsibility for managing and maintaining the open space for its intended purpose;

        (c) Upon request of the applicant, dedication to a public agency that is capable of and willing to accept responsibility for managing and maintaining the open space for its intended purpose; or

        (d) Private ownership, if the owner is capable of and willing to accept responsibility for managing and maintaining the open space for its intended purpose.

(C) Failure to Maintain Open Space. In the event that any private owner of open space fails to maintain the same, the County, in accordance with the open space plan and following reasonable notice and demand that deficiency of maintenance be corrected, may enter the
open space to maintain the same. The cost of the maintenance will be charged to those persons having the primary responsibility for maintenance of the open space.

§ 154.187 RESERVED.

§ 154.188 RESERVED.

§ 154.189 RESERVED.

§ 154.190 RESERVED.

§ 154.191 RESERVED.

§ 154.192 RESERVED.

§ 154.193 RESERVED.

§ 154.194 RESERVED.
PART 4: TREE CONSERVATION

§ 154.195 PURPOSE.

(A) The purpose of this Part is to preserve, protect, maintain, and increase tree canopy to enhance the quality of life within York County and to protect the public health, safety, and welfare.

(B) Protection of the tree canopy is intended to:

1. Conserve natural resources and maintain an ecologically significant tree canopy;
2. Require the preservation and planting of trees on sites across York County;
3. Protect, facilitate, and enhance the aesthetic qualities of the community to ensure that tree removal does not reduce property values;
4. Prevent soil erosion while promoting soil stabilization and enrichment;
5. Reduce the harmful effects of air pollution, wind, heat, noise, and the glare of motor vehicle lights;
6. Provide shade for the citizens of York County;
7. Emphasize the importance of trees and vegetation as both visual and physical buffers;
8. Reduce water pollution;
9. Minimize the cost of constructing and maintaining engineered stormwater drainage systems by facilitating natural drainage patterns and infiltration of stormwater runoff;
10. Improve surface drainage and aquifer recharge;
11. Moderate temperature and promote energy conservation;
12. Encourage the protection and planting of native trees; and
13. Provide wildlife habitat by reducing forest loss and fragmentation.

§ 154.196 APPLICABILITY.

(A) In General.

1. The provisions of this Part apply to all new commercial, industrial, or multi-family land developments and all subdivisions of land created after the effective date of this Part, within all unincorporated areas of York County.
This Part applies to single-family residential lots created along existing road frontages, newly developed roads, and other lots created through the provisions of this Chapter.

This Part applies to street trees in residential subdivisions as provided in Subchapter C, Part 2, § 154.094: Street Trees.

(B) Exemptions.

(1) Generally. Agriculture, silviculture, horticulture, nursery operations, and the land development activities identified in § 152.007(B): Prohibitions and Exemptions of Chapter 152: Stormwater Management and Sediment Control Ordinance are exempt from the provisions of this Part.

(2) Limitations. Clearing trees through exempt activity as a means to prepare a site for non-exempt development to circumvent the requirements of this Part, including the requirements for tree save areas and preservation of grand trees, is prohibited.

(a) If all or substantially all trees are removed that would otherwise be protected by this Part pursuant to an application for a development permit, no such application shall be accepted for a period of one year after completion of the exempt activity.

(b) If the tree removal for an exempt activity constitutes a willful violation of this Part, no development application shall be accepted for a period of five years.

§ 154.197 TREE PLANTING AND RETENTION USED FOR OTHER REQUIREMENTS.

(A) In General. As specified in this Section, tree save areas and tree counts required or allowed by this Part may be the same areas reserved for tree counts required by other land development and zoning requirements.

(B) Bufferyards. Retention of existing tree canopy for bufferyard plantings required by Zoning Code Subchapter D, Part 3: Buffers, Screening, and Landscaping is required. Retention of existing trees for use as mandatory bufferyards of at least 25 feet in width may be used to satisfy tree save area and tree count requirements at 100% of the land area or tree number preserved.

(C) Open Space. Retention of existing tree canopy for open space required by Part 3: Open Space of this Subchapter may be used to calculate tree save areas and tree counts. In order to qualify for inclusion as a tree save area, required open space must meet the standards for Natural Areas or Greenways as defined in § 154.183: Minimum Dimensions and Composition of Open Space. Retention of existing trees for Natural Areas and Greenways may be used to satisfy tree save area requirements at 100% of the land area preserved. Tree counts in all open space designations may be used to calculate tree count requirements.

(D) Floodplain and Wetlands. Retention of existing tree canopy on land that is undevelopable because it is located within a Flood Hazard Area as defined by Chapter 151:


*Floodplain Management* or within an area designated as wetlands by any State or Federal agency may be used to calculate tree save areas and tree counts. Retention of existing trees in floodplain and wetland areas may be used to satisfy tree save and tree count requirements at 100% of the land area or tree number preserved.

(E) **Low Impact Development.** Retention of existing tree canopy on land that is used for low impact development techniques as defined in Part 2: *Low-Impact Development* may be used to calculate tree save areas and tree counts. Retention of existing trees in areas used for low impact development may be used to satisfy tree save and tree count requirements at 100% of the land area or tree number preserved.

(F) **Street Trees.** Voluntary planting of street trees as provided in § 154.198: *Street Trees* may be used for tree count requirements at 100% of the number of street trees planted.

§ 154.198 STREET TREES.

The planting of street trees in residential subdivisions is not required. Additional standards relating to street trees are provided in Subchapter C, Part 2, § 154.094: *Street Trees*.

§ 154.199 TREE CONSERVATION AND REPLACEMENT.

(A) **Tree Save Areas**

(1) **In General.** Tree save areas required by this Section shall meet the following requirements:

   (a) **Calculated Area.** The acreage required for tree save area may be calculated through the use of the most recently available aerial photography to estimate the existing tree canopy. The aerial photographs shall adequately represent current property conditions.

   (b) **Minimum Area and Width.** All tree save areas shall be at least 2,000 square feet in area and 25 feet in width.

   (c) **Identification.** Tree save areas shall be identified and tabulated on any preliminary or final plat, civil construction plan, or stormwater/grading plan.

   (d) **Tree Survey Required.** A tree survey must be submitted along with any preliminary plat, civil construction plan, or stormwater/grading plan unless the development meets the conditions of § 154.199(A)(1)(d)2, below.

      1. The tree survey shall specify the species, size, location, and health of all trees over six inches in diameter.

      2. For each noncontiguous tree save area of three acres or greater, or for any development in the AGC, AGC-I, RUD, and RUD-I Districts, a 100-foot x 100-foot
sample survey that is reasonably representative of the site may be submitted in lieu of a full tree survey. The sample survey shall adequately represent current property conditions.

(e) **Maintenance.** Land designated as tree save to meet the requirements of this Part shall:

1. Be maintained in a natural condition in perpetuity;
2. Be permanently protected through deed restrictions, covenants, or other legal instruments to provide for the continued protection of trees within the designated area; and
3. Prohibit the removal of any trees in fair or better condition. Removal of such trees from tree save areas will require mitigation by planting of new trees equal to at least 100% of the cumulative DBH of the trees removed.

(2) **Residential Tree Save Requirements.** Residential developments requiring preliminary plat approval and multi-family developments must retain a minimum of 20% of the existing on-site tree canopy as tree save area (see Figure 154.199-1).

(3) **Non-Residential Tree Save Requirements.** New non-residential developments must retain a minimum of 15% of the existing on-site tree canopy as tree save area (see Figure § 154.199-2).

(4) **Mitigation as Alternative to Tree Save Area.** For developments where tree save area is required, but for which existing areas of trees to preserve may render reasonable development of the site impractical, as determined by the Planning and Development Services Director, the Director may approve one of the following mitigation methods, or a combination thereof, as an alternative:

(a) Planting new trees covering an area equal to 150% of the deficit in required tree save area, at a rate of 36 planted trees per acre; or

(b) A fee-in-lieu of preservation by payment to the York County Tree Fund, at a rate of $0.40 per square foot, equal to 150% of the deficit in required tree save area.
Figure 154.199-1: Residential Tree Save – Existing Tree Canopy and Tree Save Calculation
(B) **Trees Provided on Individual Residential Lots.**

(1) *Generally.* A developer or builder is required to provide trees on each individual residential lot in the minimum amounts established by Table 154.199-1: *Trees Required for Lots in Residential Subdivisions.*

(a) When practical, this requirement should be met by retention of existing trees. However, supplemental plantings or entirely new plantings may be utilized.

(b) The Building Official will confirm compliance with the tree requirements for individual lots at the time of the inspection for the Certificate of Occupancy as described in § 154.204: *Administration.* Any new trees required by this Section must be trees listed in the Approved Species List.

(2) *Tree Required for Major Subdivisions.* For individual lots within a major subdivision, the following tree cover is required:
Table 154.199-1: Trees Required for Lots in Residential Subdivisions

<table>
<thead>
<tr>
<th>Lot Size</th>
<th>Required Large Maturing Trees</th>
<th>Required Small Maturing Trees</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-10,000 sf</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>10,001-20,000 sf</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>20,001-30,000 sf</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>30,001 sf – 1 acre</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>More than 1 acre</td>
<td>7</td>
<td>3</td>
</tr>
</tbody>
</table>

§ 154.200 PROTECTION OF GRAND TREES.

(A) Grand Trees.

(1) A grand tree is a tree or group of trees considered to be important community assets due to their unique or noteworthy characteristics.

(2) A tree in fair or better health is considered a grand tree based on its species and size as shown in Table 154.200-1: Grand Trees.

(3) A grand tree includes any tree that appears on the South Carolina Champion Tree Inventory maintained by the Clemson University Department of Forestry and Environmental Conservation.

(4) Any tree that is an invasive species listed on the State Plant Pest List, as maintained by the Clemson University Regulatory Services, is not a grand tree regardless of its size.

Table 154.200-1: Grand Trees

<table>
<thead>
<tr>
<th>Tree Type</th>
<th>DBH (inches)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loblolly and shortleaf pine</td>
<td>32</td>
</tr>
<tr>
<td>American holly</td>
<td>12</td>
</tr>
<tr>
<td>Dogwood</td>
<td>9</td>
</tr>
<tr>
<td>Blackjack oak, redbud, sassafras, sourwood</td>
<td>6</td>
</tr>
<tr>
<td>Rare or endangered species</td>
<td>Any size</td>
</tr>
<tr>
<td>State champion trees</td>
<td>Any size</td>
</tr>
<tr>
<td>Invasive species</td>
<td>DNQ</td>
</tr>
</tbody>
</table>
Table 154.200-1: Grand Trees

<table>
<thead>
<tr>
<th>Tree Type</th>
<th>DBH (inches)</th>
</tr>
</thead>
<tbody>
<tr>
<td>All other species</td>
<td>24</td>
</tr>
</tbody>
</table>

Key: DNQ = Does Not Qualify

(B) **Preservation of Grand Trees.** All grand trees must be retained on any development site except in the AGC and AGC-I Districts.

(C) **Identification of Grand Trees.** Each existing tree meeting or exceeding the corresponding DBH for its species in Table § 154.200-1: Grand Trees that is located within the proposed limits of disturbance, or fewer than 24 feet from the limits of disturbance, must be located on all submittals, including but not limited to, preliminary and final plats, civil construction plans, and stormwater/grading plans. The species, size, and health information of the located trees must also be provided to determine their status as grand trees and the appropriate procedure for removal and mitigation.

(D) **Removal of Grand Trees.**

(1) **Penalty.** If a grand tree is removed without a tree removal permit or the grant of a waiver by the Planning Commission, with mitigation as set out in this Section, any non-agricultural development will be prohibited as provided in § 154.196(B)(2).

(2) **Administrative Approval.** The Planning and Development Services Director may grant approval for the removal of certain grand trees under Subchapter G, Part 10: Tree Removal Permits, with mitigation as required by this Part. The Director may approve the request based on, but not limited to, the following:

(a) The location of grand trees on the property would cause detriment to public well-being in regard to sight visibility onto existing streets and hinder widening and enhancement plans for existing streets;

(b) The location of grand trees on the property would cause detriment to public well-being in regard to the placement of proposed utilities (electric, gas, water, sewer and the like);

(c) The location of grand trees on the property would cause detriment to public well-being in regard to drainage and stormwater measures;

(d) The location of grand trees on the property conflict with necessary elements of the site design that unreasonably impede or diminish the objectives of the development or prevent the provision of necessary features; or

(e) A professional arborist or landscape architect indicates in writing that the tree(s) is diseased, or the soil and climate are not suitable for proper growth and health of the tree(s), or the tree(s) is prone to cause property damage or personal injury.
(3) **Waiver by Planning Commission.** The Planning Commission may approve a waiver request under Subchapter G, Part 9: "Waivers" when strict application of the provisions of this Section would result in an unnecessary hardship.

(E) **Mitigation for Removal of Grand Trees.**

(1) **Mitigation Required.** Land development activity that results in the removal of grand trees, including those subject to administrative approval or a waiver, shall provide replacement or mitigation through one of the following methods, or a combination thereof (see Table § 154.200-2: Example Calculations of Grand Tree Mitigation Methods):

(a) Preserving additional tree save area above the minimum required in § 154.199(A), at a rate of 150 sf per inch of DBH of the trees removed;

(b) Planting new trees at a rate of 0.75:1 per inch of DBH of the trees removed; or

(c) In cases where the total amount of additional tree save or planting is impractical or would compromise the health of preserved or planted trees, as determined by the Planning and Development Services Director, the Director may approve a fee-in-lieu of mitigation by payment to the York County Tree Fund.

1. The amount of the fee-in-lieu payment shall be based upon a bid, contract, or similar instrument to plant trees in a manner consistent with the York County Design Manual, subject to approval by the Director, at a rate of 0.75:1 per inch of DBH of the trees removed.

2. No more than half of the cumulative DBH of the trees removed may be mitigated through a fee-in-lieu payment. The balance of required mitigation shall be fulfilled through other methods.

3. The fee-in-lieu subject to this Subparagraph shall be deposited into the York County Tree Fund and used for the purposes identified in § 154.206: *York County Tree Fund Established*.

<table>
<thead>
<tr>
<th>Method A: Additional Tree Save</th>
<th>80 in x 150 sf/in = 12,000 sf</th>
</tr>
</thead>
<tbody>
<tr>
<td>Method B: New Tree Plantings</td>
<td>80 in x 0.75 = 60 in (planting DBH)</td>
</tr>
<tr>
<td>Method C: Fee-in-lieu</td>
<td>40 in(^1) x 0.75 = 30 in (cost estimate of planting paid to Tree Fund)</td>
</tr>
</tbody>
</table>
Table § 154.200-2: Example Calculations of Grand Tree Mitigation Methods

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<th>Example Combination</th>
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</thead>
<tbody>
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<td></td>
<td>20 in x 150 sf/in = 3,000 sf tree save</td>
<td>20 in x 0.75 = 15 in (planting DBH)</td>
<td>40 in(^1) x 0.75 = 30 in (cost estimate of planting paid to Tree Fund)</td>
</tr>
</tbody>
</table>

Total DBH mitigated = 80

Key: in = inches | sf = square feet

\(^1\) The maximum allowable fee-in-lieu payment can mitigate no more than half of the cumulative DBH of the trees removed.

§ 154.201 PRESERVATION AND PLANTING REQUIREMENTS.

(A) New and Replacement Trees. Any new trees required by this Subchapter must be trees listed in the Approved Species List provided in the Land Development Manual.

(B) Tree Planting Standards. The form, size, quality, and proportions of proposed trees must meet the guidelines outlined in the American National Standards Institute (ANSI) Z60.1 American Standard for Nursery Stock. Installation and maintenance of new and replacement trees must meet the standards provided in the Land Development Manual.

(C) Healthy Trees. Planted trees or existing trees on a property that are to be protected should be healthy, disease free, and clear of invasive species of flora or fauna.

§ 154.202 TREE PROTECTION DURING CONSTRUCTION.

(A) Protective Fencing Required.

(1) Protective fencing is required for any tree to be retained following construction. Protective fencing shall:

(a) Be at least 4.5 feet in height and constructed of durable material, such as wood, plastic, or metal;

(b) Completely encircle the critical root zone, defined as one foot of radius per inch of DBH, of all trees to be protected; and

(c) Be in place prior to any earth disturbing activity begins and remain in place for the duration of the project.

(2) Groups of trees may be protected by one perimeter fence meeting the specifications outlined in this Section.
(B) **Signs Required.** Signs must be installed on the protective fence visible on all sides of the fenced-in area (minimum one on each side or every 300 linear feet). The sign must contain the following or similar text in both English and Spanish: "TREE PROTECTION ZONE: KEEP OUT."

(C) **Development Activity Within Fenced Area Prohibited.** No construction, grading, parking, equipment, material storage, or any other land development activity is allowed within the fenced area at any time during the project.

(D) **Trenching and Boring.** Trenching will not be allowed without the Director’s approval. Boring may be allowed with consultation by an arborist and approval of the Director.

(E) **Compaction.** Where compaction might occur due to the necessity of moving traffic or materials through the tree protection zone, the area must first be mulched with a minimum four-inch layer of processed pine bark or wood chips or a six-inch layer of pine straw.

(F) **Additional Requirements.** Additional technical specifications for tree protection during construction is provided in the Land Development Manual.

§ 154.203 **TREE MAINTENANCE.**

(A) **Applicability.** This Section provides for the ongoing maintenance of trees required under this Part. The maintenance requirements of this Section do not apply to tree save areas, which are to be maintained in a natural condition.

(B) **Non-Residential Development.** The owner of non-residential property where trees have been preserved or installed pursuant to this Part is responsible for the maintenance and protection of all plant and screening material for the duration of use of the premises.

(C) **Residential Development.** For residential developments, trees that have been preserved or installed pursuant to this Part will be maintained by the developer or the homeowners or property owners association in perpetuity pursuant to the repair and maintenance requirements of Subchapter F, Part 3: *Required Covenants, Conditions, and Restrictions.*

(D) **Maintenance Standards.**

   (1) All landscape material, maintenance, and management must conform to the minimum standards of the ANSI A300 Standards for Tree Care Operations.

   (2) Mulch should be installed and maintained according to ANSI A300 Standards for Tree Care Operations. The tree’s root flare should always be visible with correct mulching techniques.

   (3) Trees may not be severely trimmed and should only be pruned according to the standards of ANSI A300 Standards for Tree Care Operations. If aggressive trimming occurs, the property will be considered nonconforming and required to replace the trees with trees meeting the minimum size, spacing, and quantity standards of this Part.
§ 154.204 ADMINISTRATION.

(A) Tree Protection and Tree Planting Plans.

(1) Tree Protection Plans. The applicant must submit a tree protection plan that conforms with the requirements of the Land Development Manual and Chapter 152: Stormwater Management and Sediment Control Ordinance.

(2) Tree Planting Plans.

(a) For Individual Residential Lot Trees. No written tree planting plans are required from developers, builders, or lot owners. Instead, the standards in § 154.199(B) shall apply to residential lots upon submission of a civil construction plan, or building permit and will be evaluated prior to the Certificate of Occupancy upon completion of dwellings on each lot.

(b) For Compliance with Other Standards. For any other tree planting or replacement requirement of this Part, the Applicant must submit a tree planting plan indicating locations, counts, sizes, and species of all trees. Whenever the area of land disturbance for a development exceeds two acres, the tree planting plan must be prepared by a landscape architect licensed in the state of South Carolina. Whenever the area of land disturbance for a development is two acres or less, the tree planting plan may be prepared by other qualified professionals when the design is incidental to their work. The Land Development Manual includes additional standards.

(B) Review.

