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ARTICLE I: GENERAL PROVISIONS

§ 101. ENACTMENT AND AUTHORITY

An ordinance establishing land development regulations for the City of Clemson, a municipal corporation in the State of South Carolina, and all land lying within the jurisdiction of the City of Clemson; and providing for the administration, enforcement, and amendment thereof, under the authority granted by the South Carolina Local Government Comprehensive Plan Act of 1994, Code of Laws of South Carolina Title 6, Chapter 29; and providing for the repeal of all ordinances in conflict be it ordained and enacted by the City Council of the City of Clemson, State of South Carolina:

§ 102. TITLE

This ordinance shall be known and may be cited as the "City of Clemson Land Development Regulations."

§ 103. PURPOSE

The purpose of this ordinance is to provide for the orderly development of the City of Clemson and its environs through the control and regulation of the development and the subdivision of land.

The regulations contained herein are designed to encourage the development of an economically sound and stable urban area; to assure the timely provision of required streets, utilities, and other facilities and services to new land developments; to assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments; to assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, and other public purposes; and to assure, in general, the wise and timely development of new areas, in harmony, with the City of Clemson Comprehensive Plan.

§ 104. JURISDICTION

The regulations contained herein shall hereafter govern all land subdivision and development, within the corporate limits of the City of Clemson, South Carolina and within the subdivision jurisdiction of the City of Clemson outside of the corporate limits as now or hereafter established.

§ 105. OFFICIAL RECORDING

Upon the enactment of this ordinance by the City Council of the City of Clemson, a copy of this ordinance shall be filed in the offices of the Pickens County and Anderson County Clerk of Court. After that time, no subdivision plat for any land within the subdivision jurisdiction of the City of Clemson shall be filed until such plat has been submitted to and approved by the City of Clemson Planning Commission, or other authorized parties, according to the procedures set forth in this ordinance.

§ 106. APPLICATION OF REGULATIONS

No street or other public way or land shall be accepted or maintained; nor shall any water lines, sewerage, street lighting or similar improvements be extended or connected; nor shall any permits be issued by any department of the municipality or county for construction of a building or other improvement in any subdivision established hereafter which does not meet the requirements set forth in this ordinance.

§ 107. EFFECT OF PLAT ON DEDICATIONS

The approval of a plat by the Planning Commission shall not be deemed to constitute or effect an acceptance by the City Council of the dedication of any street or other ground shown upon the plat.

§ 108. VIOLATION AND PENALTY

- A. After the adoption of this ordinance by the City Council of the City of Clemson, no subdivision plat or other land development plan within the jurisdiction of the regulations may be filed or recorded in the office of the county where deeds are required to be recorded, and no building permit may be issued until the plat or plan bears the stamp of approval and is properly signed by the designated authority. The submission for filing or the recording of a subdivision plat or other land development plan without proper approval as required by this ordinance is declared a misdemeanor and, upon conviction, is punishable as provided by law.

- B. The owner or agent of the owner of any property being developed within the subdivision jurisdiction of the City of Clemson may not transfer lots or parts of the development unless the land development plan or subdivision has been approved by the Planning Commission and an approved plan or plat recorded in the office of the Pickens or Anderson County Clerk of Court. A transfer of title in violation of this provision is a misdemeanor and, upon conviction, must be punished in the discretion of the court. A description by metes and bounds in the instrument of transfer or other document used in the process of transfer does not exempt the transaction from these penalties. The City of Clemson may enjoin the transfer by appropriate action.

§ 109. FILING FEES

At the time of submission of the Preliminary Plat, the subdivider shall pay to the City of Clemson a fee established by regulation of City Council to cover the costs of required advertising, mailing notices, and plat filing fee.

§ 110. INTERPRETATION OF SUBDIVISION JURISDICTION

Where uncertainty exists with respect to the boundary of the subdivision jurisdiction of the City of Clemson, the location of such boundary shall be determined by scaling the distance on the copy of the Official Zoning Map.

ARTICLE II: DEFINITIONS

When used in this ordinance, certain words and terms shall contain the meaning as herein defined, or as defined in the City of Clemson Zoning Ordinance. Words used in the present tense include the future; the single number includes the plural number; the plural number includes the singular number. The word "shall" is mandatory, not directory.

ADT - Average daily trips.

Bikeway - Any road, path, or way which in some approved manner is specifically designated as being open to bicycle travel, regardless of whether such facilities are designed for the exclusive use of bicycles or are to be shared with other transportation modes, and which further includes a dedicated right-of-way for public use.

Bufferyard - An area within a property or site, generally adjacent to or parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, and/or fences, designed to limit continuously the view of and/or sound from the site to adjacent sites or properties.

Building Line - A line establishing the minimum allowable distance between the nearest portion of any building, excluding steps, gutters, and similar fixtures, and the property line when measured perpendicularly thereto.

Cartway - The actual road surface area from curblines to curblines, which may include travel lanes, parking lanes, and deceleration and acceleration lanes. Where there are no curbs, the cartway is that portion between the edges of the paved surface.

Density - The number of dwelling units per acre of "developable land" within the boundaries of a residential project.

Developable Land - The term developable land or land which is suitable for development is defined to mean all lands within a project's boundaries, including lands or parcels designated for the support of the development; that is, all areas for lots, parking areas, drives, roads, drainage and utility easements or rights-of-way, sign easements, entrance structure easements, and lands designated for private recreation. (Golf courses, which will be available for use by the general public on a non-commercial basis are included for purposes of this definition.)

Divided Street - A street having an island or other barrier separating moving lanes.

Easement - A right-of-way granted for limited use of private land for a public or quasi public purpose and within which the property owner shall not erect any permanent structures.

