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 First Reading : March 1, 2022  
 Committee Referral : N/A  
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 Committee Recommendation : N/A  
 Second Reading : April 5, 2022  
 Public Hearing : May 3, 2022  
 Third Reading : May 3, 2022  
 Effective Date : Immediately

I, Kaela Brinson, Council Clerk  
 certify that this Ordinance was  
 advertised for Public Hearing on  
 April 14, 2022.

**ORDINANCE NO. 22-O-05**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**[TO AMEND TITLE 14 – LAND MANAGEMENT, CHAPTER 14.04 – LAND DEVELOPMENT REGULATIONS AND CHAPTER 14.08 – ZONING, TO COINCIDE WITH THE TEN YEAR UPDATE OF THE COLLETON COUNTY COMPREHENSIVE PLAN.]**

**WHEREAS:**

1. Title 14 – Land Management, Chapter 14.04 – Land Development Regulations, of the Colleton County Code of Ordinances were reviewed by the Planning Commission on November 23, 2020, December 29, 2020 and March 28, 2022; and
2. Title 14 – Land Management, Chapter 14.08 – Zoning, of the Colleton County Code of Ordinances were reviewed by the Planning Commission on December 29, 2020, January 25, 2021 and March 28, 2022; and
3. Chapters 14.04 and 14.08 were edited for legal sufficiency, redundancy and/or unnecessary words and phrases, and updated and clarified simplified phrases in order to be current with the accepted American Planning Association (APA) principles and practices; and
4. County Council believes it is in the best interest of the citizens of Colleton County to approve the changes set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY COLLETON COUNTY COUNCIL, DULY ASSEMBLED, THAT:**

1. **Title 14 – Land Management, Chapter 14.04 – Land Development Regulations**, of the Colleton County Code of Laws (the same being inclusive of and one with the Originating and Amending Ordinances), and all subparagraphs thereof, is hereby amended in its totality to read as follows:

**CHAPTER 14.04. - LAND DEVELOPMENT REGULATIONS**

**ARTICLE 14.04-1. - PURPOSE AND AUTHORITY**

**Sections:**

**14.04-1.010. - Title.**

**14.04-1.020. - Purpose and authority.**

**14.04-1.030. - Jurisdiction.**

**14.04-1.010. - Title.**

This chapter shall be known and may be cited as the Land Development Regulations of Colleton County, South Carolina.

**14.04-1.020. - Purpose and authority.**

The purpose of these land development regulations is to promote the public health, safety, and welfare of the residents and require the harmonious, orderly, controlled and sustainable development of land within the county. In furtherance of this general intent, the regulation of land development by the county is authorized by S.C. Code 1976, § 6-29-1120 for the following purposes, among others:

- A. To encourage the development of economically sound and sustainable municipalities and counties;
- B. To assure the timely provision of required streets, utilities, and other facilities and services to new land developments;
- C. To assure the adequate provision of safe and convenient traffic access and circulation, for motorists, bicyclists and pedestrians, in and through new land developments;
- D. 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, transportation, and other public purposes; and
- E. To assure, in general, wise, timely and sustainable development of new areas, and redevelopment of previously developed areas in harmony with the comprehensive plans of municipalities and counties.

**14.04-1.030. - Jurisdiction.**

The regulations contained herein shall govern each and every subdivision and installation of infrastructure within the county outside of the jurisdiction of any incorporated municipality, except those we have an intergovernmental agreement with to do their planning, zoning, building permitting and inspections.

**ARTICLE 14.04-2. - LEGAL PROVISIONS**

**Sections:**

**14.04-2.010. - Administration.**

- 14.04-2.020. - General legal provisions.**
- 14.04-2.030. - Existing and future ordinances.**
- 14.04-2.040. - Severability and validity.**
- 14.04-2.050. - Violations and penalties.**
- 14.04-2.060. - Appeals.**
- 14.04-2.070. - Modifications.**
- 14.04-2.080. - Amendments.**
- 14.04-2.090. – Delegated authority to staff.**
- 14.04-2.100. - Abrogation.**
- 14.04-2.110. – Repeal of conflicting ordinances.**
- 14.04-2.120. – Effective date of adoption.**

**14.04-2.010. - Administration.**

In accordance with S.C. Code 1976, § 6-29-1150(C), the planning commission is responsible for the administration of the land development regulations. The planning commission hereby designates the director of planning and development hereinafter (director) or his designee to perform the duties as set forth herein.

**14.04-2.020. - General legal provisions.**

- A. No subdivision plat, survey, or other land development plan within the jurisdiction of the county may be filed or recorded in the county office where deeds are recorded until it bears the stamp of approval and is properly signed by the director.
- B. No building permit may be issued until the plat or site plan is approved and properly signed by the authority designated in this chapter.
- C. If the developer defaults in installing required site improvements, the County can use the proceeds of the required surety bond or other security instrument posted by the developer to install the required improvements.

**14.04-2.030. - Existing and future ordinances.**

All proposed development of land must comply in all respects with the requirements of chapter 14.08, pertaining to zoning, chapter 13.12, pertaining to floodplain damage prevention, and, where applicable, any other officially adopted ordinances, plans or maps approved by the county.

**14.04-2.040. - Severability and validity.**

Should any section or provision of this chapter be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**14.04-2.050. - Violations and penalties.**

- A. Complaints regarding violations. Whenever an alleged violation of this chapter occurs, the director or his designee shall investigate such complaint, and take such action as provided by this chapter. Complaints may be filed in writing or verbally, stating fully the cause and basis thereof.

B. Penalties for violations.

1. Except as otherwise provided herein, the owner or agent of the owner of any land to be subdivided within the unincorporated portion of the county who transfers or sells the land by reference to or exhibition of or by other use of a plat of subdivision of the land before the plat has been approved by the director and/or the planning commission and recorded in the office of the register of deeds in and for the county, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished in the discretion of the court; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transfer shall not exempt the transaction from these penalties. The county may enjoin the transfer or sale or agreement by appropriate action.
2. Where any building, structure, or sign is or is proposed to be erected, constructed, reconstructed, altered, converted, demolished, maintained, or be used in violation of this chapter, the director or his designated compliance officers may, in accordance with the provisions of S.C. Code 1976, § 56-7-80, as amended, issue a stop-work-order, an ordinance summons, or institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, demolition, maintenance, or use; to correct or abate the violation or to prevent the occupancy of the building, structure, or land. Each day such unlawful erection, construction, reconstruction, alteration, conversion, demolition, maintenance, or use continues shall be deemed a separate offense.
3. Failure to apply for the appropriate and required permits, including building, zoning, sign and/or floodplain permits, prior to commencing any work requiring a permit shall require the director or his designated compliance officers to issue a stop-work-order. The stop-work-order cannot be removed to allow further work to commence until the applicant has submitted everything required for each required permit, received approval on all permits, and paid a double-permit fee fine for all permits required. Failure of the applicant to comply and/or pay the double-permit fee fine may cause the property owner to be fined up to \$500.00 and serve up to 30 days in jail in accordance with Colleton County Codes, where each day's violation of any provision of this chapter shall constitute a separate offense.

**14.04-2.060. - Appeals.**

- A. Questions arising from the enforcement of these regulations by the director or his designated compliance officers may be appealed to the planning commission for consideration within 30 days of the decision. The planning commission will render a decision on the appeal within 60 days and the appellant will be notified, in writing, of such decision within seven business days.

- B. Any party aggrieved by a decision of the planning commission regarding the standards enumerated in these regulations or a ruling on a requested modification may appeal the decision to the circuit court of the county. The aggrieved party shall file a petition with the clerk of court within 30 days of the planning commission decision.

**14.04-2.070. - Modifications.**

- A. The planning commission may grant, upon written request, design modifications to the requirements of article 14.04-5 if the strict application of the requirements would create an undue hardship in the development of land. Such hardship cannot be created by the applicant or be requested for the sole purpose of increasing profitable gain. Design modification requests shall be prepared by the property owner, developer, or agent and address the criteria in subsection C of this section.
- B. Requests for design modifications shall be submitted at the same time the plat is submitted.
- C. Before granting the design modification, the planning commission shall state, for the record, that the following findings are satisfied. In reaching such conclusion, the commission may utilize the written request prepared by the applicant or other applicable information.
  - 1. The design modification is justified due to topographical or other special conditions unique to the property.
  - 2. The design modification will not compromise the intent or purpose of the regulations.