(1) Upon submission of a preliminary plat or civil construction plan, the Planning and Development Services Department staff will verify that the plan complies with the requirements of this Part.

(2) In the event the plantings identified in the submittal do not meet the required overall minimums, additional plantings will be required in order to meet the minimum.

(C) Inspections and Compliance.

(1) An inspection of all sites must be conducted prior to the issuance of a Certificate of Occupancy. The Certificate will be withheld if the lot is not in compliance with the requirements of this Part.

(2) For any required tree preservation, planting, or replanting, if trees are observed by the inspector to be injured or threatened, they may be deemed ineligible to satisfy the requirements of this Part.

§ 154.205 ENFORCEMENT.

(A) Violations. Violations of this Part will be processed, enforced, and penalized as provided in Subchapter I: Enforcement.
SUBCHAPTER D: GREEN INFRASTRUCTURE STANDARDS
PART 4: TREE CONSERVATION

§ 154.206 YORK COUNTY TREE FUND ESTABLISHED.

(B) **Mitigation.** In addition to the enforcement and penalties in Subchapter I: *Enforcement*, through actions that result in a removed or compromised tree in violation of this Part, a property owner may be required to replant trees at a rate not to exceed one inch DBH of trees for each one inch DBH of trees that are removed or compromised.

§ 154.206 YORK COUNTY TREE FUND ESTABLISHED.

(A) The York County Tree Fund will be established as a separate, interest-bearing account managed by the County, and will be used solely for the purposes of:

1. Tree purchase and installation of new trees on public property and rights-of-way;
2. Maintenance of existing tree canopy on public property and rights-of-way;
3. Purchase of real property for the purposes of tree plantings or permanently protecting a wooded area with the application of a conservation easement;
4. Purchase of conservation credits for public development projects; and
5. Administration of the activities authorized by this Section.

§ 154.207 RESERVED.

§ 154.208 RESERVED.

§ 154.209 RESERVED.

§ 154.210 RESERVED.

§ 154.211 RESERVED.

§ 154.212 RESERVED.

§ 154.213 RESERVED.

§ 154.214 RESERVED.
YORK COUNTY, SOUTH CAROLINA CODE OF ORDINANCES

CHAPTER 154: LAND DEVELOPMENT CODE

SUBCHAPTER E: GUARANTEE AND ACCEPTANCE OF IMPROVEMENTS

Adopted February 21, 2022

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PART 1: GENERAL PROVISIONS

§ 154.215 PURPOSE.

The purpose of this Subchapter is to ensure that all improvements required by this Chapter are installed and constructed in a manner that ensures the health, safety, and welfare of the public, and limits the exposure of York County and private property owners for unanticipated expenses related to the installation and proper function of public and private infrastructure.

§ 154.216 APPLICABILITY.

The standards and regulations of this Subchapter shall apply to all land development activity that occurs within the jurisdiction of this Chapter where public or private infrastructure subject to regulation herein is installed or constructed as part of such development.

§ 154.217 RESERVED.

§ 154.218 RESERVED.

§ 154.219 RESERVED.
PART 2: IMPROVEMENT GUARANTEES

§ 154.220 PURPOSE.

The Purpose of this Part is to ensure that public infrastructure required to be installed under this Chapter is constructed according to the standards and specifications of York County, and is free from defects in materials and workmanship during a warranty period following acceptance.

§ 154.221 APPLICABILITY.

The requirements of this Part shall apply to all development projects involving the construction of new roads or the improvement of existing roads, as well as the installation of water and sewer infrastructure intended for dedication to the York County water and sewer system.

§ 154.222 ROAD IMPROVEMENT GUARANTEES AND WARRANTY.

(A) Posting of Road Improvement Guarantee Funds. Improvement guarantees shall be posted for all development projects that include a road construction or improvement component.

(1) Road improvement guarantee funds are intended to cover the maintenance and repair of public improvement items within the right-of-way, such as the asphalt intermediate course, surface course, or curb and gutter, if necessary. The posting of these funds is strictly for the improvement of constructed facilities, and shall not relieve the developer of the requirement to construct the specified improvements as set forth in Subchapter C: Infrastructure Standards prior to the posting of the road improvement guarantee.

(2) Road improvement guarantee funds are also intended to ensure that final paving is completed in accordance with the established schedule and the applicable standards and specifications.

(B) Standards for Road Improvement Guarantees. All road improvement guarantees shall conform to the following standards:

(1) Road improvement guarantee funds shall be filed with the York County Planning and Development Services Department following the inspection and approval of the initial construction by the York County Engineer.

(2) The amount of the posted guarantee shall be determined by the Director in accordance with the County’s adopted policies and procedures.

(3) Improvement guarantee funds shall be posted with a bank/cashier’s check made payable to York County, or an irrevocable letter of credit naming York County as the beneficiary. The initial term of a letter of credit shall be two years, and each successive extension of a letter for credit shall be for one additional year.
(C) **Warranty for Road Improvements.**

(1) **Public Road Improvement Warranties.** The following standards shall govern the manner in which developers shall warrant and repair public road improvements prior to the release of the improvement guarantee and acceptance by the County Council.

   (a) All roads intended for acceptance into the York County Road Maintenance System shall be subject to a two-year warranty period which shall begin on the date of the approval of final plat.

   (b) The Planning and Development Services Department will conduct a series of inspections during this two-year warranty period to identify any deterioration, defects, or defaults of the roadway construction needing to be repaired prior to the end of the warranty period. It shall be the responsibility of the developer to repair any deterioration, defects, or defaults within the two-year warranty period for roads accepted into the County roadway system.

   (c) The method and schedule of all repairs to the roads/streets shall be approved and inspected by the Planning and Development Services Department. Failure to complete any required repairs within the warranty period will be treated as a forfeiture of the improvement guarantee, as provided for in § 154.222(D), below.

   (d) During this warranty period, the County Council will be requested to accept the roads/streets into the York County Road Maintenance System. No road shall be presented to Council for acceptance until all outstanding issues have been resolved relating to road construction, utility construction, payment of fees, and final plat approval. The County Council reserves the right to refuse to accept a roadway or series of roads into its road maintenance system for any reason it deems necessary.

(2) **Private Road Improvement Warranties.** The following standards shall govern the manner in which developers shall warrant and repair private road improvements prior to the release of the improvement guarantee by the Planning and Development Services Department.

   (a) All private roads shall be subject to a two-year warranty period, which shall begin on the date of the approval of final plat.

   (b) The Planning and Development Services Department will conduct a series of inspections during this two-year warranty period to identify any deterioration, defects, or defaults of the roadway construction needing to be repaired prior to the end of the warranty period. It shall be the responsibility of the developer to repair any deterioration, defects, or defaults within the two-year warranty period.

   (c) The method and schedule of all repairs to the roads/streets shall be approved and inspected by the Planning and Development Services Department. Failure to complete any required repairs within the warranty period will be treated as a forfeiture of the improvement guarantee, as provided for in § 154.222(D), below.
(D) **Release of Improvement Guarantee.** The following standards shall apply to the release of posted road improvement guarantees.

1. Road improvement guarantee funds will be held for the duration of the warranty period established in § 154.222(C), above.

2. Prior to the expiration of the warranty period, the Planning and Development Services Department shall conduct a final inspection of the guaranteed improvements. If no defects are identified, then the entire amount of the improvement guarantee shall be released to the developer. If defects are identified, then the developer shall be given written notice of the required repairs and a deadline will be established for making such repairs.

3. If the developer fails to make such required repairs, the funds shall be forfeited and the County shall affect such repairs as necessary. If the forfeited funds are insufficient to complete the required repairs, the developer shall be responsible for providing such additional funds as necessary. Any remaining balance of the funds shall be returned to the developer after all necessary repairs are completed and approved by the County.

§ 154.223 **DEFERRED SIDEWALK BOND.**

The Director may allow deferred installation of required sidewalks for single-family lot development in accordance with this Section.

(A) **Purpose.** The purpose of deferred sidewalk installation is to reduce damage to public improvements by allowing builders to install sidewalk segments in conjunction with the construction of single-family dwellings.

(B) **Limitations.** Only portions of required sidewalk installation that front individual lots may be deferred. All sidewalks required along common areas, open space, or amenities within a development or phase of development must be installed prior to final plat approval.

(C) **Posting of Sidewalk Bond.** When deferred sidewalk installation is allowed, the developer shall provide the county with a bank/cashier’s check or an irrevocable letter of credit insuring the installation of the required sidewalk improvements. The amount of the posted bond shall be no less than 150% of the estimated cost to complete the deferred improvements, based on a contractor’s bid or contract, or similar instrument, subject to approval by the Director.

(D) **Final Plat Statement.** For projects approved for deferred sidewalk installation, all sidewalks within a development shall still be depicted on the final plat and the following statement must be included: “THIS FINAL PLAT IS SUBJECT TO A DEFERRED SIDEWALK BOND. NOT ALL SIDEWALKS FRONTING INDIVIDUAL LOTS ARE COMPLETED. IN THE EVENT THE DEVELOPER FORFEITS THE BOND AND THE COUNTY MUST COMPLETE THE SIDEWALKS, THE DEVELOPER WILL BE ASSESSED ANY DIFFERENCE BETWEEN THE AMOUNT OF THE BOND AND ACTUAL CONSTRUCTION COST.”
(E) **Duration.** The maximum duration of deferred sidewalk installation shall be one year from the date of final plat approval or when 80% of the lots within a development or phase of development have been issued a Certificate of Occupancy, whichever is shorter.

(F) **Release.** Prior to the release of the sidewalk bond, the Planning and Development Services Department shall conduct a final inspection. If no defects are identified, then the entire amount of the improvement guarantee shall be released to the developer. If defects are identified, the developer shall be given written notice of the required repairs and a reasonable deadline shall be established for making such repairs.

(G) **Forfeiture.** If the developer fails to install or repair the deferred sidewalk within the time frames established by this section, the bond funds shall be forfeited and the County shall complete the installation or repairs. If the forfeited funds are insufficient to complete installation or repair of deferred sidewalks, the developer shall be responsible for providing such additional funds as necessary. Any remaining balance of the forfeited funds shall be returned to the developer after all installation or repairs are completed and approved by the County.

§ 154.224 **WARRANTIES FOR WATER AND SEWER INFRASTRUCTURE.**

(A) **Warranty Period.** All water and sewer infrastructure intended for acceptance into the York County water and sewer system shall be subject to a one-year warranty period. The warranty period shall begin upon the issuance of the SCDHEC permit to operate and shall terminate after exactly one calendar year.

(B) **Repairs During Warranty Period.** If a defect is discovered in the design, workmanship, or materials of any warrantied water or sewer infrastructure, the developer shall be notified in writing of such defect and shall remedy the item within 60 calendar days from notification.

§ 154.225 **RESERVED.**

§ 154.226 **RESERVED.**

§ 154.227 **RESERVED.**

§ 154.228 **RESERVED.**

§ 154.229 **RESERVED.**
PART 3: CONSTRUCTION INSPECTIONS

§ 154.230 PURPOSE.

The purpose of this Part is to establish standards for the inspection of road, water, and sewer utility improvements during their construction and installation.

§ 154.231 APPLICABILITY.

The standards contained herein shall apply to the construction and improvements of all public and private roads undertaken as a requirement of this Chapter, as well as to the construction and improvement of all water and sewer utilities in conjunction with development activity subject to this Chapter.

§ 154.232 ROAD INSPECTIONS.

(A) Generally. Any roadway construction projects subject to this Part shall be inspected by a representative of York County during all phases of construction.

(B) Pre-Inspection Requirements. Before any inspection of road construction may be scheduled, the Planning and Development Services Department shall have in their possession the following documentation:

(1) Preliminary plat approval from the York County Planning Commission;

(2) Subdivision construction plan approval from County staff;

(3) Proof that grading permit has been obtained;

(4) Written verification on file that the developer has received, read, and understands the York County Land Development Manual;

(5) A subgrade certification letter indicating the roads were installed in accordance with the approved construction plan; and

(6) Letter or report from an independent county-approved Geotechnical Engineer/Testing Laboratory (ITL) documenting the following:

(a) The location of any existing wet, marginal, or unsuitable soils within the road right-of-way that were either undercut and replaced, scarified to dry and re-compacted, properly bridged with a stabilization fabric, or stabilized with lime and/or cement or some other acceptable process; and

(b) In areas requiring fill material, suitable roadway fill material has been used and placed in accordance with York County and SCDOT procedures and compaction specifications. SCDOT standards for subgrade construction requirements are specified in § 208 of the SCDOT Standard Specifications for Highway Construction (latest edition).
Independent county-approved Geotechnical Engineer/Testing Laboratory (ITL) is to be hired by the developer/contractor at no expense to York County.

(C) **Required Inspections.** The following inspections shall be required during the road construction process:

1. Subgrade compaction proof roll;
2. Stormwater drainage;
3. Street signs;
4. Curb and sidewalk subgrade inspection;
5. Aggregate base course stone depth check;
6. Aggregate base course compaction proof roll;
7. Asphalt intermediate course core depth inspection; and
8. Asphalt intermediate course final inspection;

(D) **Random Inspections.**

1. York County reserves the right to conduct random on-site inspections during any phase of construction. At a minimum, construction procedures and materials will be observed for their compliance with the approved construction plan and York County’s standards and specifications. In addition, issues such as traffic control, stormwater management, and overall public safety and property protection will be reviewed.

2. York County reserves the right to conduct random asphalt plant inspections in accordance with the [SCDOT Standard Specifications for Highway Construction](https://www.dot.state.sc.us/) (latest edition). These inspections will be conducted to verify job mix and to inspect overall plant operations and materials storage.

3. York County reserves the right to request an independent Geotechnical Engineer/Testing Laboratory (ITL) to perform tests and inspections. If requested, the ITL shall be hired by the developer at no cost to York County.

(E) **Re-inspections.**

1. York County requires 48 hours notification for all re-inspections.

2. Re-inspections required as a result of failed inspections will constitute a re-inspection fee for each occurrence. This fee accumulates and shall be paid to the Planning and Development Services Department, prior to receiving final plat approval.

3. Should re-inspections be a direct result of unexpected weather-related conditions, re-inspection fees may be waived at the discretion of the County Engineer.
(4) A contractor who does not comply with the findings of an inspection and proceeds to the next phase of construction without making the necessary repairs and calling for a re-inspection, will be required, at a minimum, to remove the new work in the area of the previous inspection failure, so that proper repairs can be made.

(a) If this action requires the cutting of the final asphalt surface course to make repairs, York County reserves the right to require the contractor to resurface the entire length of the roadway, or a portion of the road sufficient in length to avoid the appearance of patchwork.

(b) York County will suspend all future inspections on the project until such time as the project is brought back into compliance.

(c) These penalties will also apply when a contractor proceeds to the next phase of construction without calling for re-inspection of the subgrade or aggregate base course compaction whenever substantial rainfall occurs after an approved inspection.

(F) Canceling an Inspection. Inspections may be canceled one day before the scheduled inspection and may be re-scheduled with the required notice. Re-inspection fees do not apply to inspections canceled in this manner.

(G) Weather Restrictions. Plant mix base/binder courses may be placed throughout the year, as long as the roadway is properly prepared and the temperature is at least 40 degrees and rising for three consecutive days or the developer provides proof the subgrade is not frozen.

(H) Additional Weather Issues. York County reserves the right to deny inspection requests should approaching weather threaten to damage the integrity of work to be inspected. York County reserves the right to perform a re-inspection of the subgrade or stone compaction whenever substantial rainfall occurs after an approved inspection.

§ 154.233 WATER AND SEWER INSPECTIONS.

(A) Generally. Any water and sewer construction projects subject to this Part shall be inspected by a representative of York County during all phases of construction.

(B) Pre-Inspection Requirements. Before any inspection of water and sewer utilities may be scheduled, the York County Planning and Development Services Department shall have in their possession the following documentation:

(1) Preliminary plat approval from the Planning Commission;

(2) Subdivision construction plan approval from County staff;

(3) Proof that grading permit has been obtained;

(4) SCDHEC permit to construct water and sewer facilities;
(5) A materials list that is compliant with the list of approved materials in the York County Land Development Manual; and

(6) Any applicable encroachment permits.

(C) **Required Inspections.** The following inspections, inclusive of all distinct categories of inspection of the system and its components, shall be required during the utility installation process:

(1) Preliminary inspection; and

(2) Final inspection.

(D) **Re-inspections.**

(1) York County requires 48 hours notification for all re-inspections. Re-inspections required of failed inspections will constitute a re-inspection fee for each occurrence. This fee accumulates and shall be paid to the Planning and Development Services Department, prior to receiving final plat approval.

(2) Should re-inspections be a direct result of unexpected weather-related conditions, re-inspection fees may be waived at the discretion of the County Engineer.

(E) **Canceling an Inspection.** Inspections may be canceled one day before the scheduled inspection and may be re-scheduled with the required notice. Re-inspection fees do not apply to inspections canceled in this manner.
PART 4: DEDICATION OF IMPROVEMENTS

§ 154.240 PURPOSE.

The purpose of this Part is to ensure that public roads, their appurtenant storm drainage facilities, water, and sewer utilities are properly dedicated as part of the land development process.

§ 154.241 APPLICABILITY.

These standards shall apply to all public road, water, and sewer utility improvements intended for acceptance by York County.

§ 154.242 DEDICATION OF ROADS.

(A) Right-of-Way Required. All roads to be accepted into the York County road maintenance system shall have an irrevocably dedicated right-of-way to York County which covers the length of the roadway to be maintained by York County.

(B) Dedication of Additional Right-of-Way. Any development encompassing existing County roads that do not have a minimum right-of-way as required in Subchapter C: Infrastructure Standards shall dedicate the required width to York County in order to proceed.

(C) Roadway Storm Drainage Easements. York County shall be presented with a written storm drainage easement (being shown on a plat is not sufficient), accepted by the York County Council, before York County has the right or responsibility to maintain the easement(s). York County reserves the right to accept only those easements which are a direct result of the collection and distribution of stormwater related to roadway construction and maintenance.

(D) Acceptance. The acceptance of road rights-of-way and storm drainage easements shall not be construed as the acceptance of property ownership; however, York County reserves the right to maintain, repair, or improve the land and infrastructure within the dedicated right-of-way and easements.

(E) Recordation. Right-of-way forms shall be obtained from the York County Planning and Development Services Department. The grant of right-of-way form includes a legal description of the roadway in question and shall be signed, witnessed, and properly probated. The completed form will be recorded in the office of the Clerk of Court by the York County Planning and Development Services Department.

§ 154.243 DEDICATION OF WATER AND SEWER UTILITIES.

(A) Utility Easements Required. For all water and sewer utilities to be accepted into the York County water and sewer system, the developer shall provide an irrevocable utility easement to York County that covers the length of the utility lines and appurtenant infrastructure to be maintained by York County.
(B) **Acceptance.** Before York County will accept water or sewer infrastructure into the County system, an affidavit from the developer and developer’s contractor will be required stating that all construction costs have been paid and the water and sewer infrastructure is free from all encumbrances.

(C) **Recordation.** Easement forms shall be obtained from the York County Planning and Development Services Department. The grant of easement form includes a description of the utility easements in question and shall be signed, witnessed, and properly probated. The completed form will be recorded in the office of the Clerk of Court by the York County Planning and Development Services Department.

§ 154.244 RESERVED.

§ 154.245 RESERVED.

§ 154.246 RESERVED.

§ 154.247 RESERVED.

§ 154.248 RESERVED.