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

Lot - A parcel of land shown as a separate parcel on the county records, occupied or intended for occupancy by a use permitted in the Zoning Ordinance, including principal buildings, together with accessory building(s), and open spaces and parking and loading required by the Zoning Ordinance, and having its principal frontage either on a public street or on a private street of record.

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Public Improvements - All improvements, including but not limited to streets (including curb and gutter), utilities, sidewalks, and any other facilities to be owned or maintained by the City of Clemson.

Residential Street - A dedicated right-of-way, or a private road, specifically intended for use by vehicular traffic within a residential area.

- A. *Residential Access Street* - Lowest order of residential access street which provides residential frontage. Maximum ADT: 250 vehicles.
- B. *Residential Sub-collector* - Middle order of residential access street which conducts and distributes traffic from lower order to upper order streets. Residential sub-collector streets also provide residential frontage. Maximum ADT: 500 vehicles.
- C. *Residential Collector* - Highest order of residential street, which conducts and distributes traffic between sub-collectors and higher order commercial streets. Maximum ADT: 1000 vehicles.
- D. *Major Thoroughfare* - A street which serves to access all levels of residential streets. ADT: 1000+.

Other Streets

- E. *Alley* - A single direction vehicular way used primarily for providing service access along the rear or side of properties which are also served by a higher order street.
- F. *Cul-de-sac* - A local street with only one outlet and having the other end for the reversal of traffic movement.
- G. *Divided Street* - A street having an island or other barrier separating moving lanes.
- H. *Marginal Access Street* - A service street that runs parallel to a higher order street which, for purposes of safety, provide access to abutting properties, and separation from through traffic.
- I. *Stub Street* - A portion of a street approved for the sole purpose of connecting the subdivision with a future adjoining subdivision.

Subdivider - Any person, firm, or corporation, or their duly authorized agent who subdivides or develops any land deemed to be a subdivision as herein deemed.

Subdivision - All divisions 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, lease, or building development, and includes all division of land involving a new street or change in existing streets, and includes re-subdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved, or recorded according to law; or, the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, and includes combinations of lots of record; however, the following exceptions are included within this definition only for the purpose of requiring that the Planning and Codes Administration Department be informed and have a record of the subdivisions:

- A. the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the governing authority;

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- B. the division of land into parcels of five acres or more where no new street is involved and plats of these exceptions must be received as public record by the Planning and Codes Administration Department which shall indicate approval on the plats; and
- C. the combination or recombination of entire lots of record where no new street or change in existing streets is involved.

Subdivision exceptions may be treated as subdivisions, if it is determined that a series of subdivision exceptions within an original parcel or group of related parcels are being submitted to avoid review requirements for subdivisions.

ARTICLE III: SUBDIVISION APPLICATION PROCEDURE AND APPROVAL PROCESS

§ 301. PURPOSE

The purpose of this article is to establish the procedure for approval for subdivisions, including pre-application meeting, sketch plan submission, preliminary plat approval, and final plat approval. The procedure is intended to provide orderly and expeditious processing of such applications.

§ 302. CONSISTENCY

No land shall be subdivided and developed for any purpose that is inconsistent with these regulations, or any applicable ordinance of the City, or which is not permitted by the City of Clemson Zoning Ordinance.

§ 303. PRE-APPLICATION MEETING

Before making a formal application for any subdivision, the subdivider shall schedule an appointment with the Planning Commission staff and other city officials, including but not limited to the City Engineer, and Public Works Director, to discuss the procedure for approval of a subdivision plat and the requirements as to the general layout of streets and for reservations of land, street improvements, drainage, water, sewer, fire protection, and similar matters, as well as the availability of existing services. Staff shall also advise the applicant, when appropriate, to discuss the proposed subdivision with other governmental agencies concerned with development.

At this meeting, the applicant shall have the option of seeking the direction of Planning Commission staff as to which approvals are required, the application requirements, and applicable deadlines.

§ 304. SUBDIVISIONS

A. Sketch Plan

For subdivisions, involving more than five (5) parcels, prior to filing an application for preliminary plat approval, and after the pre-application meeting, the subdivider shall submit a sketch plan of the proposed subdivision to the City of Clemson Planning Commission. For subdivisions consisting of more than one phase of construction, an overall sketch plan outlining all phases of the completed subdivision shall be submitted. Applicants seeking sketch plan review shall submit the items required in Article IV, at least fourteen (14) workdays prior to a regularly scheduled Planning Commission meeting. At the meeting, the applicant shall present the sketch plan and seek the advice of the Planning Commission. The purpose of the sketch plan review is to provide Planning Commission input in the formative stages of subdivision design.

The applicant shall not be bound by any sketch plan for which review is requested, nor shall the Planning Commission be bound by any such review.

B. Preliminary Plat

1. Application and Certification of Completeness

An application for a preliminary plat shall include all items required in Article IV. An application shall be complete for purposes of commencing the applicable time period for action when so certified by the Planning Commission staff. In the event that such certification has not been made within thirty (30) days of the plat's submission, the application shall be deemed complete upon the expiration of the thirty (30) day period, unless:

- a. the applicant has been notified in writing that the plan lacks information that is required in Article IV - Specifications for Documents to be Submitted; or
- b. the Planning Commission staff notifies the applicant of other deficiencies in the plat.

2. Processing by Planning Commission Staff

After certification that the preliminary plat is complete, the Planning Commission staff shall:

- a. Examine the preliminary plat for compliance with the regulations and ordinances within the City, and the adopted Comprehensive Plan.
- b. Distribute the preliminary plat and information to the responsible city departments.
- c. Unless the time period is extended by mutual agreement between the City and the applicant, city departments reviewing the plat shall submit a report to the Planning Commission staff, indicating any changes recommended on the plat or shall indicate acceptance within ten (10) work days of receipt of plat.
- d. Consider all the reports submitted by the officials and submit a report to the Planning Commission.
- e. Forward the preliminary plat to the Planning Commission within thirty (30) days from the date of certification that the plat is complete.