**14.04-2.080. - Amendments.**

- A. The planning commission is responsible for the review and recommendation of amendments to the land development regulations to the county council for adoption.
- B. The county council may adopt amendments to this chapter by enacting an ordinance following a duly noticed public hearing.
- C. A public hearing for an amendment to this chapter shall have a minimum of 30 days' notice by publication in a newspaper of general circulation including the time and place of the hearing in accordance with S.C. Code 1976, § 6-29-1130(B).

**14.04-2.090. - Delegated authority to staff.**

Pursuant to S.C. Code 1976, § 6-29-1150, the planning commission delegates review and approval authority to the director of planning and development, hereinafter (director) or his designee for all exempt plats, minor and major subdivisions, summary plats, boundary surveys, final plats and commercial development projects. Only major subdivision preliminary plats require the approval of the planning commission.

**14.04-2.100. - Abrogation.**

It is not intended that this chapter repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, where this chapter imposes greater restrictions, the provisions of this chapter shall govern.

**14.04-2.110. - Repeal of conflicting ordinances.**

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

**14.04-2.120. - Effective date and adoption.**

The ordinance from which this chapter is derived shall take effect and be in force from and after May 3, 2022.

**ARTICLE 14.04-3. - SUBDIVISION TYPES AND REVIEW PROCEDURES**

**Sections:**

**14.04-3.010. - Purpose.**

**14.04-3.020. - Land development types.**

**14.04-3.030. - Minor subdivision process.**

**14.04-3.040. - Major subdivision process.**

**14.04-3.050. - Financial guarantees.**

**14.04-3.060. - Commercial development projects.**

**14.04-3.010. - Purpose.**

The purpose of this article is to establish an orderly subdivision process for the county. It is also the intent of this article to provide a clear and comprehensive approval process that is fair and equitable to all interests including the petitioners, affected neighbors, county staff, and related agencies. Approved plans shall be the guiding documents for final approval and permitting.

**14.04-3.020. - Land development types.**

A. *Commercial development defined.* Commercial development is any development other than a single or two family residential development on a single lot, not used for commercial gain, which excludes units for rent or lease or any owner/renter characteristics. Commercial developments include: residential or commercial subdivisions; multi-family apartment or condominium complexes; commercial retail or service businesses, offices, parks, or centers; industrial developments or parks; or, mobile home and RV parks or subdivisions.

B. *Subdivision defined.* According to S.C. Code 1976, § 6-29-1110(2), a subdivision is a 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, lease, or building development. It includes all division of land involving a new street or change in existing streets. It covers the alteration of streets or establishment of new streets within a subdivision previously approved or recorded. Subdivision also includes re-

subdivision involving further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded, and combinations of lots of record.

C. **Subdivision types.** For all subdivisions of land, the following categories of subdivisions shall be used to determine the procedures required for review:

1. **Exempt subdivision.**

a. Exempt subdivisions are exempt from the design standards of this chapter; however, all lots are subject to the minimum requirements of chapter 14.08. An exempt subdivision:

- i. Involves the division of land into parcels of five acres or more where no new public or private street is involved;
- ii. Includes the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this chapter and other applicable regulations;
- iii. Includes plats for the creation of cemetery lots; or
- iv. Includes a plat of a single pre-existing lot of record.

b. The director shall, when an exempt plat is submitted for recording, review said plat to determine if it is in fact exempt from the requirements of this chapter. An exempt subdivision shall be drawn to meet the Minimum Standards Manual for the Practice of Land Surveying in South Carolina.

c. If the plat is found not to be exempt from the requirements of this chapter, the applicant shall be instructed to submit the plat to the director for approval and processing.

2. **Minor subdivision.**

a. A minor subdivision is one which does not involve:

- i. The creation of more than 15 lots fronting onto an approved, existing public or private road or street right-of-way; or
- ii. The creation of any new public or private street.

b. The minor subdivision process shall not be used twice within three years anywhere within the original property boundaries if the total number of lots exceeds 15 or a new public or private street is created, which then requires the major subdivision process to be used.

3. **Major subdivision.** A major subdivision is any subdivision other than an exempt or minor subdivision.

4. **Planned development district (PDD) subdivision.**

a. A PDD subdivision is a major subdivision located within a PDD zoning classification as regulated in section 14.08-2.140. It is intended to allow for

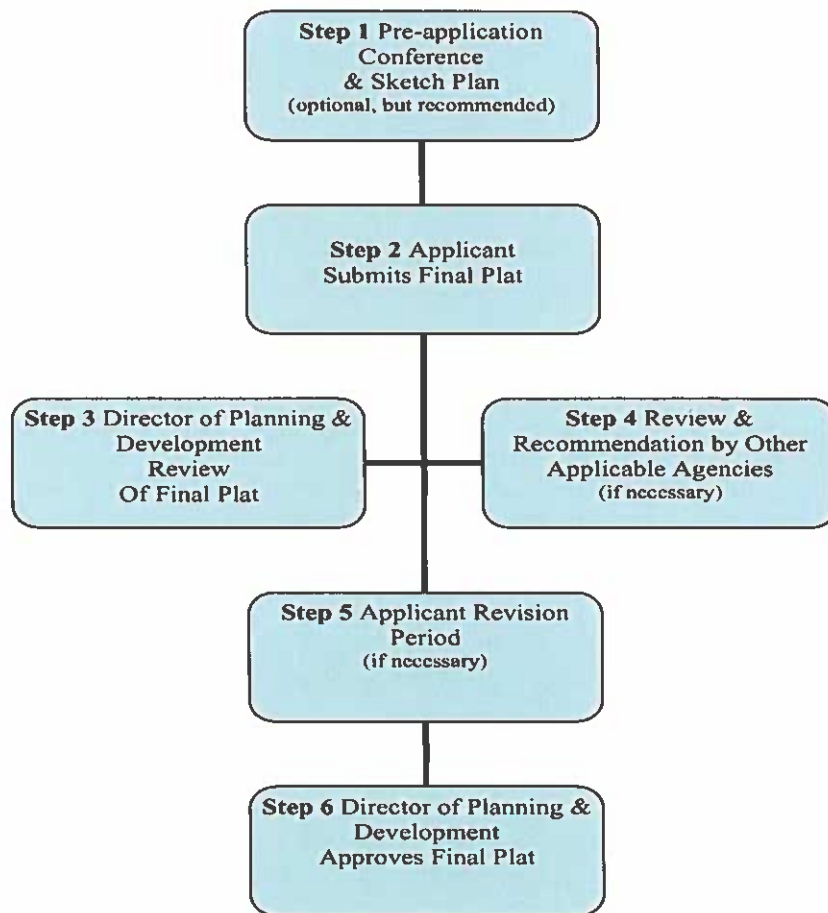
flexibility to improve the design, character, and quality of new mixed use developments and preserve natural and scenic features of open spaces.

b. Design standards set out in this chapter may be waived or modified for PDDs provided the intent of this chapter is not nullified or lessened and sufficient proof is given substantiating the adequacy of the alternative design.

5. **Conservation development subdivision.** A conservation development subdivision is a type of residential subdivision that allows smaller than minimum lot sizes and setbacks with dwelling units clustered in smaller areas to preserve larger areas for open space and environmental resources developed in accordance with section 14.08-3.020(H).

**14.04-3.030. - Minor subdivision process.**

The following chart illustrates the Minor Subdivision process:



A. **Step 1: Pre-application meeting and sketch plan (recommended).**

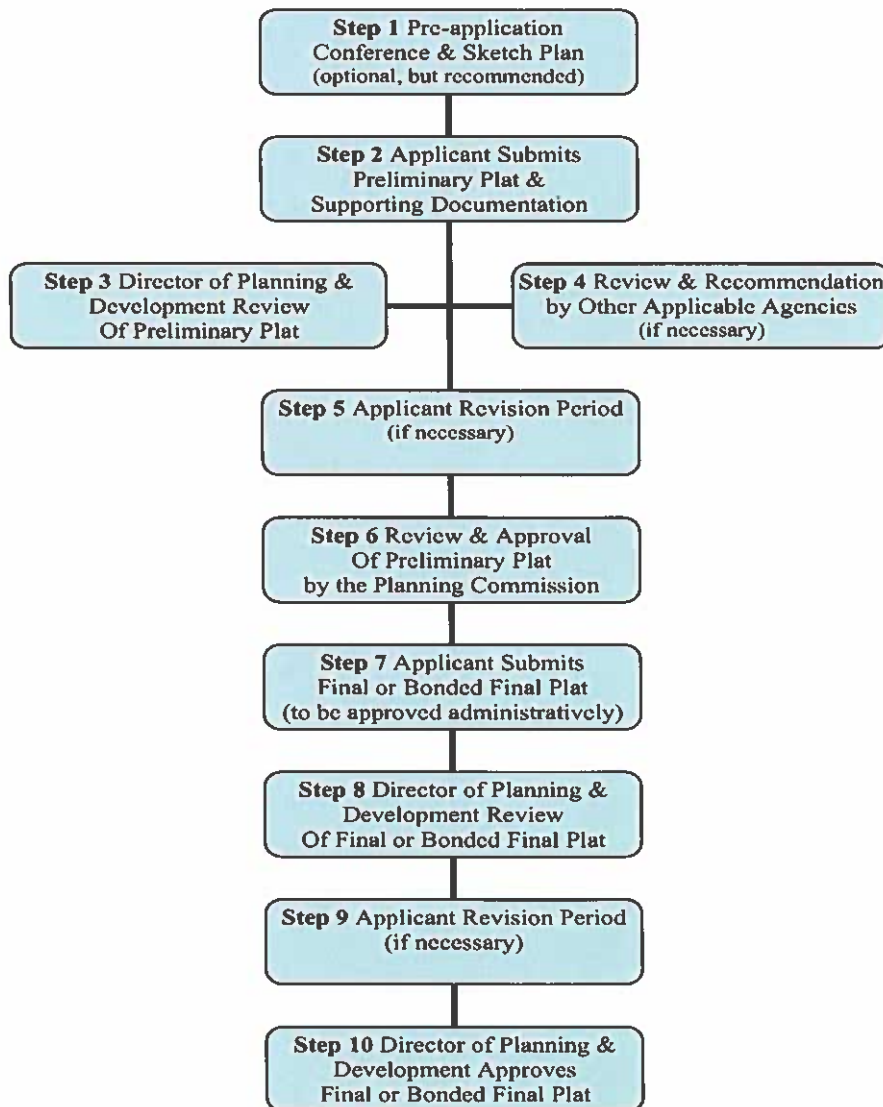


1. To secure advice in the formative stages of development, expedite applications, and reduce development costs, the developer may request a pre-application meeting and/or sketch plan review.
  2. If requested, the director shall schedule a pre-application meeting to discuss all applicable subdivision development requirements and provisions of the comprehensive plan, land development options, what is required of the applicant, and any other pertinent information. The director may invite or consult with other department heads and/or affected agencies.
  3. In addition or as an alternative to the pre-application meeting, the applicant may request an informal review of a sketch plan for the proposed subdivision.
- B. **Step 2: Applicant submits final plat.** Applicants shall submit to the director four copies and a digital PDF version of the final plat drawn to the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, the final plat requirements of article 14.04-4 of this chapter, and the required fee.
- C. **Step 3: Director review of final plat.** The director shall review the plat for compliance with this chapter, chapter 14.08, any other applicable regulations, and if found to be in compliance, will instruct the applicant to prepare a final plat for recording, including surveyor certification.
- D. **Step 4: Review and recommendation by other applicable agencies.** The director may at his discretion require public agencies concerned with the new development to review and make recommendations on the plat; however, the county issued building permit does not waive any other outside agency permitting requirements. All recommendations should be forwarded to the director within 30 days from date of receipt. Said public agencies may include, but not be limited to, the following:
1. South Carolina Department of Transportation (SCDOT), Department of Health and Environmental Control (SCDHEC), or Department of Natural Resources (SCDNR).
  2. County Fire Marshal, County Engineer, or Department of Roads and Bridges.
  3. U.S. Army Corps of Engineers or Office of Coastal Resource Management (OCRM).
  4. City of Walterboro utilities or other City Departments.
  5. Any other agency or official designated by the director.
- E. **Step 5: Applicant revision period.** The applicant shall revise the plat in accordance with the director's review. All necessary revisions shall be made prior to approval.
- F. **Step 6: Director approves final plat.**

1. Following successful revision of the final plat by the applicant, the director shall approve the final plat by obtaining the applicable signatures as required by section 14.04-4.030.
2. Final plat approval shall confer upon the applicant the following rights:
  - a. To record the plat with the register of deeds within six months of final plat approval; and
  - b. To proceed with the sale and/or transfer of lots and parcels.
3. If the final plat is not recorded within six months, it shall become void.

**14.04-3.040. - Major subdivision process.**

The following chart illustrates the Major Subdivision process:



- A. ***Step 1: Pre-application meeting and sketch plan (recommended).***
1. To secure advice in the formative stages of development, expedite applications, and reduce development costs, the developer may request a pre-application meeting and/or sketch plan review.
  2. If requested, the director shall schedule a pre-application meeting to discuss all applicable subdivision development requirements and provisions of the comprehensive plan, land development options, what is required of the applicant, and any other pertinent information. The director may invite or consult with other department heads and/or affected agencies.
  3. In addition or as an alternative to the pre-application meeting, the applicant may request an informal review of a sketch plan for the proposed subdivision.
- B. ***Step 2: Applicant submits preliminary plat and supporting documentation.*** Applicants shall submit to the director 12 copies and a digital PDF version of the preliminary plat, two copies and a digital PDF version of the construction plans, the required fee, and all materials stipulated by section 14.04-4.030.
- C. ***Step 3: Director review of preliminary plat.*** The director shall review the plat for compliance with the requirements of this chapter, chapter 14.08, and any other applicable regulations.
- D. ***Step 4: Review and recommendation by other applicable agencies.*** The director may at his discretion require public agencies concerned with the new development to review and make recommendations on the plat; however, the county issued building permit does not waive any other outside agency permitting requirements. All recommendations should be forwarded to the director within 30 days from date of receipt. Said public agencies may include, but not be limited to, the following:
1. South Carolina Department of Transportation (SCDOT), Department of Health and Environmental Control (SCDHEC), or Department of Natural Resources (SCDNR).
  2. County Fire Marshal, County Engineer, or Department of Roads and Bridges.
  3. U.S. Army Corps of Engineers or Office of Coastal Resource Management (OCRM).
  4. City of Walterboro utilities or other City Departments.
  5. Any other agency or official designated by the director.
- E. ***Step 5: Applicant revision period.*** The applicant shall revise the plat in accordance with the director's review.
- F. ***Step 6: Review and approval of preliminary plat by planning commission.***

1. Upon completion of the revised plat, the director shall forward the preliminary plat and all staff and agency recommendations to the planning commission.
2. The planning commission shall act on the application at their next regularly scheduled monthly meeting. In its deliberation, the planning commission may approve, approve conditionally, require resubmittal, or deny approval.
3. If the preliminary plat is disapproved or approved conditionally, all reasons shall be conveyed to the applicant, referring specifically to those parts of the comprehensive plan or ordinances to which the plat does not conform. The commission may also require the applicant to resubmit the preliminary plat with all recommended changes made, before approving said plat.
4. If the preliminary plat is found to conform to all requirements of the county comprehensive plan and applicable subdivision codes, approval shall be granted by the planning commission. One copy shall be retained by the planning office and one copy provided to the applicant.
5. Preliminary plat approval shall confer upon the applicant the following rights for one year from the date of approval, unless extended by the planning commission:
  - a. To proceed under the supervision of the county, with the installation of site improvements; and
  - b. Upon installation or guarantee in accordance with section 14.04-3.050, to proceed with the preparation of a final or bonded final plat.
6. Preliminary plat approval shall not authorize the applicant to sell or otherwise transfer lots or parcels.

**G. *Step 7: Applicant submits final or bonded final plat.***

1. Final plat approval is an administrative action and does not require planning commission action. No public notice or hearing is required for approval of the final plat.
2. Applicants shall submit to the director four copies and a digital PDF version of the final plat drawn to the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, the final plat requirements of article 14.04-4, and the required fee.
3. The final or bonded final plat shall show all streets and utilities in exact location, identifying those portions already installed and, where approved by the planning commission, those to be installed and/or certified in the amount of improvement guarantees required to assure completion of those improvements not yet installed in accordance with section 14.04-3.050.