§ 154.249 RESERVED.
### YORK COUNTY, SOUTH CAROLINA CODE OF ORDINANCES

### CHAPTER 154: LAND DEVELOPMENT CODE

#### SUBCHAPTER F: PROPERTY OWNER ASSOCIATIONS

Adopted February 21, 2022

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SUBCHAPTER F: PROPERTY OWNER ASSOCIATIONS

PART 1: GENERAL PROVISIONS

§ 154.250 PURPOSE.

The purpose of this Subchapter is to set uniform requirements for the establishment, governance, and responsibilities of Property Owners Associations. These standards are intended to ensure that commonly owned elements and infrastructure of developments are maintained in a manner that supports their long-term viability and reduces the risk that public intervention will be needed to financially support the maintenance of such infrastructure.

§ 154.251 APPLICABILITY.

The provisions of the Subchapter shall apply to all developments within unincorporated York County that include commonly owned property, infrastructure, or other features, including those developments where a single owner has current control over common elements shared by multiple lots or parcels.

§ 154.252 RESERVED.

§ 154.253 RESERVED.

§ 154.254 RESERVED.
PART 2: PROPERTY OWNERS ASSOCIATION REQUIRED

§ 154.255 PURPOSE.

The purpose of this Part is to ensure that all private property, physical improvements, infrastructure, and services that are intended to be owned, maintained, and/or operated by two or more persons or other legally distinct entities are held in a fiscally sustainable and responsible legal association comprised of the owners of the real property served or enjoyed by such property, physical improvements, infrastructure, and services.

§ 154.256 APPLICABILITY.

A Property Owners Association constituted under the applicable provisions of the South Carolina Code of Laws shall be required for all development subject to the jurisdiction of this Ordinance where any real property, physical improvements, or infrastructure will be owned in common by two or more persons or legal entities, or where common services, such as private lawn or exterior building maintenance, are proposed to be provided to more than one property within a development.

§ 154.257 ESTABLISHMENT.

A Property Owners Association shall be established through filing of the declaration of covenants and restrictions for the association in the office of the York County Clerk of Court prior to any interest in property within the development being transferred to an entity other than the initial owner/developer.

§ 154.258 MASTER ASSOCIATION REQUIRED.

(A) When Required. Where a development subject to the requirements of this Part is comprised of multiple types of uses, such as a Special District containing a mixture of single-family residences, townhomes, apartments, and commercial areas, with each distinct neighborhood or use type having a separate Property Owners Association; a Master Property Owners Association comprised of each of the separate associations shall be established to manage the common business affairs and responsibilities of each sub-association.

(B) Timing of Establishment. The Master Association shall be established prior to the establishment of any sub-association.

(C) Applicability. Each property within the development shall be required to maintain membership in both the separate association as well as the Master Property Owners Association.

(D) Withdrawal and Merger. Withdrawal by any property or sub-association from the Master Association shall be prohibited, but the merger of associations, either with other sub-associations or with the Master Association is permitted.
§ 154.259 PHASED DEVELOPMENT

Where a development is completed in phases, each new phase shall be either annexed into the existing Property Owners Association by amendment of the declaration, or incorporated as a separate sub-association of a Master Property Owners Association, as applicable. Such amendment or incorporation shall take place prior to the transfer of any interest in property within the phase of the development to any entity other than the initial owner/developer.

§ 154.260 DISSOLUTION

Where the commonly owned, held, or operated elements of a development that required the establishment of a Property Owners Association are disposed of or cease to operate, in whole, the dissolution of the Property Owners Association shall be permitted. An example of such circumstance would be a residential subdivision with private streets dedicating such streets to the public and having them accepted for maintenance by a public entity.

§ 154.261 RESERVED.

§ 154.262 RESERVED.

§ 154.263 RESERVED.

§ 154.264 RESERVED.
PART 3: REQUIRED COVENANTS, CONDITIONS, AND RESTRICTIONS

§ 154.265 PURPOSE.

The purpose of this Part is to ensure that Property Owners Associations are established in a manner that supports the long-term viability of the organization to carry out their intended duties to their members.

§ 154.266 APPLICABILITY.

These provisions shall apply to all Property Owners Associations required under this Subchapter.

§ 154.267 REQUIRED COVENANTS, CONDITIONS, AND RESTRICTIONS.

(A) The initial declaration of a Property Owners Association required by this Subchapter shall include, at a minimum, the following covenants, conditions, and restrictions:

(1) All required information established under the applicable standards of the South Carolina Code of Laws;

(2) A requirement for membership in perpetuity for each property subject to the declaration, inclusive of the Master Association, if applicable;

(3) A requirement for the association to perpetually maintain, repair, and operate all commonly held property, infrastructure, services, and other common elements;

(4) A restriction on the assignment, conveyance, or designation of responsibility for any commonly owned and/or operated infrastructure or real property from the Property Owners Association to any individual member or subset of individual members of the association;

(5) A requirement for the association to maintain liability and casualty insurance for all commonly held property and infrastructure;

(6) A requirement for the association to pay all taxes, fees, and charges for services incurred by the association related to its commonly held property and commonly operated services;

(7) An initial operations and maintenance budget, pre-funded through the first fiscal year of its existence, that establishes adequate funding for all of its obligations incurred in carrying out its declared responsibilities;

(8) A long-term capital improvement budget, initially funded with 5% of the construction costs of all improvements held in common ownership by the association, and an initial annual capital improvement fee structure sufficient to generate 1% of the initial construction costs per annum; and
(9) A requirement that all properties subject to the declaration are liable for the payment of the annual pro rata share of the annual operating budget and capital improvement fees assessed to each property, and the method in which the association will ensure the collection of delinquent fees, penalties, and interest owed to it.

(B) The applicant shall provide a copy of these covenants, conditions, and restrictions in conjunction with the final plat.

§ 154.268 RESERVED.

§ 154.269 RESERVED.
YORK COUNTY, SOUTH CAROLINA CODE OF ORDINANCES

CHAPTER 154: LAND DEVELOPMENT CODE

SUBCHAPTER G: PROCEDURES

Adopted February 21, 2022
Amended through July 17, 2023

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SUBCHAPTER G: PROCEDURES

PART 1: GENERAL PROVISIONS

§ 154.270 PURPOSE.

The purposes of this Subchapter are to:

(A) Outline clear standards for filing and processing applications for land development approvals required by this Chapter;

(B) Allow applicants, County officials, and the public to quickly and efficiently ascertain the steps involved in obtaining land development approvals; and

(C) Implement the Comprehensive Plan, neighborhood and area plans, and functional plans developed by the County.

§ 154.271 APPLICABILITY.

(A) This Subchapter controls the procedures for the initiation, review, and decision for all land development permits or approvals required by this Chapter.

(B) This Subchapter controls the procedures for the administration of this Chapter and amendments to this Chapter.

§ 154.272 SUMMARY OF PROCEDURES.

(A) This Subchapter provides four steps for plat approvals of the subdivision of land:

(1) Sketch plan review (optional);

(2) Preliminary plat review and approval;

(3) Civil construction plans review and approval; and

(4) Final plat review and approval.

(B) An applicant must obtain subdivision construction plan approval before constructing any street improvements or installing any utilities.

(C) An applicant must obtain final plat approval before the sale or transfer of individual lots in the subdivision.

(D) Table 154.272-1: Summary of Procedures summarizes the procedures established in this Subchapter.
Table 154.272-1: Summary of Procedures

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<th>Review, Decision-Making, &amp; Appeal Bodies</th>
<th>Public Hearing Required</th>
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<tr>
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<td>PC</td>
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<tr>
<td>Minor Subdivision and Individual Plats</td>
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<tr>
<td>Sketch Plans</td>
<td>R</td>
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<td>Preliminary Plats for Subdivisions</td>
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<td>D</td>
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<tr>
<td>Civil Construction Plans</td>
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<td>A</td>
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<td>Final Plats</td>
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<td>Traffic Impact Analysis</td>
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<td>A</td>
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<td>Private Street Acceptance</td>
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<tr>
<td>Waivers</td>
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<td>D</td>
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<td>D</td>
<td>A</td>
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<tr>
<td>Appeal of Administrative Decisions</td>
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<td>D</td>
</tr>
<tr>
<td>Land Development Code Amendments</td>
<td>R</td>
<td>R</td>
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</tbody>
</table>

Key: Staff = Planning and Development Services Department | PC = Planning Commission | CC = County Council | R = Review Body | D = Decision-Making Body | A = Appeal Body

§ 154.273 GENERAL PROCEDURAL REQUIREMENTS AND AUTHORITY.

(A) General Requirements.

(1) Application Forms. All applications shall be made on forms maintained for each permit or approval by the Planning and Development Services Department, which are available online or in-person at the County’s offices.

(2) Submittal Requirements. Applications filed under this Subchapter must include the information required by Subchapter L: Submittal Requirements, including all information required on the application checklist maintained by the Department for the particular permit or approval.

(3) Application Fees. The applicant shall pay all applicable fees at the time of application submittal (see Subchapter L: Submittal Requirements).

(B) Written Findings.

(1) Unless otherwise specifically provided in this Chapter, written findings are not required for a final decision on any application.

(2) At the request of an applicant or a party with standing to challenge an application, or on its own initiative, the approving authority may make a decision subject to the
subsequent adoption of written findings. In those cases, the decision is not final until the written findings are adopted.

(C) **Workflow Summary.**

(1) This Subchapter sets up rules for procedures, such as pre-application meetings, notices, and public hearings. It then describes the process for specific land use decisions.

(2) The procedures generally share a common workflow and description, as shown in Table 154.273-1: *Procedure Workflows*. If a particular procedure does not include a section for an element in Table 154.273-1, the element does not apply to that procedure.

<table>
<thead>
<tr>
<th>Element</th>
<th>Meaning</th>
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<td>Purpose</td>
<td>Explains the reasons for a particular procedure.</td>
</tr>
<tr>
<td>Applicability</td>
<td>The type of development or situation that is subject to the process.</td>
</tr>
<tr>
<td>Initiation</td>
<td>This is how the applicant begins the process, including which department or official receives the application.</td>
</tr>
<tr>
<td>Completeness</td>
<td>This is how the County determines that the application has sufficient information to be processed.</td>
</tr>
<tr>
<td>Notice</td>
<td>This describes the type of notice, and how it is provided.</td>
</tr>
<tr>
<td>Decision</td>
<td>This states who approves the application, and the type of proceeding that leads to the decision.</td>
</tr>
<tr>
<td>Approval Criteria</td>
<td>These are any standards that apply to the application. All applications are subject to this Chapter.</td>
</tr>
<tr>
<td>Subsequent Applications</td>
<td>If an application is denied, some processes have a waiting period before that type of application can be re-filed for the property.</td>
</tr>
<tr>
<td>Appeals</td>
<td>This provides a way to review an application that is denied, or that have conditions the applicant disagrees with.</td>
</tr>
<tr>
<td>Scope of Approval</td>
<td>This states the activities that the application authorizes. For example, some approvals send the applicant to the next step in the overall process, while others authorize construction or use.</td>
</tr>
<tr>
<td>Recordkeeping</td>
<td>Some procedures have specific requirements for maintaining records of applications and actions, which are included in this Subchapter. County record retention policies govern other recordkeeping requirements.</td>
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§ 154.274 **COMPLETENESS REVIEW.**

(A) **When Applications Deemed Complete.**

(1) The County will not process incomplete applications.
(2) An application is not complete until the applicant submits all required items (see Subchapter L: Submittal Requirements).

(3) Planning and Development Services Department staff will review applications for completeness and determine whether the application is complete.

   (a) If Department staff determines that the application is not complete, Department staff will transmit the determination to the applicant within 10 business days of the application’s filing date that specifies those parts of the application that are incomplete and indicates how they can be made complete, including a list and description of the information needed to complete the application.

   (b) The Department staff and the review and decision-making bodies are not obligated to further review the application until the required information is provided.

   (c) If the applicant fails to provide the required information within 180 days of the application filing date, then the application expires, and an applicant may be required to re-file an application for any further consideration.

(4) A time period required by this Chapter to process an application does not commence until the Department staff determines that the application has been properly submitted and the applicant has corrected any deficiencies in the application. Review for completeness of application forms is solely to determine whether preliminary information required for submission with the application is sufficient to allow further processing. It does not constitute a decision as to whether an application complies with this Chapter.

(B) Application and Submission Deadlines.

   (1) The Planning and Development Services Department or the review and decision-making bodies may provide submission deadlines for materials required in support of any application provided for in this Chapter.

   (2) Compliance with those deadlines required by the Planning and Development Services Department or the review and decision-making bodies must occur for the application to be placed on an agenda to be heard by the review or decision-making body.

§ 154.275 PRE-APPLICATION MEETING.

(A) Applicability.

   (1) Pre-application meetings for all procedures are voluntary.

   (2) An applicant may request a pre-application meeting for any type of application required by this Subchapter.

(B) Submittals. Prior to the scheduled pre-application meeting, the applicant may submit to the Planning and Development Services Department a copy of plans and information relevant to the application.
(C) Overview of Meeting.

(1) Pre-application meetings may occur in person, by telephone, or by other remote meeting technology.

(2) The pre-application meeting is for informational purposes for the applicant and Planning and Development Services Department staff, and no formal decisions are made.

(3) The applicant may provide a brief overview of the project, including proposed location, uses, densities, project layout, design features, and other information relevant to the application.

(4) The Planning and Development Services Department will provide information and comments at the pre-application meeting but will not take formal action on the application. In addition to providing verbal information, the Planning and Development Services Department may provide a pre-application meeting checklist.

(5) The applicant’s and Planning and Development Services Department staff’s comments are for purposes of information but are not binding on either the County or the applicant.

(6) Planning and Development Services Department staff may request input on the proposed application from other County departments, state agencies, utility providers, and other reviewing agencies.

(D) Documentation. The Planning and Development Services Department may record in writing (paper or electronic) any pertinent information concerning the proposed application described by the applicant, as well as a brief record of written or verbal guidance provided by County staff or other reviewing agencies.

§ 154.276 NOTICE PROVISIONS.

(A) Generally.

(1) This Section establishes various requirements for public notice of applications, hearings, and meetings.

(2) Table 154.276-1: Type & Description of Notice, describes the various types of notice and its contents. More specific notice requirements are located in each procedural section.

<table>
<thead>
<tr>
<th>Type of Notice</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mail</td>
<td>Planning and Development Services Department staff will mail the required notices. Regular mail is sufficient unless certified mail is required by a specific process or state law. Notices to property owners will be mailed to owner listed in the County’s tax records.</td>
</tr>
</tbody>
</table>
Table 154.276-1: Type & Description of Notice

<table>
<thead>
<tr>
<th>Type of Notice</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Publication</td>
<td>Planning and Development Services Department staff will place a notice in a newspaper of general circulation in the County.</td>
</tr>
</tbody>
</table>

(B) **Written Notification Policy.** The Planning and Development Services Department shall maintain a written notification policy that may be amended from time to time. This policy may include additional notice requirements that exceed minimum South Carolina statutory requirements and the requirements of this Code.

(C) **Substantial Compliance.** All notice provisions require substantial compliance.

§ 154.277 PUBLIC HEARINGS.

(A) **Purpose.** A public hearing gives interested parties an opportunity to be heard.

(B) **Public Input and Recordkeeping.** If an application requires a public hearing:

(1) The review and decision-making bodies will allow the applicant and all other interested parties a reasonable and fair opportunity to be heard, present evidence relevant to the application, and rebut evidence presented by others.

(2) The review and decision-making bodies will make an accurate written summary of the proceedings.

(C) **Rules of Procedure for Public Hearings.** The County Council and the Planning Commission may adopt rules of procedure for public hearings by resolution or bylaws.

§ 154.278 REVIEW OF DECISIONS AND INTERPRETATIONS.

The Director of Planning and Development Services shall provide an annual report to the County Council on decisions of the Planning Commission under Part 9: Waivers and code interpretations rendered under Part 11: Land Development Code Interpretations. The report shall include any recommendations for amendments to this Chapter needed for consistency with these decisions.

§ 154.279 RESERVED.

§ 154.280 RESERVED.

§ 154.281 RESERVED.

§ 154.282 RESERVED.
§ 154.283  RESERVED.

§ 154.284  RESERVED.
PART 2: MINOR SUBDIVISIONS AND INDIVIDUAL PLATS

§ 154.285 PURPOSE.
The purpose of minor subdivision and individual platting approval is to ensure that minor subdivisions and individual plats for land divisions are in compliance with this Chapter.

§ 154.286 APPLICABILITY.
This Part applies to minor subdivisions and individual plats for land divisions. An applicant shall submit an application for approval of a minor subdivision or individual plat before recording the plat with the Clerk of Court, initiating any construction or site disturbance activity, or transferring title for any lot subject to the subdivision or land division.

§ 154.287 INITIATION.
(A) Applicant Eligibility. An application for approval of a minor subdivision plat or individual land division plat may be initiated by:
   (1) The owner of the lot that is proposed to be subdivided; or
   (2) An agent of the owner of the lot that is proposed to be subdivided, with a notarized authorization from the lot owner.

(B) Application Requirements. An application for approval of a minor subdivision or individual plat shall be filed with the Planning and Development Services Director on an application form provided by the Planning and Development Services Department. Subchapter L: Submittal Requirements provides the required submittals for minor subdivision or individual plat applications.

§ 154.288 DECISION.
The Director may approve or deny an application for approval of a minor or subdivision or individual plat within 60 days of submittal of a complete application, and will notify the applicant of the decision in writing.

§ 154.289 APPROVAL CRITERIA.
The Director shall approve a properly completed application for approval of a minor subdivision plat or individual plat if the subdivision conforms with the provisions of this Chapter, except Subchapter B: Subdivision and Site Design Standards, Subchapter C: Infrastructure Standards, and Subchapter D: Green Infrastructure; and with the applicable provisions of Chapter 155: Zoning Code.
§ 154.290 APPEALS.

Action on an application for a minor subdivision plat or individual plat for land division may be appealed in accordance with Part 12: Appeals of Administrative Decisions.

§ 154.291 SCOPE OF APPROVAL.

An approved minor subdivision plat or individual plat for land division authorizes the applicant to record the plat with the Clerk of Court. All plats for minor subdivisions or individual plats shall be recorded within 90 days of approval.

§ 154.292 RECORDKEEPING.

The Planning and Development Services Director shall maintain as a public record all minor subdivision and individual plat applications with the grounds for approval or disapproval and any conditions.

§ 154.293 RESERVED.

§ 154.294 RESERVED.

§ 154.295 RESERVED.

§ 154.296 RESERVED.

§ 154.297 RESERVED.

§ 154.298 RESERVED.

§ 154.299 RESERVED.
PART 3: SKETCH PLANS

§ 154.300 PURPOSE.

The purpose of sketch plan review is to provide a means of offering advice and guidance to an applicant before extensive site planning and engineering work is undertaken. When a subdivision or land development is at this stage, the applicant has not incurred substantial costs and can secure early guidance regarding the proposed layout and variances (if applicable) prior to making detailed plans. The sketch plan will help both the County staff and the applicant in making decisions about the plans for a proposed subdivision or land development.

§ 154.301 APPLICABILITY.

A sketch plan review is a voluntary process available for any land development activity that is controlled by this Chapter or Chapter 155: Zoning Code.

§ 154.302 INITIATION.

(A) Applicant Eligibility. An application for sketch plan review may be initiated by:

(1) The owner of the parcel that is proposed to be subdivided or developed; or

(2) An agent of the owner of the parcel that is proposed to be subdivided or developed.