3. Notification

The applicant whose name and address appears on the preliminary plat shall be notified, by registered mail, of the time and place of the Planning Commission meeting that the plat is scheduled for review, no later than ten (10) days prior to such meeting. In addition, at least ten (10) days prior to the date of the Planning Commission meeting, the property shall be posted, all property owners located within 200 feet of the proposed subdivision shall be notified by mail, and notice shall be published in a newspaper of general circulation in the City of Clemson.

4. Planning Commission Action

After the Planning Commission has reviewed the preliminary plat application, the report of the Planning Commission staff, and testimony and exhibits submitted at the Planning Commission meeting, the applicant shall be advised of any required changes and/or additions.

The Planning Commission shall approve, approve conditionally, or disapprove the preliminary plat within (60) days of the date the preliminary plat was certified to be complete. If no action is taken by the Planning Commission at the end of the sixty (60) day period, the preliminary plat shall be deemed approved. The Planning Commission may withhold action for more than sixty (60) days upon the consent of the applicant.

If the preliminary plat is found to conform to all of the requirements of these regulations, preliminary plat approval shall be given by the Planning Commission. For subdivisions consisting of more than one phase of construction, approval may be granted for the entire subdivision. Approval shall be noted on at least two (2) darkline copies of the preliminary plat by the Chairperson. One (1) copy shall be retained by the Planning Commission staff, while the other shall be given to the applicant.

If the preliminary plat is disapproved or approved conditionally, the reasons for such actions shall be stated in writing and signed by the Chairperson of the Planning Commission. The reasons for disapproval shall refer specifically to those parts of these regulations wherein the preliminary plat does not conform. Upon conditional approval, the Commission may require the subdivider to resubmit the preliminary plat with all the recommended changes before approving the plat.

5. Effective Period of Preliminary Plat Approval

The approval of a preliminary plat shall be effective for a period of one (1) year from the date of approval by the Planning Commission, at the end of which time the applicant must have submitted a final subdivision plat for approval, unless the applicant files a written request for an extension, not to exceed one (1) year, with the Planning Commission no later than forty-five (45) days prior to the one (1) year anniversary of preliminary plat approval by Planning Commission.

If a subdivision plat is not submitted for final approval within the one (1) year period, or the Planning Commission disapproves an extension of time, the preliminary plat approval shall be void, and the applicant shall be required to submit a new plat for preliminary plat review, subject to the then existing zoning restrictions and land development regulations.

C. Final Plat

1. Application and Contents

An applicant requesting final approval of a proposed subdivision shall submit the materials specified in Article IV of these regulations to the Planning Commission staff. For subdivisions consisting of more than one phase of construction, only the phase that is to be recorded shall be submitted for final plat approval. The final plat shall:

- a. Conform substantially to the preliminary plat as it was approved.
- b. Be accompanied by a statement from the City Engineer that the City is in receipt of as-built plans showing all streets and utilities in exact location and elevation and identifying those portions already installed and those to be installed, and/or certified in the amount of performance guarantees required to assure completion of those improvements not yet installed as required in Articles V and VI of these regulations.
- c. Be accompanied by all formal irrevocable offers of dedication to the public of all streets, local government uses, utilities, parks, and easements, in a form approved by the City Attorney.

- d. Be endorsed by the South Carolina Department of Health and Environmental Control (DHEC) and/or the South Carolina Department of Transportation (SCDOT) with respect to all water, sewer, stormwater and erosion controls, and encroachments and that same comply with all rules, regulations, and requirements of local, state, and federal authorities.

2. Processing by the Planning Commission Staff

Planning Commission staff shall review the final plat application and associated documents, as required in Article IV of these regulations and in Section 1 above, to determine whether the plat complies with the approved preliminary plat and any conditions of approval. Upon determination of compliance, the Planning Commission staff shall certify the final plat and forward the final plat application to the Planning Commission.

3. Action by the Planning Commission

The Planning Commission shall approve or disapprove the final plat within sixty (60) days after it has been certified as compliant. Approval and the date shall be shown on the plat over the signature of the Planning Commission Chairperson or the Presiding Member of the Commission. The minutes of the meeting shall reflect the approval action. If no action is taken by the Commission at the end of sixty (60) days of submission, the plat shall be deemed to have been approved.

If the final plat is disapproved by the Planning Commission, the grounds for such action shall be stated in writing and signed by the Chairperson or the Presiding Member of the Planning Commission. The reasons for disapproval shall refer specifically to those parts of these regulations with which the plat does not conform.

4. Recording of Final Plat

The final plat shall be recorded with the Pickens or Anderson County Clerk of Court within thirty (30) days of the date of approval by the Planning Commission.

5. Application of Regulations

No street, other public way or land shall be accepted or maintained; nor shall any water lines, sewerage, street lighting or similar improvements be extended or connected; nor shall any permits be issued by any city or county department for construction of a building or other improvement in any subdivision established hereafter which does not meet the requirements set forth in this ordinance.

6. Effect of Plat Approval on Dedications

The approval of the land development plan or subdivision plat may not be deemed to automatically constitute or effect an acceptance by the City Council of the dedication of any street, easement, or other ground shown upon the plat.

ARTICLE III: SUBDIVISION APPLICATION PROCEDURE AND APPROVAL PROCESS

§ 305. DELEGATION OF SUBDIVISION APPROVAL AUTHORITY

The Planning Commission delegates the following residential subdivision approvals to Planning staff, provided that:

- A. The parcel of land to be subdivided does not exceed five (5) acres in size and the division of the parcel of land results in no more than five (5) lots.
- B. The division of land does not involve a new street or change in existing streets other than new curb cut(s).
- C. Specifications for documents to be submitted shall be in conformance with the applicable sections in Article IV.
- D. Applications meeting the requirements of this section may be approved by the authorized staff of the Planning and Codes Administration Department, who shall:
 - 1. Post such request in a conspicuous manner in an area available to the general public at or within the office of planning and codes administration, and
 - 2. Mail such notice to property owners within 200 feet of the property no later than ten (10) days prior to the approval of the request.