- H. **Step 8: Director review of final plat.** The director shall review the plat for compliance with the requirements of the approved preliminary plat, this chapter, chapter 14.08, and any other applicable regulations, and if found to be in compliance, will instruct the applicant to prepare a final plat for recording, including surveyor certification.
- I. **Step 9: Applicant revision period.** The applicant shall revise the plat in accordance with the director's review. All necessary revisions shall be made prior to approval.
- J. **Step 10: Director approves final plat.**
  - 1. Following successful revision of the final plat by the applicant, the director shall approve the final plat by obtaining the applicable signatures as required by section 14.04-4.030.
  - 2. Final plat approval shall be granted or denied within 45 days after submission of a complete application to the director or within such further time as consented to by the applicant.
  - 3. No subdivision or land development plat, portion, or phase thereof shall be accepted for filing by the register of deeds until it has been approved by the director, and so indicated on the plat by the signature of the authorized agent. No such signature shall be affixed to the plat until the developer has completed all required improvements or has posted a letter of credit and agreement in accordance with section 14.04-3.050.
  - 4. Final plat approval shall confer upon the applicant the following rights:
    - a. To record the plat with the register of deeds within six months of final plat approval; and
    - b. To proceed with the sale and/or transfer of lots and parcels.
  - 5. If the final plat is not recorded within six months, then it shall become void.

**14.04-3.050. - Financial guarantees.**

**A. General.**

- 1. Financial guarantees may be posted in lieu of completing improvements required by these regulations to the bonding of a subdivision project prior to bonded final plat approval and shall authorize the sale, conveyance, or transfer of lots within the subdivision, in addition to the use of the lots as legal building sites.
- 2. Acceptance of financial guarantees is discretionary and the county reserves the right to refuse a financial guarantee for any remaining improvements and require that such improvements be completed before the recording of a bonded final plat or issuance of building permits. Acceptance of a financial guarantee by the county

shall not to be construed as an obligation to any other agency, utility or property owner within affected developments.

**B. *Submittal.***

1. A cost estimate prepared by a licensed engineer for financial guarantees shall be submitted to the director and follow the procedures enumerated below. Failure to follow these procedures may delay the approval of such guarantee and recording of a bonded final plat or issuance of building permits.
2. An itemized cost estimate shall be submitted for the improvements that the financial guarantee will cover. Such estimate shall bear the original signature of the estimator, be on company letterhead, and be in a form acceptable to the director. Cost estimates may include, but are not limited to, the following:
  - a. Water and sewer systems.
  - b. Storm drainage systems and erosion control measures.
  - c. Street improvements including curbs, gutters, sidewalks, pavements, temporary cul-de-sac turn-arounds, and required grassing or landscaping within rights-of-way or easements.
  - d. State road right-of-way improvements upon agreement between the county and the state department of transportation.
  - e. Street monuments.
  - f. Street intersection lighting.
3. The director will determine if the proposed cost estimate is consistent with the prevailing costs for construction materials and determine if the cost estimate is acceptable as a financial guarantee for the proposed amount, and if so determined, it may be submitted.

**C. *Acceptance of financial guarantees.***

1. The director and county finance department may accept a letter of credit as a financial guarantee to ensure the completion of public improvements in accordance with the requirements enumerated below.
2. Approved guarantees shall be independent of the development project's construction loan. The director will not accept any guarantee that requires draw-downs for monthly expenditures. Payment of monthly expenditures is the sole responsibility of the developer and does not affect the amount of money held by the county.
3. Approved letters of credit shall adhere to the following standards. See article 14.04-7 for an example letter of credit.

- a. Be equal to 125 percent of the approved cost estimate.
  - b. Be issued for an initial coverage period not less than 12 months from the date that the final plat is submitted for recording.
  - c. Be irrevocable, unconditional and subject to presentation for drawing within the state. Upon consent of the issuing institution and the county finance department, facsimile drawing may be permitted. In no instance shall a letter of credit only include a facsimile number for the purpose of potential drawing.
  - d. Be payable to Colleton County.
  - e. The original letter of credit shall be submitted. All originals are the property of the county with all signatures in blue ink.
4. Renewals for letters of credit may be made upon approval of the planning commission. Once approved, all renewals must be presented and accepted by the director and finance department no later than 30 days prior to expiration. Failure to adhere to this deadline will require the immediate draw on the original letter of credit.

**14.04-3.060. - Commercial development projects.**

- A. ***Commercial development site plan required.*** No building permit shall be issued for a commercial development unless and until an applicant for such use submits to the director the following:
- 1. A site plan with date and scale, showing the actual shape and dimensions of the lot to be built upon; the size, height, and location on the lot of existing and proposed buildings and structures; the intended use of each building, the number or units the building is designed to accommodate; landscaped areas; flood and wetland areas; all proposed on-site signage showing locations; proposed parking, driveways, and interior circulation pattern; building elevations; and contiguous off-site development.
  - 2. Stormwater plan.
  - 3. Tree survey.
  - 4. Copies of permits required and obtained from other state and local agencies, where requested.
- B. ***Commercial development site plan submittal requirements.***
- 1. Three full-size paper copies (additional prints shall be provided when deemed necessary).
  - 2. Digital copy in PDF format.

**C. *Project design criteria.***

1. The director shall evaluate the application in relation to the following design and improvement criteria:
  - a. The commercial development project is consistent and compatible with the comprehensive plan.
  - b. All of the requirements of chapter 14.08 and other applicable regulations are met.
  - c. Ingress and egress to the project site shall be designed to maximize automotive and pedestrian safety and facilitate traffic flow.
  - d. Off-street parking, off-street loading, refuse, signage, and service areas shall be designed to minimize their visual and physical impact on neighboring property.
  - e. Street right-of-way, sidewalks and pavement construction shall be adequate to accommodate the type and volume of traffic anticipated.
  - f. The project shall be designed in harmony with its physical surroundings and in such a manner as to ensure land use compatibility.
  - g. Where the project will create a need for off-site improvements, including improvements to streets, drainage systems, sidewalks, and curbs, the director may require the installation of such improvements as a condition of approval.
  - h. If, upon review of these standards, the project is determined to be in compliance, the director shall approve the land development application and cause the issuance of a building permit.
2. Any proposed changes to an approved project shall be resubmitted and reevaluated in light of the above.

**ARTICLE 14.04-4. - SUBDIVISION PLAN REQUIREMENTS**

**Sections:**

**14.04-4.010. - Purpose.**

**14.04-4.020. - Sketch plan submittal requirements.**

**14.04-4.030. - Plat submittal requirements.**

**14.04-4.040. - Construction drawing requirements.**

**14.04-4.010. - Purpose.**

The purpose of this article is to establish the requirements for plat and plan submittal for subdivisions in accordance with the processes set forth in article 14.04-3.



**14.04-4.020. - Sketch plan submittal requirements.**

- A. ***Sketch plan submittal requirements.*** If the applicant chooses to submit a sketch plan for review, then three copies and a digital PDF version of the sketch plan shall be provided.
- B. ***Plan labeling.*** A sketch plan shall be scaled and show the approximate proposed layout of streets, lots, buildings, landscaping, signage, open spaces, and other features in relation to existing conditions (the director may waive any information required by this section). It shall also include the following information:
1. Name of the proposed development.
  2. North arrow.
  3. A vicinity map including north arrow.
  4. Boundaries of the tract and the portion of the tract to be subdivided.
  5. Parcel number(s) of the lot(s) to be subdivided.
  6. Adjacent property owners and tax map numbers.
  7. Zoning classification of the tract and of adjacent properties.
  8. Total acreage to be subdivided.
  9. Estimated and proposed uses of the land within the subdivision and the existing uses of land adjoining it.
  10. Existing and proposed road layout with approximate pavement and right-of-way width, lot layout and size of lots.
  11. Name, address, email address, and telephone number of the owner.
  12. Roads and lots of adjacent developed or platted properties.
  13. Existing topographic conditions of the property.
  14. Watercourses, floodplains, and preserved areas.

**14.04-4.030. - Plat submittal requirements.**

- A. ***Preliminary plat submittal requirements for major subdivisions only.***
1. Twelve full-size paper copies (additional prints shall be provided when deemed necessary)

2. Digital copy in PDF format.
- B. Major and minor final plat submittal requirements.**
1. Four full size paper copies for review.
  2. Digital copy in PDF format.
- C. Plat labeling requirements for preliminary and final plats.**
1. **Labeling matrix.** The preliminary and (bonded) final plats shall depict or contain the information indicated in the following matrix. An X indicates that the information is required. Preliminary plat information is only required for major subdivisions. Exempt subdivisions and subdivision of one lot into two lots are only required to meet Minimum Standards Manual for the Practice of Land Surveying in South Carolina.