(B) Application Information. An applicant may initiate a sketch plan review by completing a Sketch Plan Application on a form maintained by the Planning and Development Services Department and submitting a sketch plan and any supporting documentation at any time prior to submittal of a preliminary plat or construction plans for a non-residential or multi-family development project. A sketch plan is a simplified drawing of a proposed subdivision or land development project. The applicant is encouraged to submit a sketch plan of the applicant’s entire tract even though the present plan may only call for the actual development of a part of the property. Subchapter L: Submittal Requirements provides recommendations for formatting and content of the sketch plan.

§ 154.303 DECISION.

(A) Sketch plan reviews are informal. Any meetings requested pursuant to a sketch plan review are likewise informal and may occur in person, by telephone, or by other remote meeting technology.

(B) The sketch plan review is for informational purposes for the applicant and Planning and Development Services Department staff.
(C) The applicant may provide a brief overview of the project, including proposed location, uses, densities, project layout, design features, and other relevant information.

(D) The Planning and Development Services Department will provide information and comments in the sketch plan review, but will not take formal action.

(E) The applicant’s and Planning and Development Services Department staffs’ comments are for purposes of information but are not binding on either the County or the applicant.

(F) Planning and Development Services Department staff may request input on the proposed sketch plan from other County departments, state agencies, utility providers, and other reviewing agencies.

§ 154.304 APPROVAL CRITERIA.

No formal decision is made based on a sketch plan review. It is for informational purposes only.

§ 154.305 SUBSEQUENT APPLICATIONS.

An applicant may re-submit a sketch plan if the plan or current conditions significantly change.

§ 154.306 APPEALS.

An appeal is not available for sketch plan review.

§ 154.307 SCOPE OF APPROVAL.

Sketch plan review does not authorize any land development activity.

§ 154.308 RECORDKEEPING.

The Planning and Development Services Department may record in writing (paper or electronic) any pertinent information concerning the proposed application described by the applicant, as well as a brief record of written or verbal guidance provided by County staff or other reviewing agencies.

§ 154.309 RESERVED.

§ 154.310 RESERVED.

§ 154.311 RESERVED.

§ 154.312 RESERVED.
§ 154.313  RESERVED.

§ 154.314  RESERVED.
PART 4: PRELIMINARY PLATS

§ 154.315 PURPOSE.

Preliminary plat approval is the first mandatory step in the subdivision of land for major subdivisions. Preliminary plat approval is intended to ensure that all subdivisions of land and land development activities comply with the standards and requirements of this Chapter and Chapter 155: Zoning Code.

§ 154.316 APPLICABILITY.

This Part applies to an application for a preliminary plat approval for a subdivision of land. An applicant must obtain preliminary plat approval before undertaking any land development activities involving a major subdivision of land. This Part also applies to approval of street names by the Planning Commission.

§ 154.317 INITIATION.

(A) Applicant Eligibility. An application for approval of a preliminary plat may be initiated by:

(1) The owner of the lot that is proposed to be subdivided; or

(2) An agent of the owner of the lot that is proposed to be subdivided, with a notarized authorization from the lot owner.

(B) Application Requirements. An application for approval of a preliminary plat shall be filed with the Planning and Development Services Director on an application form provided by the Planning and Development Services Department. Subchapter L: Submittal Requirements provides the required submittals for preliminary plat applications.

(C) Review by Other Agencies. Copies of the preliminary plat and supporting data will be distributed by the Planning and Development Services Department to other appropriate agencies for review, comment, or approval.

§ 154.318 COMPLETENESS.

In addition to the requirements of § 154.274: Completeness Review, an application for preliminary plat approval for a major subdivision is not deemed complete until the traffic impact analysis that complies with Part 7: Traffic Impact Analysis has been reviewed and approved by the Planning and Development Services Department, if required.

§ 154.319 DECISION.

(A) Review by Other Agencies. Other reviewing departments shall indicate in writing to the Planning and Development Services Department any specific inadequacies, comments, or
conditions affecting the proposed subdivision, anticipated development, and surrounding area. These comments will be forwarded to the applicant.

(B) **Decision by Planning Commission.** The Planning Commission may approve or deny a properly completed application for approval of a preliminary plat for a major subdivision within 60 days of submittal of a complete application.

(C) **Basis for Decision.** If the plat is approved, the Planning Commission shall indicate in its motion the conditions of the approval, if any. If the plat is disapproved, the Planning Commission shall state in its motion the reasons for the action.

(D) **Street Names.** The York County Public Safety Communications Department shall review names proposed for new streets. Street names are not official until approved by the Planning Commission in accordance with York County Code Chapter 57, § 57.15 et seq.

(1) **New Street Names.**

   (a) A preliminary plat application shall include proposed names for all new streets. The Planning Commission may approve or disapprove the proposed street names.

   (b) If approved street names are proposed to change prior to final plat approval, the proposed changes must also be approved by the Planning Commission.

(2) **Change of Existing Street Names.** The Planning Commission may, after reasonable notice through a newspaper having general circulation in York County, change the name of an existing street or road within the boundary of its territorial jurisdiction in accordance with the procedure specified by York County Code Chapter 57, § 57.15 et seq.

§ 154.320 APPROVAL CRITERIA.

(A) **In General.** The Planning Commission will approve a preliminary plat when the following findings are made:

   (1) The developer has provided willingness and capability letters from the applicable water and sewer service provider;

   (2) If the development will be served by individual wells and septic systems, the developer has placed a note on the plat that indicates permits will be obtained through SCDHEC;

   (3) The proposed land use and density complies with the Zoning District requirements;

   (4) The applicant agrees to adequately mitigate the impacts to the transportation network, as identified in the Traffic Impact Analysis;

   (5) The development provides adequate street connectivity and pedestrian facilities to address public health and safety;
(6) The required open space and buffers have been provided; and

(7) All other applicable requirements of this Chapter and Chapter 155: Zoning Code have been satisfied.

(B) Street Names. The Planning Commission will approve street names that are consistent with the requirements of this Chapter.

§ 154.321 APPEALS.

The applicant may appeal from any decision of the Planning Commission to a court of competent jurisdiction in and for York County. The appeal must be filed within 30 days after actual notice of the decision.

§ 154.322 SCOPE OF APPROVAL.

(A) Additional Approvals Required.

(1) Approval of a preliminary plat shall not constitute approval of the subdivision construction plan and final plat. Application for approval of the subdivision construction plan and final (record) plat shall be considered only after the specifications and requirements of this Chapter are met and all other specified conditions have been met. Upon approval of the preliminary plat, the developer may proceed to comply with other requirements of these regulations and the preparation of the subdivision construction plan.

(2) Zoning compliances, building permits, and addresses cannot be issued for any proposed lots until final plat approval. However, building permits for structures that are in keeping with the existing zoning district can be obtained, provided they are not in conflict with the proposed preliminary plat.

(B) Preliminary Plat Revisions.

(1) Minor Change. If it should become necessary to revise a preliminary plat due to a dimensional error, labeling error, or changes required by another approving agency, such as the SCDOT or SCDHEC, the Director of Planning and Development Services can approve the minor changes.

(2) Major Change. Any deviations from the approved plan that are not minor changes must be re-submitted for preliminary plat review pursuant to this Part.

(C) Vested Rights. A preliminary plat approval is subject to the expiration and renewal procedures for vested rights stated in § 153.92: Conditions and Limitations. The applicant must update the willingness and capability letters from the applicable water and sewer service providers during any future request for vested rights or preliminary plat extension and provide verification from the providers that infrastructure remains sufficient to serve the proposed development. Failure to provide the updated willingness and capability letters shall be
sufficient grounds for the Planning Commission to deny an annual preliminary plat extension request under § 153.92(C).

§ 154.323 RECORDKEEPING.

The Planning and Development Services Director shall maintain as a public record all preliminary plat applications with the grounds for approval or disapproval and any conditions.

§ 154.324 RESERVED.

§ 154.325 RESERVED.

§ 154.326 RESERVED.

§ 154.327 RESERVED.

§ 154.328 RESERVED.

§ 154.329 RESERVED.
§ 154.330 PURPOSE.

Civil construction plan review is a process for the County to review the infrastructure construction plans for private development to ensure that it meets applicable standards. This Part describes the procedures and standards required for review and approval of a subdivision construction plan.

§ 154.331 APPLICABILITY.

This Part applies to applications for a construction plan review for a major subdivision that has received preliminary plat approval and for a construction plan review for a non-residential or multi-family development. An applicant must obtain construction plan approval before making any street improvements or installing any utilities.

§ 154.332 INITIATION.

(A) Applicant Eligibility. An application for approval of a civil construction plan may be initiated by:

(1) The owner of the lot that is proposed to be subdivided or developed; or

(2) An agent of the owner of the lot that is proposed to be subdivided or developed, with a notarized authorization from the lot owner.

(B) Application Requirements. An application for approval of a civil construction plan shall be filed with the Planning and Development Services Director on an application form provided by the Planning and Development Services Department. Subchapter L: Submittal Requirements provides the required submittals for subdivision construction plan applications.

(C) Review by Other Agencies. Copies of the civil construction plan and supporting data will be distributed by the Planning and Development Services Department to other appropriate agencies for review, comment, or approval.

§ 154.333 DECISION.

(A) Review by Other Agencies. Other reviewing departments shall indicate in writing to the Planning and Development Services Department any specific inadequacies, comments, or conditions affecting the proposed development and surrounding area. These comments will be forwarded to the applicant.

(B) Decision by Director. The Director of Planning and Development Services may approve a properly completed application for approval of a civil construction plan by stamping it approved and will notify the applicant of the decision in writing.
§ 154.334 APPROVAL CRITERIA.

The Director shall approve a properly completed application for civil construction plan approval if the plan conforms with the requirements of this Chapter and Chapter 155: Zoning Code.

§ 154.335 APPEALS.

The applicant may appeal any administrative decision on an application for a civil construction plan approval in accordance with Part 12: Appeals of Administrative Decisions.

§ 154.336 SCOPE OF APPROVAL.

(A) Infrastructure Construction Authorized. Civil construction plan approval authorizes the applicant to begin making improvements and installing utilities.

(B) Other Approvals Required. At this same time notification shall be sent to the reviewing departments that the civil construction plan has been approved and that a land disturbance permit for the improvements and utility installations at the proposed site of the application may be applied for with the Planning and Development Services Department by the applicant.

(C) Final Plat Approval Required. Approval of a civil construction plan for a major subdivision shall not constitute approval of the final plat. Application for approval of the final plat shall be considered only after the specifications and requirements of this Chapter are met and all other specified conditions have been met. Upon approval of the civil construction plan, the developer may proceed to comply with other requirements of these regulations and the preparation of the final subdivision plat.

(D) Commencement of Construction. A developer shall begin improvements authorized by the civil construction plan approval within 12 months from the date of the approval or the approval shall be considered null and void. If this 12-month requirement is not met or if the project ceases at any time for a period of 12 consecutive months, the developer shall then resubmit for civil construction plan approval and preliminary plat approval, if applicable, in accordance with the provisions of this Chapter. For multi-phase approvals, phases approved by the Director that are not being constructed are not considered null and void provided other phases are being actively developed. In addition, changes in phase lines may be reviewed and approved by the Director.

(E) Building Construction. Zoning compliances, building permits, and addresses cannot be issued for any proposed lots in a major subdivision until final plat approval. However, building permits for structures that are in keeping with the existing zoning district can be obtained, provided they are not in conflict with proposed preliminary plat and civil construction plan.

§ 154.337 RECORDKEEPING.

The Planning and Development Services Director shall maintain as a public record all civil construction plan applications with the grounds for approval or disapproval and any conditions.
§ 154.338  RESERVED.

§ 154.339  RESERVED.

§ 154.340  RESERVED.

§ 154.341  RESERVED.

§ 154.342  RESERVED.

§ 154.343  RESERVED.

§ 154.344  RESERVED.
PART 6: FINAL PLATS

§ 154.345 PURPOSE.

Final plat approval is the final mandatory step in the subdivision of land for major subdivisions. Final plat approval is intended to ensure that the construction and development of all subdivisions of land and land development activities comply with the standards and requirements of this Chapter and Chapter 155: Zoning Code.

§ 154.346 APPLICABILITY.

This Part applies to an application for a final plat approval for a subdivision of land for a major subdivision that has received preliminary plat approval and civil construction plan approval. An applicant must obtain final plat approval for a major subdivision before the filing of the subdivision plat with the Clerk of Court or the sale or transfer of lots in the subdivision.

§ 154.347 INITIATION.

(A) Applicant Eligibility. An application for approval of a final plat may be initiated by:

(1) The owner of the lot that is proposed to be subdivided; or

(2) An agent of the owner of the lot that is proposed to be subdivided, with a notarized authorization from the lot owner.

(B) Application Requirements. After completion of the physical development of the area shown on the preliminary plat and civil construction plan, an application for approval of a final plat shall be filed with the Planning and Development Services Director on an application form provided by the Planning and Development Services Department. Subchapter L: Submittal Requirements provides the required submittals for final plat applications.

(C) Review by Other Agencies. Copies of the final plat and supporting data will be distributed by the Planning and Development Services Department to other appropriate agencies for review, comment, or approval.

§ 154.348 DECISION.

(A) Review by Other Agencies. Other reviewing departments shall indicate in writing to the Planning and Development Services Department any specific inadequacies, which will be provided to the applicant. Additional comments, if necessary, will be forwarded to the applicant, following subsequent submittals by the developer or agent.

(B) Decision by Director. The Director of Planning and Development Services may approve an application for approval of a final plat for a major subdivision within 60 days of submittal of a complete application, by stamping and sealing the plat and noting the date of approval. The Director will notify the applicant of the decision in writing.
(C) **Waiver Required.** If the applicant requests a waiver from a standard of this Chapter, the final plat shall be submitted to the Planning Commission for their consideration of approval pursuant to the procedures of Part 9: *Waivers.*

§ 154.349 **APPROVAL CRITERIA.**

The Director of Planning and Development Services may approve a final plat when the following findings are made:

(A) All items have been completed and there are no outstanding conditions;

(B) Meets the requirements of a final plat as set forth in this Chapter;

(C) Conforms to an approved preliminary plat and subdivision construction plan; and

(D) Has all the improvements required by the preliminary plat and subdivision construction plan installed and approved.

§ 154.350 **APPEALS.**

The applicant may appeal any administrative decision on an application for a final plat approval for a major subdivision in accordance with Part 12: *Appeals of Administrative Decisions.*

§ 154.351 **SCOPE OF APPROVAL.**

(A) **Filing of Plat.** An approved final plat for a major subdivision authorizes the applicant to record the plat with the Clerk of Court.

(B) **Sale of Lots.** An approved final plat for a major subdivision authorizes the applicant to sell or transfer lots in the subdivision.

(C) **Final Plat Revisions.** If it should become necessary to revise a final plat due to a dimensional error, the Planning and Development Services Director may approve the revision. An approved revised plat shall be submitted to the Clerk of Court for final recording. Any new lots shall be resubmitted in accordance with the final plat procedure process.

§ 154.352 **RECORDKEEPING.**

The Planning and Development Services Director shall maintain as a public record all final plat applications with the grounds for approval or disapproval and any conditions.

§ 154.353 **RESERVED.**

§ 154.354 **RESERVED.**

§ 154.355 **RESERVED.**
§ 154.356 RESERVED.

§ 154.357 RESERVED.

§ 154.358 RESERVED.

§ 154.359 RESERVED.
§ 154.360 PURPOSE.

(A) **Intent.** This Part establishes requirements for the analysis and evaluation of transportation impacts associated with proposed developments. The intent of this Part is to:

   (1) Provide the information necessary to allow decision-makers to assess the transportation implications of traffic associated with a proposed development;

   (2) Establish uniform guidelines for preparing a traffic impact analysis;

   (3) Address the transportation-related issues associated with development proposals that may be of concern to neighboring residents, business owners, and property owners; and

   (4) Provide a basis for negotiating improvements and funding participation in conjunction with an application for development.

(B) **Purpose.** The purposes of a traffic impact analysis will be to:

   (1) Provide the County adequate information to assess proposed development impacts to the County’s transportation network;

   (2) Identify in advance any potential adverse impacts to the existing transportation network and ensure adequate mitigation is provided for by proposed development;

   (3) Assist public and private sector entities in the early identification of issues related to traffic operations, including but not limited to driveway/access locations, traffic signals, and other elements of transportation facilities;

   (4) Evaluate traffic operations and impacts at site access points under projected peak period traffic loads;

   (5) Evaluate the impact of site-generated traffic on affected intersections in the vicinity of the development site;

   (6) Evaluate the impact of site-generated traffic on the quality of traffic flow within a reasonable distance of the site of development;

   (7) Evaluate the impact of the proposed development on existing residential subdivision streets in the vicinity of the site;

   (8) Ensure that site access and other improvements needed to mitigate the traffic impact of the development meet commonly accepted engineering design standards;

   (9) Ensure that adequate facilities for pedestrians, transit users and bicyclists have been provided;
(10) Identify transportation infrastructure needs and related costs created by the development and cost sharing for the needed improvements;

(11) Ensure transportation related infrastructure is adequate to address additional residential, institutional, recreational, commercial, and industrial development; and

(12) Support long-term planning solutions that foster responsible growth of transportation infrastructure consistent with the County’s Comprehensive Plan and vision for the community.

§ 154.361 APPLICABILITY.

This Part applies to a traffic impact analysis (TIA) that is required for the review and approval of certain development applications under this Chapter and Chapter 155: Zoning Code, including:

(A) Preliminary plat subdivision approval;

(B) Zoning compliance applications for non-residential and multi-family developments;

(C) Rezoning applications for a special district; and

(D) Special exception use applications.

§ 154.362 INITIATION.

(A) Preliminary Site Evaluation. An applicant seeking a development approval identified in § 154.361: Applicability shall submit a Preliminary Site Evaluation form, which is included in the Traffic Impact Analysis Guidelines & Methodology (TIAGM), an administrative policy document maintained and updated, from time to time, by County staff.

(B) Review of Preliminary Site Evaluation. The Planning and Development Services Department will review the Preliminary Site Evaluation and determine the appropriate traffic impact analysis to be performed. Depending on the anticipated impact to the transportation network:

(1) The applicant may not be required to perform further study. In this instance, the Preliminary Site Evaluation shall be accepted as a Tier 0 traffic impact analysis;

(2) The applicant may be required to conduct a Tier 1 traffic impact analysis; or

(3) The applicant may be required to conduct a Tier 2 traffic impact analysis.

(C) Thresholds for Traffic Impact Analysis Tiers. Table 154.362-1: Thresholds for TIA Tiers specifies the type of traffic impact analysis that shall be performed based on the anticipated ADT, peak hour trips, or number of proposed dwelling units.
Table 154.362-1: Thresholds for TIA Tiers

<table>
<thead>
<tr>
<th>Tier</th>
<th>Average Daily Trips (ADT)</th>
<th>Daily Peak Trips</th>
<th>Number of Dwelling Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tier 0</td>
<td>&lt; 100</td>
<td>&lt; 25</td>
<td>&lt; 7</td>
</tr>
<tr>
<td>Tier 1</td>
<td>100 – 399</td>
<td>25 – 99</td>
<td>7 – 29</td>
</tr>
<tr>
<td>Tier 2</td>
<td>≧ 400</td>
<td>≧ 100</td>
<td>≧ 30</td>
</tr>
</tbody>
</table>

(1) **Tier 1 Traffic Impact Analysis.** A Tier 1 traffic impact analysis shall be utilized for proposed development which would have a minimal impact on the existing levels of service. If the Planning and Development Services Department determines the Preliminary Site Evaluation does not support a determination of a minimal impact, the applicant shall be required to perform Tier 2 traffic impact analysis.