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ARTICLE IV: SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED

§ 401. SKETCH PLANS

The subdivider shall submit two (2) copies of the sketch plan to the Planning and Codes Department. The sketch plan shall be drawn on a topographical survey, and shall show in simple sketch form the proposed layout of streets, lots, and other features in relation to existing conditions. It shall also include the following information:

- A. Date of the sketch plan, north arrow and scale, name and address of owner of record and applicant.
- B. The boundary lines and the total acreage of the overall parcel to be subdivided.
- C. The location, names, and right-of-way of any existing streets on or within 200' of the property.
- D. Water courses on the land to be subdivided.
- E. The location of all flood hazard area boundaries.
- F. Zoning classification of the site and the adjacent properties.

§ 402. PRELIMINARY PLAT REQUIREMENTS

The preliminary plat shall be submitted at a scale no smaller than 1 inch equals 100 feet. The plat and the accompanying information shall be drawn upon one of four standardized sheets: 8.5" x 11"; 8.5" x 14"; 11" x 17"; 24" x 36".

If more than one sheet is used to show the property, each sheet must indicate its particular number, the total number of sheets in the plat, and its relation to all adjoining sheets.

The plat shall be drawn to the following specifications and shall contain or be accompanied by the information listed below. No processing or review of the plat will proceed without all of the following information:

- A. Date of original plan and all revisions, tax map and parcel number and type of application.
- B. North arrow and scale denoted both graphically and numerically.
- C. Vicinity map at a scale no smaller than one (1) inch equals 1,000 feet, showing the location of the subdivision with references to adjacent streets and properties.
- D. Boundaries, as determined by survey, of the tract to be subdivided with all bearings and distances.
- E. Any existing infrastructure including, but not limited to, streets, railroads, utility transmission lines, storm and sanitary sewers, water mains, bridges, and buildings.

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- F. Water courses, flood hazard areas and wetlands on the site and within 200 feet of the site. Flood hazard area information shall be rated according to the Federal Emergency Management Agency (FEMA) insurance rate maps.
- G. Existing contours showing the topography of the site and within 200 feet of the site at intervals of not less than five (5) feet.
- H. Boundary of wooded areas.
- I. Street rights-of-way, pavement widths and grades. Street profiles and cross-sections shall be provided when required by the Planning Commission.
- J. Complete construction plans of proposed infrastructure, prepared by a registered engineer, including but not limited to, sanitary sewers, storm sewers, water, electricity, illustrating connections to existing systems. Storm and sanitary sewer profiles, cross-sections and sizes shall also be provided.
- K. Other easements and rights-of-way including location, dimensions and purposes.
- L. Proposed lot lines with bearings and length and minimum building setback lines.
- M. Open space, parks, school sites, and other public areas along with total acreage of each.
- N. Exterior lighting plan.
- O. Stormwater management and sediment control plan.
- P. Areas to be used for purposes other than residential or public, if any, with the purpose, location, and dimensions of each area indicated.
- Q. Surveyor's certificate of information certifying that the error of closure is at least 1:7,500.
- R. Any existing or proposed deed restrictions or covenants.
- S. A schedule of zoning district(s) requirements including lot area, width, depth, setbacks, and density.
- T. Site calculations to include total acreage of tract, acreage of parks and other non-residential uses, total number and acreage of lots, and the average lot size.
- U. A timetable for estimated project completion for each phase covered by the preliminary plat.
- V. The proposed name of the subdivision, street names, the owner's name and address, and/or owner's duly authorized agent, the name and seal of engineer or surveyor, the names of the adjoining property owners, the date of plat preparation, and the zoning classifications of the property to be subdivided and the adjoining properties.

§ 403. FINAL PLAT REQUIREMENTS

The applicant shall submit one (1) final plat on mylar or an approved equivalent and four (4) darkline prints to the Planning and Codes Administration Department. There shall also be submitted one (1) set of proposed plans and specifications for all improvements and the proposed deed restrictions and covenants. For all subdivisions, a digital copy of the final plat which meets the City's required format shall also be

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submitted. The final plat shall be prepared by a registered land surveyor, licensed to practice in the State of South Carolina, and must be drawn to a scale no smaller than 1 inch equals 100 feet and shall meet the requirements of the Pickens or Anderson County Register of Deeds Office. The final plat shall constitute all portions of the preliminary plat site which the subdivider proposes to record and develop at the time.

No final plat shall be approved unless and until the subdivider has installed in that area all improvements required by this ordinance. The final plat shall contain the following:

- A. The exact boundary of the tract of land being subdivided showing clearly the disposition of all portions of the tract.
- B. Scale denoted both graphically and numerically with north arrow.
- C. A vicinity map showing the location of the subdivision with respect to adjacent streets and properties.
- D. As built drawings and plans of all water, sewer, and storm drainage system facilities, illustrating their layouts and connections to existing systems. Such plans shall show all easements and rights-of-way, to demonstrate that the facilities are properly placed and the locations of all fire hydrants, blow offs, manholes, pumps, force mains, and gate valves are indicated. This information shall not be placed on the final plat but must be submitted at the time of request for final plat approval or release of any surety for required improvements, whichever comes later.
- E. Sufficient data to determine readily and reproduce accurately on the ground the location, bearing and length of every street, alley line, lot line, building line, easement line, and setback line. All dimensions shall be measured to the nearest one-hundredth of a foot and all angles to the nearest second.
- F. The lines and names of all streets, alley lines, lot lines, lot and block numbers, lot addresses, building setback lines, easements, and areas dedicated to public purpose with notes stating their purposes. All lots subject to flooding shall be noted with the following statement:

"Any construction or use within a Flood Hazard Area is subject to the restrictions imposed by the City of Clemson Flood Damage Prevention Ordinance".
- G. For all subdivisions, the subdivider shall develop and implement a street tree planting program according to the requirements of Article IV, Division 5 of the Clemson Zoning Ordinance. A plan showing the location of species, type, and size of all proposed trees shall be submitted for final plat review.
- H. The accurate locations and descriptions of all monuments, markers, and control points.
- I. The deed restrictions or any other similar covenants proposed for the subdivision, if any.
- J. The name of the subdivision, the name of the owner, the name, registration number, and seal of the registered surveyor under whose supervision the plat was prepared, and the date of the plat.
- K. Surveyor's certifications.

ARTICLE V: GENERAL REQUIREMENTS AND DESIGN STANDARDS

§ 501. GENERAL

A. Approval Criteria

No subdivision shall be approved until it has been determined that:

1. the subdivision meets the standards and requirements of the Land Development Regulations and Zoning Ordinance and all other applicable state and local regulations; and
2. the area being subdivided is physically suited for platting and development purposes of the kind proposed.

B. Flood Hazard Areas

Land within special flood hazard areas inundated by 100-year flood, as delineated by the Federal Emergency Management Agency (FEMA) shall not be subdivided for residential occupancy. Any such land within a subdivision shall be set aside on the plat for uses which will not be endangered by periodic or occasional flooding or shall not produce conditions contrary to public welfare.

C. Lot Configuration

Lot arrangement, design, and shape shall be such that lots will provide appropriate building sites which are properly related to topography.

Double frontage lots should be avoided except where they are needed to provide for the separation of development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least twenty (20) feet shall be provided along the portion of the lots abutting such a traffic artery or other use where screening is required. There shall be no right of access across a planting screen easement.

D. Topography

All lots deemed unsuitable for platting due to steep slopes shall not be subdivided unless specifically approved by the Planning Commission.

E. Blocks

1. Length

The lengths, widths and shapes of blocks shall be determined with due regard for the following:

- a. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
- b. Zoning requirements as to lot sizes and dimensions.
- c. Needs for convenient access, circulation, control, and safety of street traffic.
- d. Limitations and opportunities of topography.

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Blocks for residential use shall not be longer than twenty-four hundred (2,400) feet, and shall not be less than six hundred (600) feet in length, measured along the center line of the block.

2. Width

Blocks used for residential purposes should be of sufficient width to allow for two tiers of lots of appropriate depth. Blocks intended for business and industrial use should be of a width suitable for the intended use, with due allowance for off-street parking and loading facilities.

F. Easements

All side and rear lot lines shall have a five (5) foot easement for public utilities and drainage, unless otherwise permitted by the City of Clemson Zoning Ordinance.

Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and of sufficient width to carry off storm water as required in the City of Clemson Storm Water Management Ordinance.

The governing body concerned shall maintain only those easements it accepts for public maintenance as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.

G. Utilities

Distribution for utilities shall be provided underground for subdivisions.

§ 502. STREETS, GENERAL STANDARDS

- A. All proposed streets shall be coordinated with the street system in the surrounding area and where possible provide for the continuation of principal streets.
- B. Minor streets shall be laid out so their use by through traffic will be discouraged.
- C. Marginal Access Streets

Where a subdivision abuts or contains a major thoroughfare, the Planning Commission may require marginal access streets, deep lots, or any other treatment which may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

- D. Marginal Access Streets with Major Thoroughfares

Where a subdivision abuts or contains an existing or proposed major thoroughfare, the Planning Commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

E. Marginal Access Streets with Highways and Railroads

Where land to be subdivided for commercial or industrial purposes borders or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the land. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

F. All streets shall be public streets unless the City Council specifically approves a private street. Private streets shall be constructed to the same standards as public streets. The Planning Commission must be notified in writing as to who will be responsible for the private street maintenance.

G. Street Jogs

Street jogs with centerline offsets of less than one hundred and twenty-five (125) feet shall be avoided.

H. Tangents

A tangent of at least one hundred (100) feet on minor streets, one hundred and fifty (150) feet on collector streets, and two hundred (200) feet on major thoroughfares shall be introduced between curves.

I. Intersections

The centerline of no more than two (2) streets shall intersect at any one point. Streets shall be laid out to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than sixty (60) degrees. The maximum grade approaching intersections shall not exceed five (5) percent for a distance of not less than fifty (50) feet from the centerline of said intersection. 90° intersections shall have a minimum back of curb radius of fifteen (15) feet.

J. Property Lines at Intersections

Property lines at street intersections shall be rounded with a radius of twenty (20) feet.

K. Horizontal Curves

Where horizontal street alignment deflects at an angle greater than ten (10) degrees, a curve with the following minimum radius shall be introduced:

- a. Major Thoroughfares - 300 feet
- b. Collector Streets - 200 feet
- c. Other Streets - 100 feet

L. Vertical Curves

All changes in grade shall be connected by vertical curves of minimum length as determined by Appendix 1, Minimum Length of Vertical Curves.

M. Grade

The minimum grade on any street shall not be less than one-half (2) percent. The maximum grade shall not exceed twelve (12) percent.

N. Cul-de-sac Streets

Dead end streets designed to be permanently terminated shall not exceed six hundred (600) feet in length, except where no other access is practical due to topographic reasons. Such streets shall be provided at the closed end with a turn-around, or where there are topographic limitations with a "T" or "Y" back-out turn. A turn-around shall have a radius of not less than fifty (50) feet at the property line and not less than thirty-five (35) feet at the curb line. A "T" or "Y" back-out turn approved by the Planning Commission shall have a right-of-way of not less than forty (40) feet, and each leg of the back-out turn shall be not less than thirty (30) feet in length.