<b>Title Block Information:</b>		<b>Preliminary Plat</b>	<b>Final Plat</b>
a)	Subdivision name	x	x
b)	Name of owner	x	x
c)	Name of the subdivider/developer	x	x
d)	Tax map number(s)	x	x
e)	Location (including township, county and state)	x	x
f)	Bar graph scale and north arrow	x	x
g)	Deed reference	x	x

<b>Plat Preparation Information:</b>		<b>Preliminary Plat</b>	<b>Final Plat</b>
a)	All information required of general property surveys, in accordance with the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, as promulgated by S.C. Code 1976, title 40, chapter 21.	x	x
b)	Names and addresses of all owners, mortgagees, registered land surveyors, land planners, architects, landscape architects, utility planners, and professional engineers responsible for the subdivision.	x	x

<b>Property and Site Calculation Information:</b>		<b>Preliminary Plat</b>	<b>Final Plat</b>
a)	Vicinity map with north arrow showing the relationship between the proposed subdivision and surrounding area	x	x
b)	Corporate limits, extraterritorial jurisdiction and county lines if on	x	x

	the subdivision tract		
c)	Boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented with all bearings and distances shown	x	
d)	Exact boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearings, and the location of existing boundary lines of adjoining lands		x
e)	Adjoining property information including owner name, zoning classification, and subdivision name	x	x
f)	Minimum building setback lines	x	x
g)	Zoning classifications of the tract(s) to be subdivided	x	x
h)	Total acreage in the tract to be subdivided	x	x
i)	Acreage in parks and recreation and open space areas and other nonresidential uses	x	x
j)	Total number of parcels created	x	x
k)	Acreage in the smallest lot in the subdivision	x	x
l)	Linear feet in roads	x	x
m)	Existing structures, watercourses, railroads, bridges, culverts, storm drains	x	x
n)	Proposed lot lines, lot and block numbers, and approximate dimensions	x	x
o)	The lots numbered consecutively throughout the subdivision in a manner using only numeric symbols	x	x
p)	Marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds and any other natural features affecting the site	x	
q)	The location of all special flood hazard areas, floodways and floodway fringe areas from the county's official flood maps, and community panel number if applicable	x	x

<b>Streets, Infrastructure, and Open Space Information:</b>		<b>Preliminary Plat</b>	<b>Final Plat</b>
a)	Right-of-way location and dimensions	x	x
b)	Road surface width	x	
c)	Road profiles	x	
d)	Existing and platted roads on adjoining properties and in the proposed subdivision	x	x
e)	Approved E911 Road names (Sheriff's Office)	x	x

f)	Type of road dedication; all roads must be designated either "public" or "private".	x	x
g)	Utility plan showing proposed connections	x	
h)	Drainage, access-way, and utility easement locations and dimensions	x	x
i)	Fire hydrants, if applicable	x	
j)	Drainage plan and calculations (See section 14.04-5.070(L))	x	x
k)	Buffer strips (where applicable)	x	x
l)	Pedestrian or bicycle paths (where applicable)	x	
m)	Open space areas (where applicable)	x	x
n)	Areas to be used for purposes other than residential with the purpose of each stated with dimensions.	x	x

Agency Approvals:		Preliminary Plat	Final Plat
a)	SCDOT approval of driveway permits and road construction drawings (where applicable)	x	
b)	DHEC-Health (septic or engineered system approval) (Subdivisions of eight lots or less are exempt)	x	x
c)	SCDHEC/OCRM Stormwater approval (see section 14.04-5.070(L))	x	
d)	US Army Corps of Engineers approval for wetlands	x	
e)	City of Walterboro or other applicable utilities	x	
f)	All certifications required below	x	x

2. **Certificates and statements for preliminary plats.**

a. **Certificate of survey and accuracy.** As required by the Minimum Standards Manual for the Practice of Land Surveying in South Carolina.

b. **Certificate of approval for major subdivision preliminary plats only.** I hereby certify that the preliminary plat for the major subdivision shown hereon has been found to comply with the Land Development Regulations of Colleton County, South Carolina, and that this plat was approved by the planning commission on \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_.

Date	Director of Planning and Development

3. **Certificates and statements for final plats.**

- a. **Certificate of ownership and dedication.** I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plat of subdivision with my (our) free consent, establish the minimum building lines, and dedicate all streets, school sites, recreation areas, and other public services and facilities as noted on this plat.

_____	_____
Date	Owner

- b. **Certificate of survey and accuracy.** As required by the Minimum Standards Manual for the Practice of Land Surveying in South Carolina.
- c. **Certificate of approval stamp by the director of planning and development.**

**14.04-4.040. - Construction drawing requirements.**

**A. Construction drawing submittal requirements.**

1. Construction drawings for major subdivisions and commercial developments larger than two acres shall be submitted after the existing conditions survey (section 14.04-5.030) is approved by the director.
2. Two full sets and a digital PDF version of sealed construction drawings shall be submitted with the major subdivision preliminary plat, or the final plat for all other subdivisions.
3. Construction drawings shall be prepared for all required improvements by a registered South Carolina engineer at a convenient scale of not less than one inch equals 100 feet.

**B. Construction drawing labeling requirements.** Construction drawings shall include the following information:

1. Profiles showing existing and proposed elevations along the center lines of all new roads. The elevation along the center line of existing roads shall be shown within 100 feet of their intersection with new roads. Radii of all curves, lengths of tangents, and central angles on all streets shall also be shown;
2. Plans and profiles showing the locations and typical cross section of street pavements, including curbs and gutters, sidewalks, drainage easements, rights-of-way, manholes, and catch basins; the locations of street trees, street lighting standards, and street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, stormwater drains, and fire hydrants, showing connection to any existing or proposed utility systems; and exact location and size of all water, gas, or other underground utilities or structures;
3. Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains,

water mains, easements, water bodies, streams, and other pertinent features such as swamps, railroads, buildings, at the point of connection to proposed facilities and utilities within the subdivisions. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate 100-year flood elevations of the lakes or streams. All public water and/or public sewers are to be installed;

4. The acreage of each drainage area affecting the proposed subdivision;
5. Topography at a contour interval of two feet, referred to sea level datum when public water and/or public sewers are to be installed;
6. All specifications and references required by the construction standards and specifications of the county, any other local government providing any utility, and the SCDHEC and the SCDOT;
7. A site grading plan showing proposed finished contours when any major contour changes or filling for flood protection are proposed in the subdivision; and
8. Title, name, address, telephone, and signature of South Carolina licensed professional engineer and/or surveyor responsible for the plans and date, including revision dates.

#### **ARTICLE 14.04-5. - SUBDIVISION DESIGN STANDARDS**

##### **Sections:**

**14.04-5.010. - Purpose.**

**14.04-5.020. - General provisions.**

**14.04-5.030. - Environmental assessment and suitability of land.**

**14.04-5.040. - Lots.**

**14.04-5.050. - Open space requirements.**

**14.04-5.060. - Easements.**

**14.04-5.070. - Road standards.**

**14.04-5.080. - Utilities standards.**

**14.04-5.090. - Emergency management.**

**14.04-5.100. - Surveying and markers.**

**14.04-5.110. - Construction procedures.**

##### **14.04-5.010. - Purpose.**

The purpose of this article is to establish the requirements for subdivision lot configuration, lot access, roadway layout, easements, and utilities to ensure sustainable and adequate subdivision design.

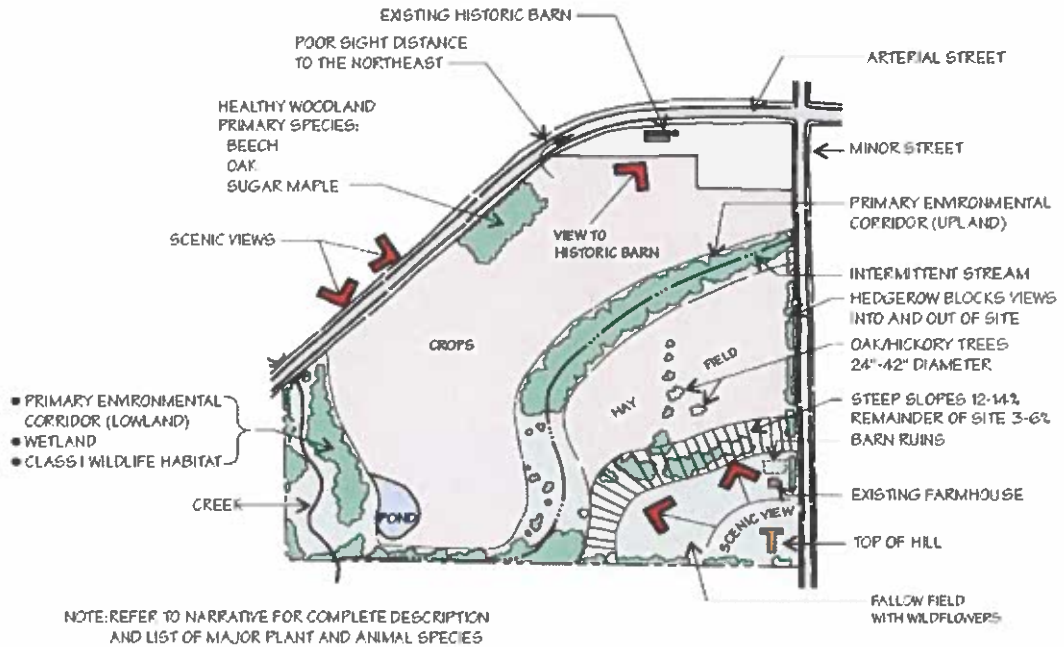
##### **14.04-5.020. - General provisions.**