(2) **Tier 2 Traffic Impact Analysis.** A Tier 2 traffic impact analysis shall be utilized for proposed development that would have a significant impact on existing levels of service. In addition to proposed development that meets the threshold for a Tier 2 TIA, as specified in Table 154.362-1: Thresholds for TIA Tiers, a Tier 2 traffic impact analysis is required for a proposed development:

(a) In the vicinity of an intersection that is known to be operating at or below the minimum acceptable level of service;

(b) That is of a nature or is in a location that causes a concern for traffic safety; or

(c) That is located in proximity to other development generating a significant number of average daily trips or peak hour trips and the addition of the proposed project trips may have a detrimental cumulative impact to the overall transportation network.

(D) **Scope of Traffic Impact Analysis.**

(1) The applicant shall contract with a qualified, South Carolina-licensed traffic engineer to develop the document if a traffic impact analysis is required.

(2) The applicant’s traffic engineer shall contact York County Planning and Development Services staff to determine the scope of the TIA. As part of the scoping process, the traffic engineer shall coordinate with Planning and Development Services staff, the County Engineer, and the South Carolina Department of Transportation (SCDOT), if the proposed development impacts a road maintained by the SCDOT, to establish the study area. The scoping process shall be conducted in accordance with the TIAGM and, if applicable, SCDOT regulations.

(3) If the TIA scope for a proposed development includes roads or property within municipal limits, the municipality shall be provided with TIA drafts for courtesy reviews.
§ 154.363  **COMPLETENESS.**

A development application identified in § 154.361: *Applicability* will not be deemed complete until a final approved TIA, if required, is received and approved by the Planning and Development Services Director.

§ 154.364  **DECISION.**

(A)  **Coordination with Other Agencies.** The applicant shall coordinate with the SCDOT and local road authorities to determine whether planned roadway or intersection improvements affect the capacity of the roadway or designs of roadways or access points proposed by the applicant.

(B)  **Proposed Mitigation Based on Report.**

   (1) If the Planning and Development Department Director and representatives from all jurisdictions involved in the construction and maintenance of public roadways serving the development find that the proposed development will not meet applicable service level standards, staff shall recommend one or more of the following:

      (a) Reduce the size, scale, scope, or density of the development to reduce traffic generation;

      (b) Divide the project into phases and authorize only one phase at a time until traffic capacity is adequate for the next phase of development;

      (c) Time the commencement of construction on a project with the construction of identified and funded regional traffic improvements (RFATS, Pennies for Progress, SCDOT, etc.) that would help mitigate traffic impacts from the proposed development;

      (d) Dedicate right-of-way for street improvements;

      (e) Construct new streets;

      (f) Improve intersection design and/or signalization;

      (g) Provide street connections to additional existing public streets;

      (h) Redesign ingress and egress to the project to reduce traffic conflicts;

      (i) Alter the use and type of development to reduce peak hour traffic;

      (j) Integrate non-vehicular design components (such as pedestrian and bicycle paths or transit improvements) to reduce trip generation;

      (k) Recommend approval of the development contingent upon making improvements or addressing items required to mitigate traffic and access issues and impacts;
(l) For background traffic improvements, recommend the developer pay the proportional share of improvements; or

(m) Recommend denial of the application for development for which the traffic impact analysis is submitted.

(C) **Mitigation Required.**

(1) All recommended mitigation that is due to traffic generated by the proposed development will be the responsibility of the developer.

(2) Where the no-build level of service for a segment or an intersection is below the adopted level of service standard and the proposed development increases the delay, the developer will be required to contribute a percentage of funding equal to the percentage of delay increase for the segment or intersection towards transportation improvements within reasonable distance of the study area.

(3) The cost estimate for transportation improvements and the percentage amount to be contributed by the developer must be approved by Planning and Development Services Department staff, and also SCDOT staff if the improvement includes a road maintained by the SCDOT. York County Government reserves the right to obtain a third-party estimate for the cost of transportation improvements. The third-party estimate will prevail over the estimate received from the developer.

(D) **Final Decision.** The Planning and Development Services Director shall have final authority to enforce a recommendation.

§ 154.365  **APPROVAL CRITERIA.**

(A) **Traffic Service Standards.** The standards for traffic service that shall be used to evaluate the findings of traffic impact analyses are:

(1) **Level of Service.** For minor streets, a level-of-service (LOS) “C” or better shall be maintained. On major streets, a LOS “D” or better shall be maintained. Level of service will be measured for segments and intersections using Institute of Traffic Engineers (ITE) standards for LOS calculation. Where the existing LOS is below these standards, the traffic impact analysis shall identify those improvements required to ensure that development related traffic demands result in no net reduction in LOS, and identify additional improvements needed to raise the level of service to the standards on the applicable street to the adopted LOS standard.

(2) **Number of Access Points.** The number and spacing of access points shall comply with applicable County, state and AASHTO standards.

(3) **Internal Circulation.** On-site vehicle circulation and parking patterns shall be designed so as not to interfere with the flow of traffic on any public street and shall accommodate all anticipated types of site traffic.
(4) **Safety.** Access points shall be designed to provide for adequate sight distance and appropriate facilities to accommodate acceleration and deceleration of site traffic. Measurements and photos are to be provided to document the sight distance at proposed driveway locations.

(5) **Curb Space Use Plan.** Details shall be provided on curb space use on public streets along the edge of the development site when it is intended that such areas be used for parking, parking space access, delivery and loading zones, passenger zones, taxi cab stands, bus stops, fire zones, and/or other official/emergency zones. This review shall include a description of existing conditions prior to development and proposed changes resulting from the development, including a description of any loss or gain in curb space use by the activities intended.

(B) **Residential Street Impacts.** Non-residential development shall not increase the traffic on an existing residential subdivision street with at least 300 ADT by more than 25%.

(C) **Compliance with Traffic Impact Analysis Guidelines & Methodology.** All traffic impact analyses shall meet the requirements of this Part and the TIAGM.

§ 154.366 **SUBSEQUENT APPLICATIONS.**

An applicant may re-submit a traffic impact analysis that has been rejected if the new report resolves any deficiencies in the original report.

§ 154.367 **APPEALS.**

An applicant may appeal any administrative decision under this Part to the Planning Commission pursuant to the procedures identified in Part 12: *Appeals of Administrative Decisions.*

§ 154.368 **SCOPE OF APPROVAL.**

(A) All transportation mitigation agreed upon by reviewing agencies must be illustrated or noted on all rezoning plans and preliminary plat, construction drawing, final plat, or site plan submittals.

(B) When requesting an extension of a vested right/preliminary plat, the applicant must submit a letter from its traffic engineer stating that the traffic impact analysis is still valid according to § 154.368(C), below. If a revised TIA is required in the engineer’s opinion, the applicant must address any new mitigation required by the updated study. Failure to meet this update requirement shall be sufficient grounds for the Planning Commission to deny a preliminary plat extension request under § 153.92(C).

(C) If a proposed development does not commence in a timely fashion, fully build out within the proposed timeframe, or the market dictates a change in land use from what was approved within a TIA document, changes or updates to a previously approved TIA may be required. To address these changes and other deviations from approved TIA scopes, these criteria are
provided to determine when a revised TIA is required. An approved TIA will be considered valid unless:

1. The build year date is exceeded by more than 12 months;
2. Road improvements have been constructed within the study area and were not considered in the original TIA or change the distribution of traffic within the study area;
3. Road improvements considered in the original TIA that were needed to achieve the targeted LOS and mitigate the impacts of the proposed development or change the distribution of traffic within the study area were not completed within the timeframe projected in the TIA;
4. Development occurs within the study area that is significantly greater than the anticipated background growth;
5. The developer of the site proposes to increase the number of residential dwelling units in developments approved to contain up to 300 units by 10% or more, in developments approved to contain 300 or more units by 5% or more, or to increase the commercial square footage of gross and leasable floor area by 20% or more; or
6. A change in use or scale of the development is proposed that may result in an increase in trip generation, a change in traffic distribution, change in access points, or additional impact to a LOS.

(D) When a development’s TIA is considered to no longer be consistent with the previously approved scope for one or more of these reasons, additional development of the site shall not be approved by Planning and Development Services Department staff until a revised TIA is approved by all reviewing agencies.

§ 154.369 RECORDKEEPING.

The Director shall maintain a record of all traffic impact studies and related materials. A copy shall be furnished upon a written request of any person.

§ 154.370 RESERVED.

§ 154.371 RESERVED.

§ 154.372 RESERVED.

§ 154.373 RESERVED.

§ 154.374 RESERVED.
PART 8: PRIVATE ROAD ACCEPTANCE

§ 154.375 PURPOSE.

Road acceptance is a process for the County to take over the ownership and maintenance for existing private roads and to ensure that roads dedicated to the County meet applicable standards. This Part describes the procedures and standards required for York County to accept roads constructed by private developers.

§ 154.376 APPLICABILITY.

A property owner or private developer may not deed or dedicate a private road to York County without the approval of York County Council and compliance with the requirements of this Part.

§ 154.377 INITIATION.

(A) Applicant Eligibility. An application for acceptance of a private road may be initiated by:

(1) The owner of the road that is proposed to be accepted; or

(2) An agent of the owner with a notarized authorization from the owner of the road.

(B) Application Requirements. An application for acceptance of a private road shall be filed with the County Engineer on an application form provided by the Planning and Development Services Department. Subchapter L: Submittal Requirements provides the required submittal for a private road acceptance application.

§ 154.378 DECISION.

(A) Inspections by County.

(1) A detailed road inspection will be performed by the following County staff:

(a) Public Works Director; and

(b) County Engineer.

(2) If the results of the road inspections warrant the performance of additional tests, such as, but not limited to asphalt cores, stone cores, or soils density tests, the applicant is responsible for the costs of such additional testing.

(B) Report. Following the required inspections and, if necessary, testing, County staff shall prepare a report for County Council’s consideration. The report shall describe the findings of the inspections and tests, and shall set forth the improvements necessary to bring the road(s) into compliance with this Subchapter and other County Codes.
(C) **County Council Approval.**

(1) County Council may:

(a) Conditionally accept the dedication of a private road contingent upon the satisfactory completion of the road improvements specified in the staff report; or

(b) Deny acceptance of the private road(s).

(2) County Council may conditionally accept the dedication of a private road through the procedures for consideration of ordinances mandated in Chapter 30: *Organization and Rules of County Council* of the York County Code of Ordinances.

§ 154.379 **APPROVAL CRITERIA.**

In making its report of recommendations, the County Engineer and Public Works Director may consider the following factors:

(A) Reports of other County staff;

(B) Compliance with platting standards and procedures;

(C) Compliance with County road naming procedure;

(D) Results of inspections and testing;

(E) Compliance with County right-of-way standards;

(F) Compliance with County road design standards;

(G) Compliance with County standards for other infrastructure, including pedestrian infrastructure;

(H) Design and construction quality of the road;

(I) Compliance of traffic control devices with County standards and the *Uniform Manual on Traffic Control Devices* as adopted by the South Carolina Department of Transportation; and

(J) Compliance with all other County standards, including the standards of this Chapter and Chapter 155: *Zoning Code*;

(K) Any other relevant factors presented by the applicant or County staff.

(L) **Criteria for County Council Decision.** County Council shall consider the staff report specified in § 154.378(B), above, in rendering its decision.
§ 154.380  SUBSEQUENT APPLICATIONS.

If an application for private road acceptance is denied, the property owner or the owner’s agent may not initiate another application for road acceptance for all or part of the same road or roads for 12 months following denial of the request by the County Council. However, the County Council may initiate acceptance affecting the road or roads, within this 12-month period.

§ 154.381  APPEALS.

This Chapter does not authorize new rights to an appeal from or remedies for adverse decisions by County Council, but interested parties may pursue existing remedies from the Circuit Court.

§ 154.382  SCOPE OF APPROVAL.

(A) Following County Council’s conditional acceptance of dedication of a private road, the applicant shall initiate work to improve the road.

(B) The applicant shall, at their own expense:

(1) Perform any repairs or modification specified by County Council; and

(2) Remove and bring all limiting access factors or non-conforming features or improvements into compliance with this Subchapter and other County Codes.

(C) The applicant shall notify the Planning and Development Services and Public Works Departments upon completion of the required improvements. County staff shall inspect the road(s) as specified in § 154.378(A)(1) and § 154.378(A)(2).

(D) Following County staff approval of the road improvements, the applicant shall execute any necessary documents to transfer the ownership and control of the road or roads to the County.

§ 154.383  RECORDKEEPING.

Record of the road acceptance will be recorded and maintained by the Department of Public Works and other applicable County Departments.

§ 154.384  RESERVED.

§ 154.385  RESERVED.

§ 154.386  RESERVED.

§ 154.387  RESERVED.
§ 154.388  RESERVED.

§ 154.389  RESERVED.
PART 9: WAIVERS

§ 154.390 PURPOSE.

This Part establishes a procedure to allow the Planning Commission to waive requirements of this Chapter to avoid unnecessary hardships that could result from a strict application of the Land Development Code.

§ 154.391 APPLICABILITY.

This Part applies to an application for a waiver. An applicant shall obtain a waiver before undertaking any land development activity that does not conform with the standards of this Chapter.

§ 154.392 INITIATION.

(A) Applicant Eligibility. A waiver application may be initiated by:

1. The property owner; or

2. An agent of the property owner, with a notarized authorization from the property owner.

(B) Application Requirements. A waiver application must be filed with the Planning and Development Services Department on an application provided by the Planning and Development Services Department. Subchapter L: Submittal Requirements provides the required submittals for a waiver application.

§ 154.393 NOTICE.

The notice required by Table 154.438-1: Required Notice for LDC Waivers applies to all waiver applications.

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<th>When?</th>
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<td>General public</td>
<td>15 days before Planning Commission hearing</td>
</tr>
</tbody>
</table>

§ 154.394 DECISION.

(A) Applications for waivers must be filed by the first Monday of the month in order to be placed on the following month’s Planning Commission agenda.
(B) The Planning Commission is authorized to decide the waiver application and shall decide on the application within 40 days of the hearing.

(C) The applicant may appear in person, by agent, or by attorney at the hearing.

(D) The Planning Commission will approve or disapprove waiver applications in writing, along with the reason the waiver or departure was justified.

§ 154.395 APPROVAL CRITERIA.

(A) In General. The Planning Commission may grant a waiver from the standards of this Chapter when:

(1) The applicant can show that a provision of these regulations would cause unnecessary hardship because of topographical or other conditions peculiar to the site; and

(2) The Planning Commission finds that a departure may be made without defeating the intent of the provisions of this Chapter.

(B) Sidewalk Standards. The Planning Commission may grant a waiver of the sidewalk standards of this Chapter when it finds that a waiver is consistent with the intent of this Chapter and does not disrupt or impair the pedestrian network, in the following situations:

(1) The physical features of the area, including grades, rocks, ledges, specimen trees, or other important natural features, should be preserved. In these cases, the Planning Commission may approve alternate locations, buffer widths, path widths, pavement, or path types;

(2) A planned or existing greenway or shared use path would serve the same purpose;

(3) For a new development on a corner lot or other lot that is bounded by two or more existing streets, the Planning Commission may waive the requirement for sidewalk improvements on all but one of these streets, when it determines that the requirement for sidewalk extension along more than one street will not provide connectivity to a larger network of facilities; or

(4) In new commercial subdivisions, where there are no existing sidewalk networks and surrounding properties do not support urban or suburban densities and land uses as indicated on the York County Future Land Use Map.

§ 154.396 SUBSEQUENT APPLICATIONS.

If an application is denied, the property owner or the owner’s agent may not initiate the same or a similar waiver application for the parcel for a period of 12 months, unless conditions have changed substantially, and the Planning Commission votes unanimously to rehear the matter.
§ 154.397 APPEALS.

The applicant may appeal from any decision of the Planning Commission to a court of competent jurisdiction in and for York County. The appeal must be filed within 30 days after actual notice of the decision.

§ 154.398 SCOPE OF APPROVAL.

An approved waiver application does not authorize land development activity. Any land development that occurs after approval of a waiver request requires additional approvals, which may include individual plat approval, preliminary plat approval, or non-residential or multi-family construction plan approval under this Subchapter.

§ 154.399 RECORDKEEPING.

(A) The Planning Commission will keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating the fact.

(B) The Commission will issue a written decision to all parties involved in the matter.

(C) All final decisions and orders of the Commission will be in writing and will be permanently filed in the Planning and Development Services Department as a public record.

§ 154.400 RESERVED.

§ 154.401 RESERVED.

§ 154.402 RESERVED.

§ 154.403 RESERVED.

§ 154.404 RESERVED.
PART 10: TREE REMOVAL PERMITS

§ 154.270 PURPOSE.

Tree removal is a process that allows the Planning and Development Director to review requests to remove grand trees to ensure their removal complies with the standards in this Chapter.

§ 154.271 APPLICABILITY.

This Part applies to an application for a tree removal permit. Unless elsewhere exempted by this Chapter, an applicant shall obtain tree removal permit approval prior to removal of a grand tree protected by Subchapter D, Part 4: Tree Conservation.

§ 154.272 INITIATION.

(A) Applicant Eligibility. A tree removal permit application may be initiated by:

(1) The lot owner or tenant of the lot proposed for use or development; or

(2) An agent of the lot owner or tenant of the lot proposed for the use or development.

(B) Application Requirements. A tree removal permit application:

(1) Shall be filed with the Director on an application form provided by the Planning and Development Services Department;

(2) May be filed concurrently with plat approval and construction plan approval applications.

§ 154.273 DECISION.

A tree removal permit application is reviewed and approved, approved with conditions, or disapproved by the Planning and Development Director.

§ 154.274 APPROVAL CRITERIA.

The Director shall review the tree removal permit application for compliance with the standards provided in Subchapter D, Part 4, § 154.200: Protection of Grand Trees.

§ 154.275 SCOPE OF APPROVAL.

Approval of a tree removal permit application is considered authorization to proceed with removal of a grand tree protected by this Chapter.
§ 154.276 RECORDKEEPING.

The Director shall maintain a record of all tree removal permit applications and related materials. A copy shall be furnished upon a written request of any person.

§ 154.277 RESERVED.

§ 154.278 RESERVED.

§ 154.279 RESERVED.

§ 154.280 RESERVED.

§ 154.281 RESERVED.

§ 154.282 RESERVED.

§ 154.283 RESERVED.

§ 154.284 RESERVED.
PART 11: LAND DEVELOPMENT CODE INTERPRETATIONS

§ 154.405 PURPOSE.

A Land Development Code interpretation is a written decision issued by the Director of Planning and Development Services regarding the interpretation of any provision set forth in the LDC. It is intended to clarify ambiguities in the LDC and to resolve any ambiguities in future amendments.

§ 154.406 APPLICABILITY.

This Part applies to requests for a decision by the Director of Planning and Development Services to interpret a possible ambiguous standard in this Chapter, to clarify a standard in this Chapter, or to address the application of this Chapter to any issue that is not specifically addressed by this Chapter.

§ 154.407 INITIATION.

(A) Applicant Eligibility. Any person may submit a written request for a Land Development Code interpretation to the Director of Planning and Development Services regarding any Section of this Chapter.

(B) Application Requirements. A request for an LDC interpretation shall be filed with the Planning and Development Services Department. At a minimum, the request for a Code interpretation shall be in writing and include:

1. The section of the LDC that is allegedly ambiguous or needing clarification;
2. The subject matter or nature of the request; and
3. A statement of facts relevant to the nature of the request.

§ 154.408 DECISION.