O. Temporary Dead End Streets

Temporary dead end streets which extend for a greater distance than the depth of one abutting lot shall be provided with a temporary turn-around having a diameter of seventy (70) feet, or other suitable turn-around.

P. Street Names

No street names shall be used which will duplicate or be confused with existing streets. Street names shall be subject to the approval of the Planning Commission, upon recommendation of the City's E-911 coordinator.

Q. Additional Right-of-way

In subdivisions which include an existing platted street or road that does not conform to the minimum right-of-way requirements of this ordinance, additional width along one or both sides of such street or road shall be provided so that the minimum right-of-way required by this ordinance is established. In subdivisions abutting only one side of such a street or road the street or road shall be widened to provide one-half (2) of the required right-of-way, measured from the centerline of the existing right-of-way.

R. Alleys

1. Commercial and Industrial Areas

Alleys shall be provided in commercial and industrial districts, except that the Planning Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed.

Alleys serving commercial and industrial areas shall be not less than thirty (30) feet in width.

2. Residential Areas

Alleys are not required for residential areas, but when provided shall be not less than sixteen (16) feet in width.

3. Intersections

Alley intersections and sharp changes in alignment should be avoided, but where necessary, the curve radius shall permit safe vehicular movement.

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4. Dead-ends

Dead-end alleys should be avoided, but where necessary shall be provided with adequate turnaround facilities at the dead-end, as determined by the Planning Commission.

§ 503. STREET HIERARCHY

- A. All streets shall be classified in a street hierarchy system as defined by road function and the number of dwelling units proposed for that street. The street hierarchy shall be derived by determining how many dwelling units are to be ultimately served by the street.
- B. Each street shall be classified the same over the entire length of the street.
- C. The subdivider shall prove satisfactorily that the proposed distribution of traffic will not increase significantly in the future. The Planning Commission retains the right to require greater road standards if the subdivider cannot prove that traffic counts will not increase in the future.
- D. Design standards for residential roads are as follows:

Street Hierarchy	Number of Dwelling Units	R-O-W Width	Minimum Cartway Width	Curb Required	Sidewalk
1. Alley		24'	16'	No	Not Required
2. Cul-de-sac	SF 25 TH/CO 43	50'	22'	Yes	One Side*
3. Residential Access Street	SF 25 TH/CO 43	50'	22'	Yes	One Side
4. Residential Sub-collector	All 62	50'	24'	Yes	Both Sides
5. Residential Collector	All 125+	60'	28'	Yes	Both Sides

* Sidewalks are required on cul-de-sac streets which serve more than five (5) dwelling units.

The street hierarchy is based upon trip generation rates for single family homes and condominiums/townhouses as provided by the latest edition of the Institute of Transportation Engineers Trip Generation Manual (ITE).

- E. Street hierarchy to be determined by the City Engineer if land uses to be served by the new street are mixed.
- F. Bicycle lanes may be required as provided in Section 508.
- G. Grading standards for residential roads are as follows:

Street Hierarchy	Minimum Grade	Maximum Grade	Maximum Grade within 50' of Intersection
1. Alley	0.5%	15%	5%
2. Cul-de-sac	0.5%	12%	5%
3. Residential Access Street	0.5%	12%	5%
4. Residential Sub-collector	0.5%	10%	5%
5. Residential Collector	0.5%	8%	3%

§ 504. CURB AND GUTTER

Curb and gutter shall be provided on all roadways and shall be one of the following types approved by the City Engineer and the Public Works Director:

- A. Right angle concrete curbs with twelve (12) inch gutters; or
- B. Concrete valley curb and gutter; or
- C. Concrete rolled curb.

Standards are provided in Appendix 2, Curb and Gutter Details.

§ 505. DRAINAGE DITCHES

Sidewall slope drainage ditches are required, with all shoulders and sidewalls seeded. The slope of the drainage ditch shall not exceed two to one (2:1). All ditches used as collectors for street run-off must be piped to the point that run-off is discharged directly into a drainage canal.

§ 506. SIDEWALKS

A. Purpose

To establish uniform standards for the provision, by the subdivider, of sidewalks within all developing subdivisions located within the City of Clemson.

B. Scope

These standards apply, as written, to all subdivisions in the City of Clemson.

C. Specifications

- 1. Width - The minimum finished width shall be 48".
- 2. Depth - The minimum depth shall be 4".
- 3. Materials - Concrete of minimum bearing capacity of 2,500# p.s.i.
- 4. Grade - Grade shall be level.
- 5. Finish - Sidewalks shall be broom finished across the width with troweled edges and cross scoring at 10' intervals and expansion joints every 100'.
- 6. Sidewalks must be installed at a height at least level with the top of the roadway curb.

D. Plans Required

- 1. Sidewalks shall be clearly indicated on the development plans consistent with one of the placement options below.
- 2. Sidewalk depths, specifications, and finish criteria will be provided among the "typicals" section of the development plans.
- 3. Sidewalks may be required on both sides of the street and around the end of cul-de-sacs if it is determined by the Planning Commission to be in the best interest of the owners of property in the subdivision.

4. Corner lots will require sidewalks for each street frontage.

F. Placement Options

1. Sidewalks may be placed at the back of the curb, using the curb as one side of form. Expansion materials between the sidewalk are not required except at street intersections.
2. Sidewalks may be placed with the street side 3' from the back of curb with the building side being 7' from the back of the curb. Expansion joint materials will be provided at street intersections. If this option is selected, the subdivider must grade and sow grass in the curbside planting strip. The grass strip will be maintained by the City of Clemson until the lot with frontage along such strip is developed, at which time the property owner shall maintain this strip.