- A. Each subdivision shall contain the improvements specified in this article, which shall be installed in accordance with the requirements of this chapter and paid for by the developer, unless other means of financing are specifically approved.
- B. Land shall be dedicated and reserved in each subdivision as specified in this article.
- C. Each subdivision shall be constructed in accordance with any county, state and federal regulation or permitting requirement where applicable.
- D. The name of the subdivision and the names of the roads within the subdivision shall not duplicate nor closely approximate the name of an existing subdivision, nor any existing roads within the county.
- E. Design standards set out in this chapter may be waived or modified for PDDs provided that the intent of these regulations is not nullified or lessened and provided that sufficient proof is given substantiating the adequacy of the alternative design and given that the requirements of PDDs within chapter 14.08 are met.

**14.04-5.030. - Environmental assessment and suitability of land.**

- A. ***Preservation of trees and natural features for commercial developments and major subdivisions.***
  - 1. Significant forest stands, specimen/protected trees, severe topography, drainage features and watercourses shall be preserved where reasonable and practical while not reasonably prohibiting development.
  - 2. Forested and vegetated areas whose settings render them unsuitable for development should be used as conservation or open space areas. When portions of wooded sites and forested stands must be developed, consideration should be given to preserve wooded perimeters and/or the most desirable features to retain the aesthetic character of the site. Isolated pockets of existing trees or specimen/protected trees shall be protected whenever possible.
- B. ***Existing conditions survey.*** Existing conditions surveys are required at the preliminary plat stage for major subdivisions and commercial developments larger than two acres prior to submittal of the site construction plans. Existing trees, known endangered species, wetlands, streams, creeks, floodplains, dams, potential locations for community wells, and topographical features shall be identified prior to the construction site plans to enable the preservation of distinctive natural features and protection for previously documented endangered species habitats.

**FIG. 5.1 EXAMPLE OF AN EXISTING CONDITIONS SURVEY\***



\*Figures 5.1 and 5.2 Source: Southeastern Wisconsin Regional Planning Commission (SEWRPC). "Conservation Subdivision Design." 2002.

**C. Flood damage prevention.**

1. For areas located within a special flood hazard area (SFHA) or floodway, the requirements of chapter 13.12, pertaining to flood damage prevention, shall be met to minimize flood damage to property, buildings and structures and public utilities and facilities.
2. Base flood elevation data shall be provided for subdivisions and commercial developments in accordance with chapter 13.12, section-4.030, standards for subdivision proposals.
3. If the area being developed, or any part thereof, is located within the boundary of a designated SFHA or floodway, as delineated on FEMA maps for the county, adequate plans and specifications for protection from flooding shall be provided as herein required:
  - a. Any subdivision or commercial development which contains land subject to flooding shall be accompanied by evidence that no appreciable expansion of the area subject to flooding would result from the proposed land development, and that the proposed development will be adequately protected from inundation without appreciable interference with the flow of any watercourse or into an impounding basin (approved drainage plan or separate engineer certification will fulfill this requirement).
  - b. In no case shall any fill, levee, or other protective works be approved unless sufficient compensating adjustments of waterways, ditches, or impounding



basins are made to prevent any appreciable expansion of flood hazard areas, as determined by a licensed professional engineer.

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

**D. General safety.**

1. Land which has been determined by the director, based on engineering or other expert surveys, to pose a danger to life or property by reason of its unsuitability for the use proposed, shall not be platted for that purpose, unless and until the developer has taken the necessary measures to correct and/or eliminate said dangers.
2. Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the county health department, a structural engineer and a soils expert determine that the land is suitable for the proposed use.
3. Areas previously used for domestic sludge application shall have a soils test performed by a certified testing laboratory prior to subdivision or development which must confirm that the land is safe for the proposed use.

**14.04-5.040. - Lots.**

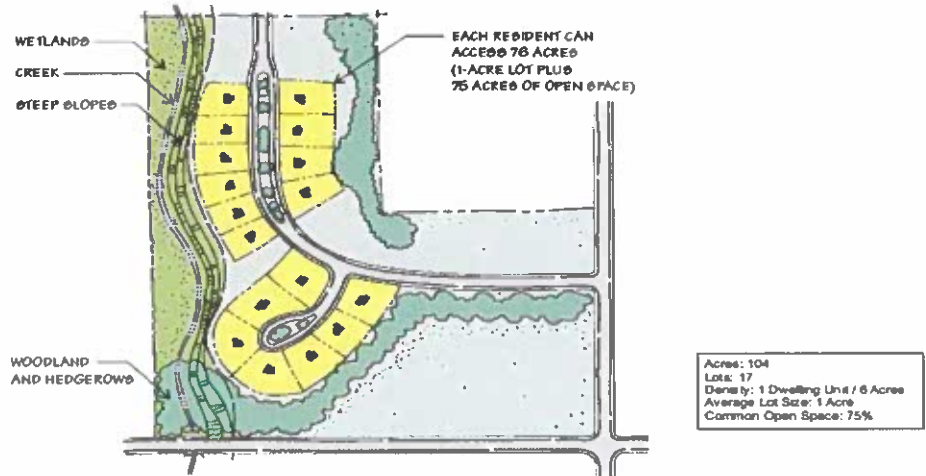
**A. Lot size.**

1. Minimum lot size requirements and setbacks are contained in chapter 14.08. It is not permitted to average the lot areas in a subdivision to meet the minimum lot area requirements. However, conservation subdivisions shall be allowed in accordance with the requirements of section 14.08-3.020(H). See figures 5.2 and 5.3 below for examples.

**FIG. 5.2 CONVENTIONAL SUBDIVISION EXAMPLE\***

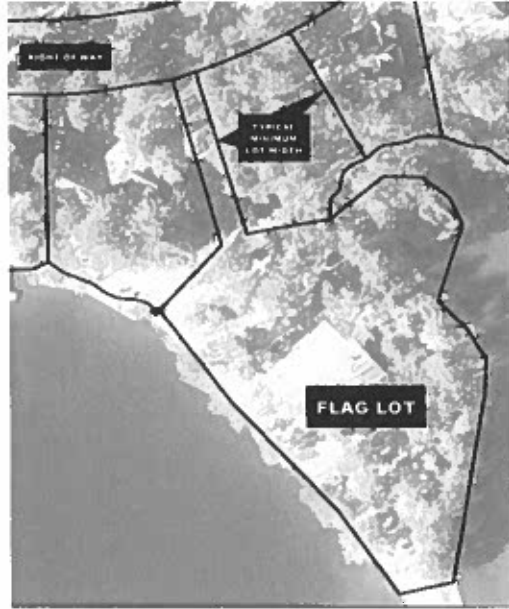


**FIG. 5.3 CONSERVATION SUBDIVISION EXAMPLE\***



Through a reduction in lot size, open space can be created without losing density.

2. All lots shall be accessible by a public street, except for:
  - a. Lots in an approved PDD, as provided for in chapter 14.08;
  - b. Lots on approved private access easements; and
  - c. Lots in new subdivisions with private street(s). All private streets must meet the requirements of section 14.04-5.070(K).
3. Emergency responders and public utilities shall be uninhibited and have access to all lots by their emergency response vehicles fire trucks and public utility vehicles.
4. Lot size, width, depth, shape, grade, and orientation shall be in proper relation to street and block design, to existing and proposed topographical conditions, and for the type of development and use contemplated.
5. Residential subdivisions involving new public streets, where proposed for areas adjacent and parallel to primary state and federal highways, shall be denied direct access to and separated from such highways by double or reverse frontage lots. Elsewhere, double frontage lots shall be prohibited. Residential reverse frontage lots shall have a minimum rear yard of 50 feet, next to the arterial street or highway, measured from the shortest distance of the proposed back building line to the street right-of-way and shall within such rear yard and immediately adjacent to the right-of-way, have a non-access planting screen easement at least 20 feet deep.
6. Side lot lines shall be aligned at approximately right angles to straight street lines and radial to curved street lines.
7. Following are the requirements for flag lots created from an existing lot of record.