(A) The Director of Planning and Development Services may approve a request by issuing a written decision regarding the interpretation of any provision set forth in the Land Development Code.

(B) The Director may deny or reject the request in writing to the applicant that shall be delivered by regular mail.

§ 154.409 APPROVAL CRITERIA.

(A) In interpreting this Chapter, all requirements 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.
B) The Director of Planning and Development Services may approve a request if there is an ambiguity or need for the clarification demonstrated by the applicant.

C) The Director may deny or reject the request if there is no ambiguity or need for the clarification demonstrated by the applicant.

D) The Director of Planning and Development Services shall render only one interpretation per issue. If an interpretation is requested on an issue previously addressed, the Director shall provide a copy of the previous interpretation.

§ 154.410 APPEALS.

A decision on a request for a Land Development Code interpretation may be appealed in accordance with Part 12: Appeals of Administrative Decisions.

§ 154.411 SCOPE OF APPROVAL.

A) A Land Development Code interpretation will become effective upon execution by the Director of Planning and Development Services.

B) An LDC interpretation does not authorize development. Any development that occurs after the LDC interpretation has been issued is subject to all applicable requirements of this Chapter, as revised by the interpretation.

§ 154.412 RECORDKEEPING.

A) Identification and Retention. All code interpretations shall be numbered consecutively in order of their issuance. The Planning and Development Services Department shall maintain such interpretations for public access and review in hard copy and on its Internet site until the applicable section of the Land Development Code is amended to provide the necessary clarification.

B) Indexing. The Planning and Development Services Department shall establish an index that refers to the applicable section of the LDC and the identification number of the code interpretations that relate to that section.

§ 154.413 RESERVED.

§ 154.414 RESERVED.

§ 154.415 RESERVED.

§ 154.416 RESERVED.

§ 154.417 RESERVED.
§ 154.418  RESERVED.

§ 154.419  RESERVED.
PART 12: APPEALS OF ADMINISTRATIVE DECISIONS

§ 154.420 PURPOSE.

This Part provides a process for applicants to request the review and correction of decisions by administrative officials that they believe are in error.

§ 154.421 APPLICABILITY.

This Part applies to appeals of an order, requirement, decision, or determination made by the Director of Planning and Development Services or any other administrative official in the enforcement of this Chapter.

§ 154.422 INITIATION.

(A) Applicant Eligibility. The applicant or any party in interest may appeal a decision of an administrative official in the enforcement of Chapter 154: Land Development Code to the Planning Commission.

(B) Application Requirements. An appeal must be filed with the Director of Planning and Development Services on an application provided by the Planning and Development Services Department within 30 days of the written decision or other action that is the subject of the appeal. Subchapter L: Submittal Requirements provides the required submittals for an appeal of an administrative decision.

(C) Effect on Other Proceedings. An appeal of an administrative decision stays all legal proceedings by the County relating to the action appealed from, unless the Director of Planning and Development Services certifies to the Planning Commission, after the appeal application has been filed, that a stay would cause an imminent peril to life and property. In cases where there is an imminent peril to life and property, proceedings will not be stayed unless a restraining order is granted by a court of record.

§ 154.423 NOTICE.

(A) Notice by Mail. The applicant, property owner, or parties to the appeal are entitled to notice and will be sent a letter via regular mail by County staff of the public hearing date at least 15 days before the public hearing.

(B) Posted Notice Not Required. Posting public notice on the property is not required.

§ 154.424 DECISION.

(A) The Planning Commission will hear an appeal within 30 days of the date it is filed, or at the next available hearing date if the application is filed after the submittal deadline date.
(B) Based on the hearing, the Planning Commission may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination, and has all the powers of the officer from whom the appeal is taken to issue or direct the issuance of a permit.

(C) The Planning Commission will issue a written decision within 60 days of the date that the application is complete.

(D) The applicant may appear in person, by agent, or by attorney at the hearing.

(E) All final decisions or orders of the Commission will be delivered to parties-in-interest by certified mail.

§ 154.425 APPROVAL CRITERIA.

In considering an appeal of an administrative decision, the Planning Commission shall apply the standards of this Chapter, other applicable law, and previous interpretations of this Chapter by the Commission.

§ 154.426 APPEALS.

The applicant may appeal from any decision of the Planning Commission to a court of competent jurisdiction in and for York County. The appeal must be filed within 30 days after actual notice of the decision.

§ 154.427 SCOPE OF APPROVAL.

Approval of an appeal does not authorize development. Any development that occurs after the decision on the appeal is subject to all applicable requirements of this Chapter, as amended by the Planning Commission’s decision, if applicable.

§ 154.428 RECORDKEEPING.

(A) The Planning Commission will keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating the fact.

(B) The Commission will issue a written decision to all parties involved in the matter.

(C) All final decisions and orders of the Commission will be in writing and will be permanently filed in the Planning and Development Services Department as a public record.

§ 154.429 RESERVED.

§ 154.430 RESERVED.

§ 154.431 RESERVED.
§ 154.432 RESERVED.

§ 154.433 RESERVED.

§ 154.434 RESERVED.
PART 13: LAND DEVELOPMENT CODE AMENDMENTS

§ 154.435 PURPOSE.

This Part describes the manner by which the County amends or modifies this Land Development Code.

§ 154.436 APPLICABILITY.

This Part applies to any application to amend the text of Chapter 154: Land Development Code.

§ 154.437 INITIATION.

(A) Applicant Eligibility.

(1) An amendment to this Chapter may be initiated by:

(a) The York County Council by adoption of a motion; or

(b) The York County Planning Commission by adoption of a motion.

(2) The Planning and Development Services Director or the Office of the County Attorney may provide recommendations to the Planning Commission or County Council regarding potential text amendments.

§ 154.438 NOTICE.

The notice required by Table 154.438-1: Required Notice for LDC Amendments applies to an amendment to the Land Development Code.

Table 154.438-1: Required Notice for LDC Amendments

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§ 154.439 DECISION.

(A) Planning Commission Review and Recommendation. The Planning Commission shall review all proposals to amend this Chapter and prepare a report of recommendations for the consideration of County Council.

(B) County Council Decision.
(1) County Council may amend the Land Development Code after a public hearing conducted with public notice provided pursuant to § 154.438: Notice and through the procedures for consideration of ordinances mandated in Chapter 30: Organization and Rules of County Council of the York County Code of Ordinances.

(2) County Council will consider the recommendation of the Planning Commission on an amendment. However, the Council is not bound by the Commission’s recommendation in making a final decision.

§ 154.440 SUBSEQUENT APPLICATIONS.

If a text amendment proposal is denied, the Planning Commission may not initiate another proposal for an amendment on the same subject for 12 months following denial of the request by the County Council. However, the County Council may initiate an amendment proposal relating to the same subject matter within this 12-month period.

§ 154.441 APPEALS.

This Chapter does not authorize new rights to an appeal from or remedies for adverse decisions by County Council, but interested parties may pursue existing remedies from the Circuit Court.

§ 154.442 SCOPE OF APPROVAL.

(A) An amendment will become effective as directed in the ordinance adopting the amendment by County Council and as provided in Chapter 30: Organization and Rules of County Council of the York County Code of Ordinances.

(B) Approval of an amendment does not authorize development. Any development that occurs after the amendment is adopted is subject to all applicable requirements of this Chapter, as revised by the amendment.

§ 154.443 RECORDKEEPING.

When the County Council approves changes to the text of the Land Development Code, those changes will be reflected in the York County Code of Ordinances as provided in Chapter 30: Organization and Rules of County Council of the York County Code of Ordinances.

§ 154.444 RESERVED.

§ 154.445 RESERVED.

§ 154.446 RESERVED.

§ 154.447 RESERVED.
§ 154.448 RESERVED.

§ 154.449 RESERVED.
§ 154.474  RESERVED. .............................................................................................. 183
§ 154.450  GENERALLY.

(A)  This Subchapter formally establishes commissions, boards, or officials, or recognizes existing commissions, boards, or officials, that administer this Chapter.

(B)  This Subchapter establishes the composition of those agencies, their jurisdiction, and related administrative matters.

§ 154.451  RESERVED.

§ 154.452  RESERVED.

§ 154.453  RESERVED.

§ 154.454  RESERVED.
PART 2: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

§ 154.455 PLANNING AND DEVELOPMENT SERVICES DIRECTOR.

The Planning and Development Services Director has the following duties in the administration and enforcement of this Chapter:

(A) Advise applicants for permits concerning the provisions of this Chapter and assist applicants in preparing applications;

(B) Receive, review, and act on applications for:

(1) Minor subdivisions and individual plats;

(2) Final plats;

(3) Civil construction plans; and

(4) Land Development Code interpretations.

(C) Receive and forward to the Planning Commission all complete applications that require its review, pursuant to Subchapter G: Procedures;

(D) Provide public notice as required by Subchapter G: Procedures;

(E) Perform field inspections for individual applications to verify compliance with this Chapter;

(F) Provide public information relative to this Chapter;

(G) Maintain permanent and current records of matters pertaining to this Chapter;

(H) Execute any and all reports as the County Council may require; and

(I) Coordinate with other County departments and outside agencies as needed in the execution of these duties.

§ 154.456 BUILDING OFFICIAL.

In the administration and enforcement of this Chapter, the Building Official has the duty to confirm compliance with the tree requirements for individual residential lots at the time of the inspection for the Certificate of Occupancy.

§ 154.457 COUNTY ENGINEER.

The County Engineer has the following duties in the administration and enforcement of this Chapter:
(A) Provide roadway, water, and sewer inspection services for development in accordance with York County, SCDHEC, and SCDOT design standards;

(B) Assist the Planning and Development Services Director in the review of:
   (1) Civil construction plans;
   (2) Final plats; and
   (3) Traffic impact analyses.

(C) Develop and revise York County technical design standards;

(D) Conduct inspections of private roads proposed for public acceptance (see Subchapter G, Part 8: Private Road Acceptance) and

(E) Coordinate with and provide technical assistance to other County departments and outside agencies as needed in the execution of these duties.

§ 154.458 STORMWATER ADMINISTRATOR.

In addition to the duties outlined in Chapter 152: Stormwater Management and Sediment Control, the Stormwater Administrator has the following duties in the administration and enforcement of this Chapter:

(A) Protect, maintain, and enhance the environment of York County and the short-term and long-term public health, safety, and general welfare of the citizens of York County by establishing requirements and procedures to control the potential adverse effects of increased stormwater runoff associated with both future development and existing developed land;

(B) Prohibit illicit discharges, illicit connections, and improper disposals to the York County MS4 and receiving waters;

(C) Carry out all inspection, surveillance, and monitoring procedures necessary to determine compliance and non-compliance with permit conditions;

(D) Provide public information relative to this Chapter;

(E) Ensure that temporary erosion and sediment control measures are provided to protect individuals occupying land (adjacent to and downstream from proposed developments) from being damaged by sediment due to the proposed development;

(F) Coordinate with and provide technical assistance to other County departments and outside agencies as needed in the execution of these duties;

(G) Review subdivision plans and individual residential plans for compliance with York County and the South Carolina Department of Natural Resources design standards;
(H) Perform field inspections for individual applications to verify compliance with this Chapter;

(I) Provide public information relative to this Chapter;

(J) Assist residents and developers to identify floodplain areas;

(K) Develop and revise York County design standards and ordinances in order to properly review submitted documents from all possible sources; and

(L) Coordinate with and provide technical assistance to other County departments and outside agencies as needed in the execution of these duties.

§ 154.459 RESERVED.

§ 154.460 RESERVED.

§ 154.461 RESERVED.

§ 154.462 RESERVED.

§ 154.463 RESERVED.

§ 154.464 RESERVED.
§ 154.465 DIRECTOR OF PUBLIC WORKS.

The Director of Public Works has the following duties in the administration and enforcement of this Chapter:

(A) Require the execution of a liability agreement for certain industrial land uses and special exception uses;

(B) Coordinate with the Zoning Administrator and Building Official on temporary certificates of occupancy and any associated bonds or letters of credit;

(C) Receive, review, and act on applications for encroachment permits;

(D) Conduct inspections and maintain records of private roads proposed for public acceptance; and

(E) Install road name and traffic control signage on new public roads.

§ 154.466 RESERVED.

§ 154.467 RESERVED.

§ 154.468 RESERVED.

§ 154.469 RESERVED.
§ 154.470 ESTABLISHMENT OF PLANNING COMMISSION.

The Planning Commission is organized and has the powers assigned by Chapter 153: Planning and Development, §§ 153.15 et seq.

§ 154.471 PLANNING COMMISSION DUTIES.

In addition to the duties specified in Chapter 153: Planning and Development, the Planning Commission also has the following duties in the administration and enforcement of this Chapter:

(A) To approve or disapprove preliminary plat applications;

(B) To provide recommendations for approval or disapproval of applications for private road acceptance;

(C) To approve or disapprove waiver applications;

(D) To hear and decide appeals where it is alleged there is error in an order, requirement, decision, interpretation, or determination made by an administrative official in the enforcement of this Chapter; and

(E) To provide recommendations for approval, approval with modifications, or disapproval of all proposed Land Development Code text amendments.

§ 154.472 RESERVED.

§ 154.473 RESERVED.

§ 154.474 RESERVED.
SUBCHAPTER I: ENFORCEMENT

§ 154.475 GENERALLY.

This Subchapter establishes the procedures to enforce compliance with this Chapter and to correct violations of this Chapter or conditions of an approval or permit issued under this Chapter.

§ 154.476 VIOLATIONS.

(A) Generally. Any person who violates the provisions of this Chapter is subject to the remedies and penalties it provides.

(B) Types of Violations. The following activities, acts, failures to act, and conditions are violations of this Chapter and will be enforced using the penalties and remedies provided by this Subchapter, the York County Code, and any requirements or limitations of South Carolina law.

   (1) Recording of Plat. No subdivision plat or other land development plan that requires approval under this Chapter may be filed or recorded with the Clerk of Court until it bears the stamp of approval and is properly signed by the authority designated in this Chapter.

   (2) Issuance of Building Permit. No building permit may be issued for construction on a parcel until the plat or plan has been properly approved by the authority designated in this Chapter.

   (3) Transfer of Title. The owner of a lot proposed for subdivision or their agent may not transfer title to individual lots until the subdivision plat has been approved by the authority designated in this Chapter and the approved final plat has been recorded with the Clerk of Court.

   (4) Development or Construction without Permit or Approval. A person may not proceed with construction work or land development activity before obtaining the permits, approvals, certificates, and authorizations required by this Chapter.

   (5) Development of Land Inconsistent with this Chapter. A person may not conduct any land development activity that is inconsistent with the regulations of this Chapter.

   (6) Development Inconsistent with Conditions of Approval. A person may not conduct any land development activity that is inconsistent with any term, condition, or qualification placed by the County upon a required permit, certificate, plat or plan approval, or other form of authorization granted by the County to allow the development of or other activity upon land.
(7) Other Acts. Any other act that is prohibited by this Chapter or the failure to do any act that is required by this Chapter is a violation under this Section and is punishable under this Chapter.

(C) Each Day Constitutes a Separate Offense. Each day that any violation of any provision of this Chapter continues constitutes a separate offense.

§ 154.477 PENALTIES.

(A) Generally. Any person who violates any provision of this Chapter by performing an act prohibited by it or by failing to perform an act required by it is guilty of a misdemeanor under the laws of the State of South Carolina. The County Council, County Attorney, Zoning Administrator, or Planning and Development Services Director may institute all necessary proceedings in any court of the County having jurisdiction or other appropriate venue to prosecute violations under this Chapter.

(B) Remedies. The County has the following remedies and enforcement powers:

(1) Fines.

(a) Violations of this Chapter’s regulations are punishable by a fine not to exceed $500 per day for each violation.

(b) The maximum penalty set forth above shall be limited to a fine of not more than $500 for any continuous course of conduct if the person, firm, corporation, or other offending party:

1. Ceases further unlawful actions after receiving actual notice of violation; and

2. In cases where any development is unlawfully constructed, reconstructed, altered, repaired, converted, or maintained in violation of this Chapter or any regulations duly made under the authority conferred thereby, timely pursues such administrative remedies as may be available.

(c) The offending party shall strictly abide with all the terms, conditions, and timeframes specified in such an agreement or applicable in any available administrative proceedings.

(2) Doubling of Permit Fees. The permit or application fees for work upon a lot without the necessary permit shall be doubled in such cases where work is commenced upon the affected lot before obtaining the required permit. The payment of such double permit fees shall not relieve any person, firm, corporation, or other entity from complying with the conditions of the permits once they have been issued.

(3) Withholding Acceptance of Applications.
(a) The County may decline to accept any application specified in Subchapter G: Procedures, Chapter 155: Zoning Code, or other chapter of the County Code until the lot owner resolves all Land Development Code violations related to the lot and pays all related fines.

(b) In instances where the action proposed in the application would resolve the violation, the County may accept and process the application.

(4) **Withholding of Inspections.** The County may decline to conduct permissive inspections until the lot owner resolves all Land Development Code violations related to the lot and pays all related fines.

(5) **Withholding of Permits or Approvals.**

(a) The County may deny or withhold all permits, certificates, plan approvals, or other forms of authorization on any building, structure, land, or improvements upon land on which there is an uncorrected violation of any provision of this Chapter or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the County. The authorization shall not be issued until all violations are resolved and any fines levied are paid.

(b) In instances where the issuance of the authorization would resolve the violation, the County may, instead of withholding or denying an authorization, grant the authorization.

(c) In instances where evidence of a violation is noted after the acceptance, processing, and/or issuance of a permit or other authorization, all activity with regards to the processing of the application, including inspections, shall cease until the lot is brought into compliance and all fines levied are paid.

(d) This Paragraph applies regardless of whether the current owner or applicant is responsible for the violation in question.

(6) **Stop Work.** With or without revoking permits, the County may issue a stop work order on any development, building, or structure on any land on which there is an uncorrected violation of a provision of this Chapter or a violation of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the County.

(7) **Revocation of Permits and Approvals.** The County may revoke all permits, certificates, plan or plat approvals, or other forms of authorization on any building, structure, land, or improvements upon land for which there is an uncorrected violation of any provision of this Chapter or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the County. [See § 154.479: Revocation of Permit or Approval.]

(8) **Enjoining Unlawful Recording.** York County may request a court to enjoin the unlawful recording of any plat or plan.
(9) **Enjoining of Transfer of Title.** York County may request a court to enjoin the transfer of title to real property prohibited by this Chapter.

(10) **Enjoining Land Development Activity.** York County may request a court to enjoin any land development activity or subdivision of real property prohibited by this Chapter.

(11) **Recovery from Surety.** If a developer defaults in installing required site improvements, York County can recover and use the proceeds of the surety bond, certified check, or other surety instrument posted by the developer to install the required improvements.

(12) **Acceptance of Infrastructure.** York County will not accept the dedication of a street, right-of-way, infrastructure, or land that has not been approved by the Director and met the requirements and standards of this Chapter.

(13) **Civil Remedies.** In case any building or structure is proposed to be erected, constructed, reconstructed, altered, maintained, or used; or any land is proposed to be used in violation of this Chapter or of any regulation or amendment thereof enacted or adopted by the governing body of the County under the authority granted by this Chapter, the governing body of York County, the County Attorney, or any owner of real estate within the district in which the building, structure, or land is situated may, in addition to other remedies provided by law, institute an injunction, abatement, or any appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, maintenance, or use.

(14) **Other Remedies.** In addition to the enforcement powers and remedies specified in this Subchapter, the County may exercise any and all enforcement powers and remedies granted to it by South Carolina State law, as it may be amended from time to time.