§ 507. STREET LIGHTING, POLICY

A. Purpose

To develop a standard and consistent street and security lighting policy for developing residential subdivisions and commercial facilities.

B. Scope

This policy applies to all developing residential subdivisions in the municipal limits of the City of Clemson. It also applies to commercial sites and facilities as indicated below.

C. Policy

In order to provide a greater quantity and more aesthetically pleasing lighting for the city, at a more reasonable cost, all future street lighting will be provided by mercury vapor fixtures of 175 watts.

1. Commercial sites and facilities will be lighted at the developer's expense by high pressure sodium fixtures in compliance with established development standards as coordinated with the appropriate power company. Operation and maintenance will be an owner/developer responsibility.

2. Residential Subdivisions

Developer's Responsibility - The provision of street lighting as a part of required infrastructure shall be the responsibility of the developer. The street lighting plan shall be coordinated with the appropriate power company prior to submission to the City of Clemson for approval. Street light fixtures will be provided at a ratio of one (1) light per six (6) residential lots. As soon as possible after streets are paved, light fixtures are to be installed for security during the building phase. The developer shall be responsible for any damage to the light fixtures during the building phase.

D. Decorative Lighting

Decorative lighting maybe installed in residential subdivisions. The developer shall contact the appropriate utility company for the styles and costs available. These lights, as with the standard 175-watt lights, shall be one (1) per six (6) residential lots. The developer or the residents shall pay the

initial installation costs as required by the appropriate power company. The City of Clemson will pay the monthly rental charge.

§ 508. BIKEWAYS

A. Purpose

To establish uniform standards for the provision, by the subdivider, of bikeways within all developing subdivisions located within the City of Clemson.

B. Scope

These standards apply, as written, to all subdivisions in the City of Clemson.

1. Class II bikeways shall be implemented where possible on all new and reconstructed roadways pursuant to the bikeways plan and by recommendation of the Clemson Bikeways Advisory Committee; and
2. Class II bikeways shall be implemented in conjunction with new land developments (whether such development is commercial, residential, or other) in areas where it is practical and desirable to incorporate such bikeways into the overall planned bikeways network for the city.

C. Classification

Three classifications of bikeways are identified by the City of Clemson as being appropriate for the implementation of the Bikeways Plan:

1. Class I Bikeways - Class I Bikeways are completely separated right-of-ways designed for the exclusive use of bicycles.
2. Class II Bikeways - Class II Bikeways are right-of-ways designated for the exclusive use of bicycles, with the exception of motor vehicles and pedestrian access to off-street driveways and parking facilities.
3. Class III Bikeways - Class III Bikeways share the right-of-way and pavement with either or both moving motor vehicles and pedestrians.

D. Specifications

1. Class I Bikeways

The standard pavement width is eight (8) feet for a two-way system and four (4) feet for a one-way system with a one (1) foot shoulder on both sides. The right-of-way width is ten (10) feet for two-way bikeways and six (6) feet for one-way bikeways.

2. Class II Bikeways

Class II Bikeways are separated by a curb or barrier of sorts or simply by a three (3) to six (6) inch painted line on the pavement. The required pavement width of Class II Bikeways is eight (8) feet for a two-way system and four (4) feet for a one-way system. This class of bikeways may be contained within the street right-of-way.

3. Class III Bikeways

Class III bikeways are used on streets where the expected travel demand is no higher than that of a residential access street.

E. Marking and Signage

Adequate marking and signage is necessary on all bikeways and shall be installed at the developers expense when new bikeways are constructed. Such signage shall comply with the requirements of the Manual on Uniform Traffic Control Devices (MUTCD) and the Clemson Bikeways Plan.

ARTICLE VI: IMPROVEMENTS

§ 601. REQUIREMENTS; INSTALLATION PRIOR TO FINAL PLAT APPROVAL

The improvements required by these regulations shall be installed prior to the approval of the final plat. Improvements will not be accepted by the City of Clemson until such work fully complies with the standards set forth herein. One set of as-built plans and specifications, certified by a registered engineer shall also be filed with the city prior to acceptance by the City of any improvement installed by the subdivider.

§ 602. SURVEYS, MONUMENTS, AND MARKERS

Unless otherwise specified by this ordinance, the Manual for the Practice of Land Surveying in South Carolina, as adopted by the SC State Board of Registration for Professional Engineers and Land Surveyors under provisions of Chapter 49, Article 4 of the Code of Regulations of South Carolina, shall apply when conducting surveys of subdivision; to determine the accuracy for surveys and placement of monuments, control corners, markers, and property corner ties; to determine the location, design, and material of monuments, markers, control corners, and property corner ties; and to determine other standards and procedures governing the practice of land surveying for subdivisions.

In addition, permanent monuments four (4) inches in diameter or square and three (3) feet long shall be placed at four (4) places in each subdivision or portion of subdivision to be developed at one time. Three (3) permanent monuments four (4) inches in diameter or square and three (3) feet long shall be placed in each block.

All lot and block corners, all angle points, and points of curve in each street shall be marked with iron pipe not less than three-fourths (3/4) inch in diameter and not less than twenty-four (24) inches long, placed so as to be one (1) inch above the finished grade.

The error of linear closure for land surveys shall not exceed 1:7,500.

§ 603. STREETS

The subdivider of any subdivision designed to be used for residential, commercial, industrial or other purposes shall lay out, grade, and install necessary drainage facilities, and may be required to pave and otherwise improve all streets that are designated on the approved plat or that directly serve the subdivision, in accordance with the specifications of the city, county or state, as the case may be.

- A. Grading - All streets and alleys shall be cleared and/or graded to their full right-of-way width.
- B. Minimum standards based upon street hierarchy as described in Section 503. (1) are detailed below and also contained in Appendix 3, Standard Road Sections. The "F to F" detail in the Appendix 3 illustrations contains the cartway and 1' of curb on each side of the street as required in Section 504.