- a. Flag lots are not permitted in the suburban residential (RS) zone.
  - b. The original lot must meet all zoning requirements specified for the respective zone in which it is located, both before and after subdivision.
  - c. The maximum flagpole length shall be 300 feet.
  - d. The minimum flagpole width shall be 30 feet with a ten-foot curve radius on each side on an approved private or public road, with a minimum of fifty feet (50'-0") of frontage at the right-of-way.
  - e. The front setback shall be measured from where the lot meets the district minimum width requirements.
  - f. The flagpole portion of the lot is not used to calculate area, width, or setbacks of the lot or to provide off-street parking.
8. Flag lots created in new subdivisions.
- a. All requirements in subsection A.7 of this section, except subsection A.7.c.
  - b. Flag lots in new subdivisions are permitted only in the RC-1, RC-2, RD-1, RD-2 and UD-2 zones.
  - c. Flag lot access driveways, single or combined, shall be separated by a minimum of 100 feet.
  - d. Not more than two flag lot access driveways can connect at any one point.

- e. Any minor or major subdivision with more than 25 percent of the total number of lots as flag lots requires planning commission approval.
- f. When a flag lot has less than 50 feet of road frontage and is less than two acres, the pole portion of the lot cannot exceed 400 feet.

**14.04-5.050. - Open space requirements.**

A. ***Applicability.*** The requirements of this section apply to multifamily projects and mobile home parks consisting of seven or more units or land subdivisions of 100 dwelling units or more in the RS, UD-1, and UD-2 districts. Subdivisions with all lots being five acres or more are exempt from this provision.

B. ***General provisions for open space.***

- 1. Land designated as open space on the approved development plan shall be maintained as open space and may not be separately sold, subdivided, or developed.
- 2. Access from a public street shall be provided to all designated open spaces with a minimum 15-foot-wide access including lakes or ponds within the subdivision used as open space.
- 3. Open space shall be contiguous wherever possible.
- 4. The county comprehensive plan and other plans, particularly park and open space plans, shall be considered when evaluating proposals for dedication.

C. ***Minimum open space dedication.***

- 1. A minimum of five percent of the total development area for subdivisions shall be dedicated as open space, and 15 percent shall be dedicated for all other projects.
- 2. Conservation development minimum open space dedication shall meet the requirements of section 14.08-3.020(H).

D. ***Types of open space.*** The developer has the option to choose the types of open space dedicated for the development to satisfy the minimum open space requirements for this section. Dedicated open space shall fit into one or more of the following categories and be classified as private common area or public open space. The existing conditions survey (if required by section 14.04-5.030(B)) should be used as a guide to determine the most appropriate open space type and location.

- 1. ***Playground.*** Playgrounds are for active recreational use and provide play areas and equipment for children as well as shelters with benches. Playgrounds may also be part of other types of open space, such as parks.  
Minimum size: 10,000 square feet.  
Maximum size: 20,000 square feet.



2. **Square.** Squares are areas for passive recreational use. Squares are encouraged to be entirely bounded on all sides by streets, but they can be bounded by streets on at least 50 percent of their perimeter. Squares shall have canopy trees planted along all street frontages.  
Minimum size: 2,000 square feet.  
Maximum size: one acre.



3. **Park.** Parks may be for passive or active recreational use and be bounded by streets on at least ten percent of their perimeter. Large parks should create a central open space which services an entire neighborhood; or incorporates physical features which are an asset to the community (i.e., lake or river frontage, high ground, significant stands of trees). Undergrowth should be limited with landscaping installed that promotes attractiveness and safety. Parks may be combined with greenways and greenbelts and may include golf courses and community gardens.  
Minimum size: one acre.



4. **Greenway.** Greenways are large, irregular open spaces designed to incorporate natural settings such as creeks and significant stands of trees within and between neighborhoods. Greenways are typically more natural and may contain irregular topography. Greenways shall incorporate active recreational uses such as, trails for walking, jogging, and biking. Greenways shall connect points of interest in the community.



5. **Nature preserve.** Nature preserves shall be left largely undisturbed except for the optional clearing of underbrush for a walking trail (mulch or other natural material only). Nature preserves are encouraged to protect large stands of trees, wildlife, and natural water features, and they are the preferred form of open space for steeply sloped terrain.

Minimum size: three acres.



E. **Open space ownership and maintenance.**

1. Open space may be owned by any legal means, and the owner(s) are responsible for the proper and continued upkeep and maintenance of the dedicated open space into perpetuity.
2. The developer shall place in a conspicuous manner upon the final plat a notation concerning control of the open space.

3. The developer shall provide proof of registration of the articles of incorporation with the appropriate state agency for the formation of the homeowners' association to the director.
4. Homeowners' associations or similar legal entities (HOAs) responsible for the maintenance and control of open spaces and common areas shall be established by the developer who shall record in the register of deeds a declaration of covenants and restrictions that will govern the HOA prior to any final or bonded final plat approval. A copy of the recorded document shall be provided to the director and such document shall at a minimum, include the following:
  - a. Provision for the establishment of the HOA is required before any lot in the development is sold or any building occupied and membership shall be mandatory for each current and future homeowner.
  - b. The HOA has clear legal authority to maintain and exercise control over such common open space areas.
  - c. The HOA has the power to compel contributions from all homeowners to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas. Further, assessments levied can become a lien on the property if allowed in the master deed establishing the HOA.
  - d. The open space restrictions must remain permanent into perpetuity, and not just for a period of years.
  - e. The HOA must be responsible for liability insurance, applicable taxes and the maintenance of open space and other facilities under their control.
  - f. The HOA must be able to adjust the assessment to meet changing needs.
  - g. The HOA shall be responsible for maintaining all public storm water drainage systems and easements within the subdivision not being maintained by the county, state or other approved entity.
  - h. It shall be expressly stated within the restrictive covenants/HOA documents that it will be the responsibility of the developer or successors or assigns to enforce such covenants or restrictions until such time as control has been transferred to the HOA board of directors. It shall be the sole responsibility of the developer, successor or assigns to correct any deficiencies prior to transfer of control over to the HOA board of directors.

F. ***Payment in lieu of open space dedication.***

1. If open space within a development is physically impractical due to unusual conditions then the county may accept a fee paid in lieu of dedication.

2. Fees collected in lieu of dedications and any proceeds from such transactions or sales shall be accounted for by the county finance department, and the funds shall be used by the county for the purposes of acquiring and developing recreation, greenway and open space areas as encouraged in the comprehensive plan or in any parks and recreation and greenway/bikeway master plans, and for no other purposes. The depository for such funds may be the same as permitted other funds of the county, pending their expenditure in accordance with the terms of this code; such funds may be invested as other funds of the county. The county may, at its discretion, add additional monies to the fund for the purposes of purchasing open space and recreational land to be used for recreational purposes.
3. Refunds shall not be granted to the developer should the project not be constructed after recording of final plat or if a reduction in density occurs.
4. Such payment in lieu of dedication shall be the product of the current assessed market value of the land to be subdivided (as established in subsection F.5 below) multiplied by the number of acres to be dedicated.
5. The current assessed market value of the gross land area of the development or subdivision at the time of submission of the required plan and/or plat shall be used to determine the land value. The current assessed market value shall be the appropriate value as determined by and maintained on file in the county assessor's office. The average value per gross acres shall be calculated from this total value and applied to the required recreational land area in order to determine the land value.

<u>Total market value of undeveloped property</u>	x	Acres of required open space	=	Payment
Total acres of undeveloped property				

**14.04-5.060. - Easements.**

- A. **Drainage easements.** Drainage easements shall be provided whenever a development contains a watercourse, drainage-way, channel, or stream, conforming with the lines of such watercourse, and not less than 15 feet wide or of sufficient width, as determined by the county engineer, to carry off stormwater and allow for maintenance and improvements.
- B. **Utility easements.** Utility easements, where required, shall be not less than 15 feet wide. The location of utility easements shall be coordinated with the utility provider.
- C. **Private access easements.** Private access easements are permitted only in the RC-1, RC-2, RD-1, RD-2 and UD-1 districts, provided:
  1. The easement shall be not less than 30 feet wide with a minimum of fifty feet of frontage onto a public right-of-way;



2. The easement shall provide access to only one lot, except in subdivisions of three lots or less in which all lots are at least one acre in size;
3. The lot(s) to be accessed must be subdivided separate and apart from the lots for which the easement is being provided, and not run through these lots; and
4. Access Easements are exempt from the requirements of section 14.04-5.070, road standards.