(C) **Other Penalties.** York County will enforce any other penalties specifically provided by this Chapter.

§ 154.478 **ENFORCEMENT PROCEDURES.**

(A) **Notice of Violation.**

(1) If the Director finds a violation of any provision of this Chapter, the Director shall provide written notification to the person responsible for the violation, indicating the nature of the violation and ordering the action necessary to correct it.

(2) In the case of violations not involving continuing construction or development or any emergency situation, the Director shall give written notice of the nature of the violation to the owner, occupant, or agent of the property at the last known address.

(3) The contents of the notice shall describe the nature of the violation in terms that would reasonably allow the property owner or other responsible person, representative, or tenant to determine the nature of the violation to allow for self-abatement and shall mandate a 15-day time to cure before further enforcement action will be taken.
(4) The person to whom notice is directed shall correct the violation or be subject to further enforcement action.

(5) The notice shall be personally served or sent by certified mail, return receipt requested. Failure to sign for the certified mail or failure to pick up the notice from the post office is not deemed a lack of notice under this Chapter where delivery was attempted, and a record of this attempt was provided as required by procedures for restricted mail.

(B) Immediate Enforcement.

(1) If the Director determines that an emergency situation exists or continuing site work or construction is occurring in violation of this Chapter, the County may immediately use the enforcement powers and remedies available to it pursuant to § 154.477: Penalties and § 154.479: Revocation of Permit or Approval.

(2) No other notification procedures are required as a prerequisite to an immediate enforcement action.

(C) Action by Director. The Director may:

(1) Order the removal of illegal site work, improvement, buildings, or structures;

(2) Order the discontinuance of any illegal land development activity, site work, construction, or other work being done;

(3) Order a plan for the mitigation and restoration caused by any illegal site work, improvement, buildings, or structures; or

(4) Take any other action authorized by this Chapter and governing law to ensure compliance with or to prevent violation of its provisions.

§ 154.479 REVOCATION OF PERMIT OR APPROVAL.

(A) Basis for Revocation. A permit or approval may be revoked by the Planning and Development Services Director at any time prior to completion of the land development activity, site improvement, or subdivision for which the permit or approval was issued, when the Director determines that one or more of the following conditions is present:

(1) There is departure from the plans, specifications, or conditions as required under the terms of the permit or approval;

(2) That the permit was procured by materially incorrect information;

(3) That the permit was issued in error; or

(4) That any of the provisions of this Chapter are being violated.
(B) **Notice.** Written notice of the revocation shall be served upon the owner, the owner's agent or contractor, or any person employed on the lot for which the permit was issued or shall be posted in a prominent location on the lot. Where notice of revocation is served or posted, all further land development activity, site improvement, or subdivision shall cease.

(C) **Appeal of Revocation.** Any revocation of a permit may be appealed to the Planning Commission as provided in Subchapter G, Part 12: *Appeals of Administrative Decisions.*

§ 154.480 RESERVED.

§ 154.481 RESERVED.

§ 154.482 RESERVED.

§ 154.483 RESERVED.

§ 154.484 RESERVED.
YORK COUNTY, SOUTH CAROLINA CODE OF ORDINANCES

CHAPTER 154: LAND DEVELOPMENT CODE

SUBCHAPTER J: RULES OF INTERPRETATION, DEFINITIONS, AND ACRONYMS

Adopted February 21, 2022

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§ 154.485  GENERAL RULES OF INTERPRETATION.

(A)  This Part and York County Code Chapter 10: Rules of Construction; General Penalty establish rules for interpreting provisions in this Chapter.

(B)  The regulations expressed in this Chapter 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.

(C)  For purposes of interpreting this Chapter, the following definitions of word use apply:

(1)  Words used in the present tense include the future tense;

(2)  Words used in the singular include the plural and words used in the plural include the singular;

(3)  Words of one gender include the other genders and firms, partnerships, and corporations;

(4)  The words "shall" and "must" are mandatory;

(5)  The words "may," "should," and “encouraged” are permissive;

(6)  The term "structure" includes the term "building," and

(7)  The phrase "used for" includes "designed for," or "intended for," or "maintained for," and "occupied for."

(D)  This Chapter contains illustrations and graphics, which are designed to assist the reader in understanding the provisions of this Chapter. However, to the extent that there is any inconsistency between the text of this Chapter and any illustrations or graphics, the text shall control.

(E)  Where this Chapter permits or requires an act on the part of an "owner," "lot owner," or "property owners" and a particular lot or tract of land is owned by several persons, whether in indivation, partnership, joint venture, or other form of joint ownership, the act shall be taken on behalf of, and with the express consent of, all such persons.

(F)  Any reference to a statute, provision of the York County Code, other laws or regulations, reference documents, technical manuals, or other documents refer to the most recent versions
of those documents, including any amendments or updates to the statute, County Code, law, regulation, or other document.

(G) In computing any period of time, refer to §10.06(C) unless specifically provided in this Chapter.

§ 154.486 CONFLICTING REGULATIONS.

(A) **Stricter Standards in This Chapter.** Whenever the requirements made under authority of these regulations impose higher standards than are required in any statute, ordinance, or regulation, the provisions of this Chapter shall govern.

(B) **Stricter Standards in Other Statutes, Ordinances, or Regulations.**

   (1) It is not intended by these regulations to repeal, abrogate, annul, or in any way impair or interfere with any existing provisions of the law or ordinance of any rules, regulations, or permits previously adopted or issued, or which shall be adopted or issued pursuant to law, relating to the use of buildings or premises.

   (2) If another applicable statute, ordinance, or regulation requires a higher standard than this Chapter, the provisions of that statute, ordinance, or regulation govern.

(C) **Conflicts with Private Restrictions.**

   (1) It is not intended by these regulations to interfere with or abrogate or annul any easements, covenants, or other agreements between parties.

   (2) Where this Chapter is more restrictive or imposes higher standards than a private restriction, this Chapter controls.

   (3) Where a private restriction is more restrictive or imposes higher standards than this Chapter, the private restriction controls if properly enforced by a person having the legal right to enforce the restrictions. The County does not enforce private restrictions.

§ 154.487 RESERVED.

§ 154.488 RESERVED.

§ 154.489 RESERVED.
PART 2: DEFINITIONS

§ 154.490 DEFINED TERMS.

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Where applicable, terms in this Chapter should be interpreted consistently with the definitions and intent of the other Chapters of Title XV: Land Usage.

(A)

APPLICANT. The owner of land that is subject to an application for a development permit or approval under this Chapter or the owner’s authorized representative.

APPLICATION, COMPLETE. Any application for approval of a development permit pursuant to the Land Development Code that contains all materials required by LDC Subchapter L: Submittal Requirements, including all applicable fees.

APPLICATION, NEW. Any application for approval of a development permit pursuant to the Land Development Code, that was not complete and filed on or before the effective date of this Chapter.

APPROVED SPECIES LIST. A compilation of allowed plant species that shall be used to satisfy landscaping and tree planting requirements of this Chapter and Chapter 155: Zoning Code. The APPROVED SPECIES LIST may be published as part of the LAND DEVELOPMENT MANUAL, or may be maintained as a separate document.

AVERAGE DAILY TRIPS (ADT). The average number of trips generated each day by a use in accordance with the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual.

(B)

BASE FLOOD. The flood having a 1% chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION. The crest elevation in relation to a mean-sea level expected to be reached by the base flood, also referred to as the 100-year flood.

BEGINNING. For survey purposes, a well-defined, readily located, and permanent point or monument that is the starting point for a metes and bounds description and also is the final point of the description.

BENCHMARK. A relatively permanent material object, natural or artificial, bearing a marked point whose elevation is above or below an adopted known datum.
**BLOCK.** A tract of land consisting of one or more lots bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of local governments.

**BOUNDARY LINE.** For survey purposes, any line bounding an area or dividing separate properties, adequately dimensioned, and described.

**BUFFER.** A conserved, vegetated area intended to protect environmental and historic resources.

**BUILDING.** Any structure having a roof supported by columns or walls for the shelter or enclosure of persons, animals, or property.

**BUILDING OFFICIAL.** The person authorized by Chapter 150: Building Regulations to administer and enforce those regulations, or that person’s designee.

**BUILDING PERMIT.** A document issued by the Building Official authorizing construction, enlargement, alteration, moving, or demolition of a building or structure.

**CALIPER.** Diameter measurement of the tree trunk taken 4.5 feet above ground level.

**CERTIFICATE OF OCCUPANCY.** A certificate of approval for occupancy issued after final inspection of a building by the Building Official. The certificate shall be obtained before a building can be lawfully occupied.

**CIVIL CONSTRUCTION PLAN.** A site plan and associated engineering plans related to roads, utilities, stormwater management, and other technical aspects of development associated with a major subdivision or a multi-family or non-residential development. A CIVIL CONSTRUCTION PLAN contains detail sufficient to indicate the proposed development’s workability in all aspects.

**CLEAR-CUTTING.** The indiscriminate removal of trees, shrubs, or undergrowth with the intention of preparing real property for non-agricultural development purposes. This definition shall not include the selective removal of non-native trees and shrub species when the soil is left relatively undisturbed, removal of dead trees, or normal mowing operations.

**CLUSTER SUBDIVISION.** A form of development that provides reduced lot area while maintaining the same number of lots and overall density. Buildings are clustered on parts of the site, permitting the remaining land area to be devoted to open space, active recreation areas, environmentally-sensitive land preserves, or agriculture.

**COMPiled MAP.** A map drawn from previously recorded documents, photographic material, or tax maps which represents the general configuration of the parcel where the land surveyor preparing the map has performed partial or no actual surveying.
COMPREHENSIVE PLAN. A document adopted by York County Council in accordance with S.C. Code Title 6, Chapter 29, Article 3, to address elements considered critical, necessary, and desirable to guide the development and redevelopment of its area of jurisdiction. The Comprehensive Plan includes an inventory of existing conditions, a statement of needs and goals, and implementation strategies with timeframes. When used in this Chapter, COMPREHENSIVE PLAN means the mostly recently adopted version of the plan and any amendments thereto.

CONSTRUCTION. Any man-made change to improved or unimproved real estate, including buildings or other structures, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, drilling operations, or pile driving.

CONTIGUOUS. In contact with, abutting, or adjacent to another lot, structure, or a delineated area.

CONVEY. The act of transferring title or rights to a property.

COORDINATE DESCRIPTION. For survey purposes, a description of lands in which the angle points or other points in the boundary are defined by grid coordinates on the South Carolina or similar coordinate systems.

CORNER. A point on a land boundary.

COTTAGE COURT. A type of residential development comprised of a group of small, detached dwelling units arranged around a shared courtyard that is visible from the street.

COUNTY. The unincorporated area of York County.

COUNTY ENGINEER. The York County Engineer or the County Engineer’s designee.

COVENANT OR RESTRICTIVE COVENANT. Private agreements entered into between the developer and purchaser of real property or among owners of real property that restrict the use of all private property within a development for the mutual benefit of property owners.

CRITICAL ROOT ZONE. The soil surrounding a tree that contains the tree’s critical roots. Critical roots are the minimum amount of roots a tree needs for survival.

CROSSWALK. A right-of-way, dedicated for public use and intended for pedestrian access to adjacent land areas.

CUL-DE-SAC. A street with one end open to traffic and the other end terminated with a planned vehicular turn-around.

CULVERT. A structure designed to convey a water course not incorporated in a closed drainage system under a road or pedestrian walk.

CURB. A vertical or sloping edge of a road way.
(D)

**DAMAGED OR THREATENED TREE.** A tree with structural defects is considered damaged. The defects may include, but are not limited to, basal cavity or root decay, large dead branches, construction injuries, fungal fruiting bodies, and the like.

**DBH (DIAMETER BREAST HEIGHT).** The diameter of a tree as measured at a point 4.5 feet above the tree’s base.

**DEDICATION.** The offer to transfer title to real estate by an owner or developer of private land for public use, and the acceptance of the land by the governmental agency having jurisdiction over the public function for which it will be used.

**DESIGN FLOOD.** The relative size or magnitude of a major flood of reasonable expectancy, which reflects both flood experience and flood potential and is the basis of the delineation of the floodway, the flood hazard area, and the water surface elevation.

**DESCRIPTION BY LOT NUMBER.** For survey purposes, a description that identifies a tract of land by reference to a recorded plat and by book and page number together with other pertinent information.

**DESIGN STANDARDS.** Standards that set forth specific improvement requirements.

**DEVELOPER.** The legal or beneficial owner or owners of a lot or of any land included in a proposed development. Also, the holder of an option or contract to purchase or any other person having enforceable proprietary interest in the land.

**DEVELOPMENT, COMMERCIAL.** A land development that includes a structure, premises, or portion of either used or proposed to be used for wholesale, retail, office, restaurant, service, or similar use on which the property users are engaged in work for which it is intended that compensation be received for goods or services.

**DEVELOPMENT, INDUSTRIAL.** A land development that includes a structure, premises, or portion of either used or proposed to be used for the assembly, fabrication, finishing, manufacturing, packaging, processing, or distribution of goods and materials and that may have greater than average impacts on the use and enjoyment of adjacent property in terms of noise, fumes, odors, glare, health, and safety hazards. **INDUSTRIAL DEVELOPMENTS** often have unique site development needs due to operational characteristics of the use.

**DEVELOPMENT, MIXED USE.** A land development comprised of residential development and commercial and/or industrial development.

**DEVELOPMENT, RESIDENTIAL.** A land development that solely includes dwelling units intended for permanent occupation.

**DIRECTOR.** See **PLANNING AND DEVELOPMENT SERVICES DIRECTOR.**
**Drip Line.** A vertical line running from the outermost portions of the tree crown extending to the ground.

**Driveway.** See **Private Driveway**.

**(E)**

**Easement.** Authorization by a property owner to the general public, a corporation, or a certain person or persons for the use of any designated part of their property for a specific purpose.

**Engineer.** A registered professional engineer in good standing with the South Carolina State Board of Registration for Professional Engineers and Land Surveyors. The terms “practice of engineering,” “engineering services,” “work performed by an engineer,” or any similar term within the intent of this Chapter requiring the services of a professional engineer shall mean any professional service or creative work requiring engineering education, training, and experience; and the application of special knowledge of the mathematical, physical, and engineering sciences to the professional services or creative work as consultation, investigation, evaluation, planning, design, and supervision of construction for the purpose of assuring compliance with specifications and design in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works, or projects.

**erosion.** The wearing away of land surface by the action of wind, water, gravity, ice, or any combination of those forces.

**(F)**

**Final Development Approval.** Generally, the approval of a final subdivision plat. For uses or developments within subdivisions with an approved final subdivision plat or for uses and developments not requiring approval of a subdivision plat, the issuance of a building permit.

**Flood Hazard Area.** Any area of the county subject to the 100-year flood and so designated on the current Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps.

**Flood Insurance Study.** The official report provided by the Federal Emergency Management Agency (FEMA). The report contains flood profiles, as well as the boundary Floodway Map and the water surface elevation of the base flood.

**Floodplain.** Any area susceptible to being inundated by water from any source.

**Floodway.** The channel of river or other watercourse and the adjacent land areas that shall be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point.
(G)

**GRAND TREE.** A tree or group of trees considered to be important community assets due to their size or unique or noteworthy characteristics as specified in Subchapter D, Part 4: *Tree Conservation.*

**GRANTEE.** A person or party receiving title or rights to property.

**GRANTOR.** A person or party conveying property rights to a grantee.

**GREEN INFRASTRUCTURE.** Systems and practices that use or mimic natural processes for the infiltration, evapotranspiration, or reuse of stormwater and runoff on the site where it is generated, including low impact development techniques, tree planting and preservation, and open space preservation.

**GRID COORDINATES.** For survey purposes, distances measured at right angles to each other in a rectangular system having two base lines at right angles to each other.

(H)

**HOMEOWNERS ASSOCIATION.** A community association, incorporated or not incorporated, combining individual home ownership with shared use or ownership of common property or facilities. Also referred to as a *PROPERTY OWNERS ASSOCIATION.*

(I)

**IMPERVIOUS SURFACE OR IMPERVIOUS COVER.** Any land surfaces with a low or no capacity for stormwater infiltration, including but not limited to, building rooftops, sidewalks, impervious pavement, impervious parking areas and driveways, and packed gravel and soil.

**IMPROVEMENTS OR INFRASTRUCTURE, PUBLIC.** Any of the following, with any appurtenant construction and grading: street and parking area pavement, sidewalks, sanitary sewers, storm drains, water mains, other utilities, street trees, street signs, and street lighting fixtures.

**INDIVIDUAL PLATS FOR LAND DIVISION.** A type of land division defined by § 154.004(E): *Individual Plats for Land Division* that receives a more limited review under this Chapter.

**INTERNAL AREA.** The portion of a tract of land that is inside of the required yard setbacks and buffers, where building and development may occur.

(K)

**KEY MAP.** A lot and roadway subdivision drawing reflecting all phases, existing and proposed, of one project in its entirety. A *KEY MAP* is not necessarily drawn to scale.
LAND DEVELOPMENT OR DEVELOPMENT. The changing of land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, manufactured home parks, and similar developments for sale, lease, or any combination of owner and rental characteristics. LAND DEVELOPMENT OR DEVELOPMENT includes the placement of manufactured homes, mining, dredging, filling, grading, paving, excavation, or drilling operations.

LAND DEVELOPMENT ACTIVITY. Any clearing, grading, land disturbing activity, or construction on developed or undeveloped land that is part of or furthers a land development.

LAND DEVELOPMENT MANUAL. A manual of technical standards, specifications, and other information maintained by the Planning and Development Services Department for use by design professionals that includes topics such as lot layout, street design, landscaping and tree planting, and forms.

LAND DEVELOPMENT PERMIT. Any permit or approval governed or required by:

1. Chapter 150: Building Regulations;
2. Chapter 151: Floodplain Damage Prevention;
3. Chapter 152: Stormwater Management and Sediment Control;
4. Chapter 153: Planning and Development;
5. Chapter 154: Land Development Code;
6. Chapter 155: Zoning Code;
7. Chapter 156: Temporary Emergency Dwelling Permits;
8. A Development Agreement;
9. A Special District plan or similar regulating plan; and
10. Any other permit, permission, master plan, plan, or approval issued by York County that authorizes development and that is not exempted.

LANDSCAPED AREA OR LANDSCAPING. An area that is permanently devoted to and maintained for the growing of trees, shrubbery, and ornamental grass.

LOT. A single parcel or tract of contiguous land intended as a unit for transfer of ownership or for building development or both.
LOT LINE OR PROPERTY LINE. A line dividing one lot from another or from a street or any public place.

LOT OF RECORD. A lot or parcel of land the plat or deed of which was recorded in the clerk of court’s office of York County prior to the adoption of this original ordinance (October 1, 1978).

LOW IMPACT DEVELOPMENT (LID). An approach to land development (or redevelopment) that works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat stormwater as a resource rather than a waste product. Common practices that are used to adhere to these principles include bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements.

(M)

MEDIAN. That portion of a divided highway separating lanes of traffic proceeding in opposite directions.

METES AND BOUND DESCRIPTION. For survey purposes, a description in which the boundary lines starting from a given point are described by listing the direction, distance and description of the corner of the lines forming this boundary in succession, and adjoining owners.

MITIGATION. Measures, facilities, or funding installed, constructed, or provided with the intent of reducing the impact of development on public facilities, the environment, or adjacent properties.

MONUMENT. For survey purposes, a shaft of ferrous metal, concrete, stone, or concrete and metal, placed to designate a fixed point, placed near vertically in the earth, designed for maximum permanency, placed by a land surveyor to mark corners.