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Street Hierarchy	Compacted Clay Base	Macadam Aggregate Base*	Asphalt
Alley	6"	4"	1 1/2"
Cul-de-sac	6"	4"	1 1/2"
Residential Access Street	6"	6"	1 2"
Residential Sub-collector	6"	6"	2"
Residential Collector	6"	6"	2 1/2"

* An asphalt base of 3" thickness may be substituted for the 6" Macadam base.

The subdivider shall be responsible for the cost and installation of the street foundation and paved surface that meets the requirements of this ordinance and other city, county, or state specifications.

§ 604. TRAFFIC CONTROL DEVICES

Traffic control devices, whether signs or signals, shall be installed, at the developer's expense, as deemed appropriate by the City of Clemson or the SCDOT.

§ 605. WATER LINES

Every lot in every subdivision shall be provided with an approved water supply. Whenever a water main is reasonably accessible, as determined by the Planning Commission, the subdivider shall install water lines that are sufficient to provide adequate service when the subdivision is completely developed. Water lines shall be installed in accordance with city specifications and standards. The subdivider shall install fire hydrants in accordance with city specifications.

§ 606. SANITARY SEWERAGE SYSTEMS

Every lot in every subdivision shall be served by a public or community sewerage system approved by the South Carolina Department of Health and Environmental Control (DHEC); except with the concurrence of DHEC under the following conditions:

In subdivisions containing two (2) to twenty-five (25) lots in sparsely populated areas recognized as slowly developing areas which would not economically provide enough service connections to justify the construction and operation of a collection and treatment facility and/or a community water system; providing that suitable conditions exist and lots comply with the requirements set forth in this ordinance and applicable regulations of DHEC. All structures within 250' of an existing system shall be connected depending upon elevation.

§ 607. SANITARY SEWER LINES

The subdivider shall install sanitary sewers whenever a sanitary sewer is reasonably accessible, as determined and sized by the City Engineer. The sanitary sewers installed shall be large enough to provide adequate service to every house in the subdivision when it is completely developed. Sanitary sewers shall be installed in accordance with city specifications and standards.

§ 608. STORM SEWERS AND DRAINAGE

An adequate storm drainage system designed to protect proposed development from flooding shall be installed in accordance with the City of Clemson Storm Water Management Ordinance. The system shall be adequate to carry all storm water in its drainage area and shall complement systems on adjacent properties. Where a public storm sewer is reasonably accessible, as determined by the City Engineer, the subdivider shall connect with such drainage system.

§ 609. CURB AND GUTTER

Concrete curb and gutter shall be installed in accordance with the city specifications and standards.

§ 610. SIDEWALKS

Sidewalks shall be installed in accordance with the city specifications and standards.

§ 611. BIKEWAYS

Bikeways as required by this ordinance shall be installed according to the city specifications and standards.

§ 612. STREET LIGHTS

Street lights shall be installed in accordance with the city specifications and standards.

§ 613. ELECTRICAL AND TELEPHONE SERVICE

Electrical and telephone wires shall be installed underground. If a variance is granted for this requirement in accordance with Section 701, all overhead wiring shall be placed in rear easements.

§ 614. STREET SIGNS

The subdivider shall place street name signs which meet city specifications at all street intersections within the City of Clemson.

§ 615. OVERSIZED IMPROVEMENTS

Whenever a subdivision contains streets, water mains, or sewer mains that are larger than those required to serve the future occupants of the subdivision, the subdivider shall be required to pay only the portion of the cost of the improvement that would equal the cost of an improvement required to serve only the subdivision as determined by the Planning Commission. The balance of the cost will be borne by the unit of government which is responsible for constructing the facility. All expenditures by the responsible unit of government must be budgeted in the usual manner and construction shall not commence until such funds are available.

§ 616. SURETY IN LIEU OF COMPLETION OF SITE IMPROVEMENTS

After preliminary plat approval has been given, in lieu of the completion of the physical development and installation of the required improvements prior to the final approval of a plat, the subdivider may be permitted to post a surety bond, certified check, or other instrument readily convertible to cash. The surety must be in an amount equal to at least one hundred twenty-five percent (125%) of the cost of the improvements, and secure the installations of the improvements within a period specified by the City Engineer and expressed in an instrument in a form approved by the City Attorney. This surety must be in favor of the City of Clemson to ensure that, in the event of default by the subdivider, funds will be used to install the required improvements at the expense of the subdivider.

ARTICLE VII: ADMINISTRATION AND AMENDMENT

§ 701. VARIANCES

A subdivider or authorized agent may appeal to the Planning Commission on a form provided by the Planning Commission staff for a variance from the requirements of the land development regulations when the strict application of regulations would result in unnecessary hardship. A variance may be granted if the Commission makes all of the following findings and conclusions in a written order:

- A. there are extraordinary and exceptional conditions pertaining to the particular piece of property;
- B. these conditions do not generally apply to other property in the vicinity;
- C. because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;
- D. the authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.

§ 702. CONDITIONS

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

§ 703. AMENDMENT

This Ordinance may be amended at any time by the Clemson City Council after a public hearing thereon, at least thirty (30) days notice of the time and place of which shall have been published in a newspaper of general circulation. No amendment, however, shall become effective until it has first been submitted to the Planning Commission for review and recommendation.

§ 704. VALIDITY

If any section, subsection or phrase of these land development regulations is found for any reason to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of the regulations.

§ 705. APPLICABILITY

These regulations do not apply to subdivisions approved in preliminary form by the Planning Commission before the date these regulations are adopted.

§ 706. CONFLICT WITH OTHER CITY REGULATIONS

The provisions of this ordinance are minimum requirements, and where conflicts with other laws occur, the more strict shall apply.