MULTI-FAMILY DEVELOPMENT. A land development that will include a building or portion of a building that contains three or more dwelling units on the same lot. Triplexes and quadplexes are excluded from this definition of multi-family dwellings.

MULTI-USE PATH. A paved pathway that is physically separated from motorized vehicular traffic by an open space or barrier and is either within the right-of-way or within an independent tract or easement. MULTI-USE PATHS are designed and used for multiple non-motorized transportation options, including walking, hiking, jogging, horseback riding, bicycling, and roller skating.

(N)

NON-RESIDENTIAL DEVELOPMENT. A land development that does not include dwelling units intended for permanent occupation.
(O)

**OPEN SPACE.** A tract of land and/or water bodies used for active or passive recreation, amenity, conservation, natural resource preservation, wildlife preservation, or buffer that qualifies as an open space type under Subchapter D, Part 3: *Open Space*.

**OUTPARCEL.** A lot or pad site that is part of larger common development, containing nonresidential buildings that are separated from the other buildings by parking, circulation, and landscaped areas.

(P)

**PAD SITE.** The location for an independent commercial building that is located within a coordinated commercial center.

**PARCEL.** Any existing piece of land formally described and recorded with block and lot numbers, by metes and bounds, by ownership, or in a manner as to specifically identify the dimensions and/or boundaries under common title that may be transferred according to applicable laws and ordinances without further surveying or platting being required.

**PARKING AREA OR PARKING LOT.** An open, unoccupied space used or required for use for parking of automobiles exclusively.

**PAVED.** Ground surface covered with a hard, impervious material, such as concrete or asphalt. A ground surface covered with rolled stone or overlaid with loose gravel is not considered a paved surface.

**PERMIT OR APPROVAL.** A valid authorization for a development permit under the York County Code of Ordinances.

**PERSON.** An individual, firm, partnership, corporation, company, association, joint stock association or government entity, including a trustee, a receiver, an assignee, or a similar representative of any of them.

**PLANNING COMMISSION.** The York County Planning Commission.

**PLANNING AND DEVELOPMENT SERVICES DEPARTMENT.** The York County Planning and Development Services Department.

**PLANNING AND DEVELOPMENT SERVICES DIRECTOR.** The director of the Planning and Development Services Department, or their administrative designee. Also referred to as the **PLANNING DIRECTOR** or **DIRECTOR**.

**PLANS.** All drawings, including general plans, cross sections, profiles, working details, and specifications, that the applicant is required to prepare to show the character, extent, and details of proposed improvements.
**PLAT.** A map or drawing which is an accurate graphical representation of a developer's plan for a subdivision.

(1) **SKETCH PLAN.** A simple sketch of a proposed subdivision layout or land development plan, showing streets and other principal features for the purpose of discussion and classification.

(2) **PRELIMINARY PLAT.** A drawing that shows the proposed layout of a subdivision in sufficient detail to indicate its workability in all aspects.

(3) **FINAL PLAT.** An as-built plat of a tract of land that meets the requirements of these regulations and is in final form for recording in the Clerk of Court office.

**PRIVATE DRIVEWAY.** A paved or unpaved area used for ingress and egress of vehicles and allowing access from a street to a building or other structure or facility. This type of roadway shall not suffice as approved access for further subdivision of land.

**PRIVATE STREET.** A street owned and maintained by a private entity or person. A street is private unless its right-of-way has been dedicated to and accepted by a municipality, the State of South Carolina, or York County.

**PROPERTY LINE.** See **LOT LINE.**

**PROPERTY OWNER.** The person(s) at the date of the application whose name appears on the County tax records as an owner of the property in question.

**PROPERTY OWNERS ASSOCIATION.** A community association, incorporated or not incorporated, combining ownership of individual units with shared use or ownership of common property or facilities.

**PUBLIC ROAD OR STREET.** This means, relates to, and includes the entire right-of-way of streets considered public and both dedicated to and accepted by a municipality, the State of South Carolina, or the York County Council. Classifications for **PUBLIC ROADS OR STREETS** include:

(1) **MAJOR.** A major road or street is one designed principally to move traffic within the county, not to access property. A complete list of **MAJOR ROADS** can be found in the Land Development Manual. Roads so classified in York County are defined as:

   (a) **PRINCIPAL ARTERIAL.** A roadway designed to serve statewide and interstate travel and connects urbanized areas, cities and towns. It is designed to accommodate moderate to high volumes of traffic at moderate to high speeds.

   (b) **MINOR ARTERIAL.** A roadway designed to link cities and towns, forming an integrated network providing interstate, intrastate, and intracounty service. A minor arterial is spaced at proper intervals so that all developed areas are within a reasonable distance of an arterial highway. It is designed to accommodate moderate volumes of traffic at moderate to high speeds.
(c) **MAJOR COLLECTOR.** A roadway designed to serve urban areas and other traffic generating areas and uses of intracounty importance that are not served by higher systems, linking such areas and uses with nearby towns and cities, or with routes of higher classification. It is designed to carry moderate volumes of traffic at moderate speeds.

(2) **MINOR.** A road or street designed principally to provide property access, and includes all County- and state-maintained roads in York County not specifically designated as major.

**PUBLIC WORKS DIRECTOR.** The Director of the York County Public Works Department or the Director’s designee.

(R) **RECORDED.** Placed on record in the Clerk of Court office for the county in which all or part of the land lies.

**REFERENCE POINT.** Any defined position that is or can be established in relation to another defined position.

**RIGHT-OF-WAY.** A strip of land occupied or intended to be occupied by a street, railroad, electric transmission line, gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special use.

**ROAD.** See **STREET.**

(S) **SANITARY SEWER.** A constructed conduit connected with or as a sewer system for the carrying of liquids and solids other than stormwaters to a sanitary treatment facility. All such systems are subject to the review and approval of the State Department of Health and Environmental Control (SCDHEC).

**SEPTIC SYSTEM.** A system for the treatment and disposal of domestic sewage by means of a septic tank and a soil absorption system. All such systems are subject to the review and approval of the State Department of Health and Environmental Control (SCDHEC).

**SHOULDER.** The graded part of the right-of-way that lies between the edge of the main pavement (main travel way) and the slope of the proposed ditch line or existing topography.

**SIDEWALK.** A paved footpath adjacent to or located within a public right-of-way dedicated exclusively to pedestrian activity.

**SIGHT TRIANGLE.** A triangular-shaped portion of land established at all street intersections and access driveways as outlined in Subchapter C, Part 3: **Access Management and**


Driveways in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

**SITE PLAN.** A scale drawing showing the relationship between the lot lines and their uses, buildings, or structures, existing or proposed on a lot, including such details as parking areas, access points, landscaped area, building areas, setbacks from lot lines, building heights, floor areas, densities, septic tank tile fields, existing and proposed water and sewer utility lines, utility lines, proposed detention basins, existing or proposed easements, or a special or particular use.

**STORMWATER.** Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

**STORMWATER ADMINISTRATOR.** The person authorized by Chapter 152: Stormwater Management and Sediment Control to administer and enforce those regulations or that person’s designee.

**STORMWATER DRAINAGE SYSTEM OR STORM SEWER.** Constructed and natural features which function together as a system to collect, convey, channel, hold, inhibit, retain, detain, infiltrate, divert, treat, or filter stormwater. **STORMWATER DRAINAGE SYSTEM** includes both public and privately owned features.

**STORMWATER RUNOFF.** Direct response of a watershed to precipitation and includes the surface and subsurface runoff that enters a ditch, stream, storm sewer or other concentrated flow during and following the precipitation.

**STREET OR ROAD.** Any street, avenue, boulevard, road, parkway, viaduct, drive, or other roadway. See, also: “Private Driveway,” “Private Street,” “Public Street or Road,” and “Cul-de-Sac.”

**STREET TREE.** A tree planted along a street or road or between a sidewalk and the edge of the paved surface of a street or road.

**STRUCTURE.** Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground.

**SUBDIVIDER.** Any person dividing or proposing to divide land so as to constitute a subdivision as defined in this Chapter.

**SUBDIVISION.** Any division of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development and shall include any land involving a new public or private street or a change in existing public or private streets.

(1) **MINOR SUBDIVISION.** A subdivision of not more than six lots that does not involve construction of new streets or improvements to an existing street. Resultant lots of a minor subdivision, including the parent parcel, cannot be resubdivided into another minor subdivision.
(2) **MAJOR SUBDIVISION.** Any subdivision of seven or more lots or that involves construction of new streets or improvements to an existing street. These subdivisions require preliminary plats to be reviewed and approved by the Planning and Development Services Department.

**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.

  (1) **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.

  (2) **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.

  (3) **GEODETIC SURVEY.** A survey of areas and points affected by and taking into account the curvature of the earth and astronomic observations.

  (4) **HYDROGRAPHIC SURVEY.** A survey having for its principal purpose the determination of data relating to bodies of water and which may consist of the determination of one or several of the following classes of data: depth of water and configuration of bottom; directions and force of current; heights and times and water stages; and locations of fixed objects for survey and navigation purposes.

  (5) **SITE SURVEY.** A survey performed to obtain horizontal and/or vertical dimensional data so that the constructed facility may be located and delineated.

  (6) **TOPOGRAPHICAL 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.

**SURVEYOR.** A registered land surveyor in good standing with the South Carolina State Board of Registration for Professional Engineers and Land Surveyors.

(T)

**TITLE.** A written claim or right which constitutes a just and legal cause of exclusive possession of real property.

**TOWNHOUSE SUBDIVISION.** A residential development consisting of a row of two or more attached single-family dwelling units, each with its own lot and outside entrance, that are joined together by a common wall located on a common property line.
TRAFFIC IMPACT ANALYSIS (TIA). A report analyzing anticipated traffic and roadway conditions within and near an applicant’s proposed development.

TRAFFIC IMPACT ANALYSIS GUIDELINES AND METHODOLOGY (TIAGM). An administrative document maintained and updated, from time to time, by County staff that specifies policies and procedures related to traffic impact analyses. The TIAGM works in conjunction with Subchapter G, Part 7: Traffic Impact Analysis.

TRAIL. A pathway, which may be paved or unpaved, and is physically separated from motorized vehicular traffic by an open space or barrier and is either within the right-of-way or within an independent tract or easement. TRAILS are used for non-motorized transportation, including walking, hiking, jogging, horseback riding, bicycling, and roller skating.

TRANSFER OR SALE OF LOTS. Any agreement to sell or negotiate to sell land(s) to be subdivided by reference to, or exhibition of or by other use of a plat of subdivision of the land.

TREE PROTECTION ZONE. The area surrounding a tree’s critical root zone in which excavation and other construction-related activities is prohibited.

TREE SAVE AREA. An area or areas containing existing healthy tree canopy proposed for preservation. Tree save areas shall not be included within limits of disturbance and shall extend five feet beyond the drip line of trees proposed for preservation.

TRIP. A single or one-way vehicle movement to or from a property or study area. TRIPS can be added together to calculate the total number of vehicles expected to enter and leave a specific land use or site over a designated period of time.

(U)

UTILITIES. Shall consist of all utility services to a subdivision, including water, electricity, telephone, cable television, gas and sanitary sewerage, whether the utilities are supplied by a private individual, private company, or a governing entity.

(V)

(W)

WAIVER. A modification of a specific provision of this Chapter granted to a particular property owner because of the practical difficulties or unnecessary hardship that would be imposed by the strict application of that provision of this Chapter.

WETLANDS. Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. WETLANDS generally include swamps, marshes, bogs, and similar areas.
WITNESS MONUMENT. For surveying purposes, any monument that does not occupy the same defined position as the corner itself, but whose relationship to the corner is established.

(Z)

ZONING CODE. The officially adopted York County Zoning Code, set forth in Chapter 155.

§ 154.491 RESERVED.

§ 154.492 RESERVED.

§ 154.493 RESERVED.

§ 154.494 RESERVED.
PART 3: ACRONYMS

§ 154.495 PURPOSE.
The purpose of this Part is to define acronyms used in this Chapter.

§ 154.496 LIST OF ACRONYMS.

AASHTO. American Association of State Highway and Transportation Officials
ADT. Average daily trips
DBH. Diameter at breast height
FEMA. Federal Emergency Management Agency
GIS. Geographic Information System
LID. Low Impact Development
ITE. Institute of Transportation Engineers
NRPA. National Recreation and Park Association
SCDHEC. South Carolina Department of Health and Environmental Control
SCDOT. South Carolina Department of Transportation
SFHA. Special Flood Hazard Area or Flood Hazard Area
TIA. Traffic Impact Analysis
TIAGM. Traffic Impact Analysis Guidelines & Methodology Reserved.

§ 154.497 RESERVED.

§ 154.498 RESERVED.

§ 154.499 RESERVED.
SUBCHAPTER K: LEGAL PROVISIONS

Adopted February 21, 2022

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§ 154.500 PRIVATE RESTRICTIONS.

(A) Effect on Private Restrictions.

(1) The regulations in this Chapter do not interfere with, abrogate, or annul any easements, covenants, or other agreements between parties.

(2) However, where the regulations in this Chapter impose a greater width or size of lots, buffers, opens space, or otherwise imposes higher standards than are required in any private restriction, the provisions of this Chapter shall govern as provided in § 154.292: Conflicting Regulations.

(B) In Reviewing Applications.

(1) The Planning and Development Services Department will request information on applications about the existence of a recorded covenant on the lot that is contrary to, conflicts with, or prohibits the permitted activity as required by S.C. Code Ann. § 6-29-1145.

(2) If the Planning and Development Services Department receives actual notice of a restrictive covenant from the permit application or from other sources, the Department will not issue a permit or approval governed by this Chapter until the applicant provides confirmation of a release from the covenant. However, this limitation does not apply to:

(a) An authorization to build or place a structure on a tract or parcel of land; and

(b) A restriction concerning the type of structure that may be built or placed on a tract or parcel of land.

(3) This Section is intended to give effect to the requirements of S.C. Code Ann. § 6-29-1145 and will be interpreted according to its terms.

§ 154.501 SEVERABILITY.

County Council declares that the requirements and provisions of this Chapter are severable. If a court of competent jurisdiction declares any section or part of this Chapter to be unconstitutional or invalid, the court’s decision does not affect the validity of the Chapter as a whole or any section or part of this Chapter other than the section or part declared unconstitutional or invalid.

§ 154.502 REPEAL OF EXISTING CODE.

This Chapter repeals Chapter 154: Subdivision Code of the York County Code of Ordinances, and all amendments to it, in effect prior to the effective date below.
§ 154.503 EFFECTIVE DATE.

This Chapter, the Land Development Code of the County of York, South Carolina, shall take effect on the 1st day of March, 2022.

§ 154.504 RESERVED.

§ 154.505 RESERVED.

§ 154.506 RESERVED.

§ 154.507 RESERVED.

§ 154.508 RESERVED.

§ 154.509 RESERVED.
YORK COUNTY, SOUTH CAROLINA CODE OF ORDINANCES

CHAPTER 154: LAND DEVELOPMENT CODE

SUBCHAPTER L: SUBMITTAL REQUIREMENTS

Adopted February 21, 2022

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SUBCHAPTER L: SUBMITTAL REQUIREMENTS

§ 154.510  GENERALLY.

This Subchapter establishes the information that applications must include in order to be considered complete for review under Subchapter G: Procedures.

§ 154.511  FORMAT OF APPLICATIONS.

(A)  Digital and Paper Applications. An application shall be initiated with the following information on paper or in digital format as specified by the application form for the particular procedure provided by the Planning and Development Services Department:

   (1) One digital or paper application with supporting materials; and

   (2) Submittal of a plan or plat in digital or paper format.

(B)  Paper Copies Required.

   (1)  For Review Process. The applicant shall submit additional paper copies of the application, including supporting materials and the plan or plat, in the format and number specified by the application form provided for the particular procedure by the Planning and Development Services Department for use by County staff and the Planning Commission in the review of the application.

   (2)  For Formal Approval. Upon completed review and approval of an application, the applicant shall submit paper copies to the Planning and Development Services Department for formal stamping and filing as required by the application form for the particular procedure by the Department of Planning and Development Services.

§ 154.512  APPLICATION CHECKLISTS.

The Planning and Development Services Department maintains application submittal requirements checklists for each type of procedure described in Subchapter G: Procedures. Each application must include all elements required by this Chapter and the applicable checklist.

§ 154.513  TRAFFIC IMPACT ANALYSES.

(A)  The following types of applications shall include a traffic impact analysis, as provided by LDC Subchapter G, Part 7: Traffic Impact Analysis, for the following proposed land development or subdivision approvals:

   (1) Preliminary plat subdivision approval (see LDC Subchapter G, Part 4: Preliminary Plats); and
(2) Civil construction plans (see LDC Subchapter G, Part 5: Civil Construction Plans).

(B) For civil construction plans for a major subdivision that has an approved preliminary plat, a previously approved TIA in good standing in accordance with Part 7 satisfies the requirements of this Section.

§ 154.514 PERMITS REQUIRED BY OTHER AGENCIES.

(A) **Proof of Permits to be Provided with Application.** The applicant for any permit under this Chapter shall submit one complete digital (PDF) copy of all final approvals from any other required local, state, or federal permitting agencies. All approvals must be demonstrated to be up-to-date and in effect.

(B) **Permit Not Issued at Time of Application.** In cases where final permitting agency approval has not been rendered at the time a County application is submitted, the applicant shall provide one complete digital (PDF) copy of the application submitted to other permitting agencies. Once final approval is received, the applicant shall provide one complete digital (PDF) copy of the permit to County staff.

§ 154.515 SURVEY AND PLATTING STANDARDS.

(A) **Purpose.**

(1) This Subchapter describes the standards applicable to survey plats that are required by this Chapter.

(2) The plat is a valuable asset in planning the development of land, locating buildings or improvements, for subdividing land, and in transferring or selling land and property.

(3) When a land survey requires a plat, it should be accurately presented and should reveal all of the pertinent information captured by the survey.

(B) **Applicability.**

(1) **Generally.** Plats required to be filed under this Chapter must conform with the standards of this Subchapter. A plat is required any time a new lot line is proposed or there is an elimination or change in an existing lot line not currently on record with the York County Register of Deeds.

(2) **Exempt Filing.** Plats identified in § 154.006(B): Approval Required for Plat Filing are exempt from the requirements of this Subchapter. The surveyor is to place the statement “No New Lots or Property Lines Established” on any surveys representing exempt plats under § 154.006(B).

(C) **Survey Classification.**

(D) **General Plat Requirements.**

(1) A surveyor preparing a plat required by this Chapter is to be licensed with the South Carolina State Board of Registration for Professional Engineers and Land Surveyors.

(2) All plats for minor subdivisions or individual plats shall be recorded within 90 days of approval.

(3) A plat or plan filed in support of an application or approval required by this Chapter shall be submitted on paper or in digital format as specified by the application form for the particular procedure provided by the Department of Planning and Development Services, as provided in § 154.511: *Format of Applications.*

(E) **Required Plat Contents.** All plats shall have a title and contain the information required by the Standards of Practice Manual for Surveying in South Carolina, codified as S.C. Code Ann. Regs. § 49-460(A)(3):

§ 154.516 **FEES.**

County Code § 31.01: Rates, Fees and Charges for Zoning Appeals, Applications for Variances, Rezoning Requests, Permits, Inspections, Plan Reviews and Other Applications, Procedures and Services Rendered By the York County Planning and Development Department and the York County Engineering Department establishes fees for applications required pursuant to this Chapter.

§ 154.517 RESERVED.

§ 154.518 RESERVED.

§ 154.519 RESERVED.