***D. Maintenance of easements.***

1. All easements are owned and shall be maintained by the property owner and no structures or trees may be placed within an easement. Easements may be used to satisfy yard and building setback requirements.
2. Covenant restrictions placed on a lot which contains an easement shall stipulate that the county, service provider or utility company shall have full right of access to said easement;
3. The county shall maintain only those easements specifically accepted for public maintenance and use.

**14.04-5.070. - Road standards.**

A. ***Relationship to transportation plan.*** The provision of road rights-of-way shall conform to the requirements of the SCDOT Statewide Transportation Improvement Program (STIP) and Plans, the comprehensive plan, and any other adopted county transportation plans.

B. ***General provisions.***

1. New streets in major subdivisions “shall” be, and streets in minor subdivisions “may” be located within a platted public right-of-way dedicated to the county or the SCDOT or within a platted private right-of-way deeded fee simple to a specific HOA, POA, HPR, or similar entity.
2. The design criteria contained in this section applies to roads to be accepted into the county road maintenance system which shall be constructed to comply with the design standards required by SCDOT.
3. Street systems shall be designed to permit the safe, efficient, and orderly movement of traffic; to have a simple and logical pattern; to respect natural features and topography; to present an attractive streetscape; and to permit linkage of major collector streets and subdivisions.
4. Proposed streets shall be coordinated with the surrounding area’s existing road network, where possible, to provide for the continuation of existing streets abutting the development.

5. All streets shall be opened to the exterior property lines of the development unless permanently terminated by a cul-de-sac or intersection with another street.
  6. Reserve strips controlling access to public streets are prohibited except where their control is approved by county council, under conditions approved by the planning commission.
  7. No half streets shall be permitted.
  8. For new developments, the minimum rights-of-way shall conform to the design standards established herein. Developments encompassing an existing county road shall provide the standard right-of-way required herein. Developments located on only one side of an existing county road, shall provide half of the required right-of-way, measured from the centerline of the existing road.
  9. Access/driveway permit required. It is the responsibility of the owner of any lot fronting onto a state-maintained highway to obtain an SCDOT encroachment permit to create access, and for any lot fronting on a county-maintained road to comply with the policies adopted by the county department of roads and bridges to create access.
- C. **Subdivision access.** The planning commission may allow alternatives where access points cannot meet the minimum separation distance required by the SCDOT regulations.
- D. **Alleys.** Paved alleys are recommended in commercial and industrial developments for service access, off-street loading and unloading, and parking adequate for the use proposed. Paving is optional for residential alleys. See subsection J of this section for alley width requirements.
- E. **Culs-de-sac.**
1. Dead-end streets designed to be closed at one end shall not exceed 1,700 linear feet measured from the right-of-way centerline to the center point of the turnaround with turnaround points every 800 feet.
  2. Turnarounds shall have a minimum turning radius of 50 feet.
  3. When a stub-out or temporary dead-end street is created as a result of development phasing, a temporary all weather surfaced 50 foot turning radius turnaround shall be required when the dead-end street exceeds 150 feet.
- F. **Intersections.**
1. No more than two streets shall intersect at any one point.

2. All streets shall intersect as nearly as possible at 90-degree right angles.
3. Streets entering upon opposite sides of a given street shall have their center lines either directly opposite or offset a minimum distance of 200 feet, measured between the centerlines of the streets.
4. Street intersections shall be located at least 200 feet from the right-of-way of any railroad track, measured from the center point of the intersection to the railroad right-of-way line nearest the intersection.

G. **Connectivity.** Where deemed necessary and beneficial for interconnectivity of developments, proposed public roads shall be extended by dedication to the boundary of the developing property and a temporary turnaround provided in compliance with subsection E.3 of this section. The road shall be designated and constructed as a public road except when it is determined that:

1. Physical barriers or environmentally sensitive areas to be crossed exist, such as railroads, watercourses, steep topography, or flood areas.
2. There is a large discrepancy in the size of the adjacent parcel. (A smaller parcel being subdivided may not have to provide a stub to a much larger parcel, if other, more desirable, interconnections are available to the large parcel.)
3. The stub road would connect to property designated for a public purpose and access to the property is not desirable for orderly development of the road network.
4. The stub road, if extended, would cause the existing road(s) to exceed the capacity allowed on that roadway.

H. **Road names and signs.**

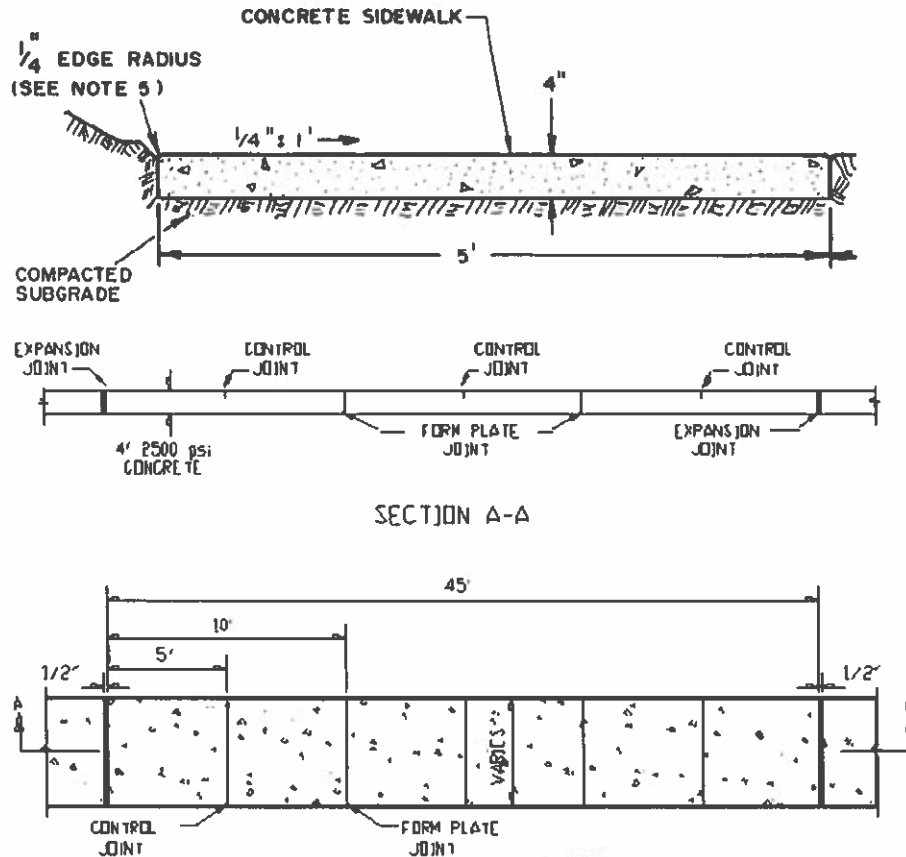
1. All proposed road names must be approved by Colleton County E-911 Addressing.
2. Design and placement of traffic signs shall conform to SCDOT standards. Responsibility for installation shall rest with the developer.
3. At least two street name signs shall be placed at each four-way street intersection, and one at each "T" intersection. Signs shall be installed under streetlights, where possible, and free of visual obstruction. The design of street name signs shall be approved by the sheriff's office.

I. **Sidewalks.** Sidewalks are optional but recommended. The following shall apply if a developer chooses to install sidewalks:

1. When a major subdivision lies within 1,500 feet (property line to property line) of an existing public school, library, or park, or where an adjoining subdivision

already has sidewalks in place, sidewalks should be on the same side of the street as the existing sidewalks or on one side of any new or existing roads.

2. Sidewalks shall be a minimum of five feet wide to meet ADA standards, and be a minimum of four inches thick.



**FIG. 5.4 SIDEWALK CONSTRUCTION**

3. Sidewalks shall be placed in the right-of-way, unless a development plan calls for a different location.

**J. Public road construction standards.**

1. The minimum street and right-of-way widths shall be as follows:

Street Classification	Width	
	Right-of-Way	Street/Travelway
Minor street	50'	20'
Major street	66'	24'
Alley	20'	12'

2. All public streets and roads to be dedicated for public use shall be constructed in accordance with the South Carolina Standard Specifications for Highway Construction Manual.
3. Road dedication process.
  - a. Prepare a letter addressed to the County Administrator requesting the road be accepted for County maintenance. Include with the letter the following:
    - i. Petition signed by all the property owners whose land adjoins the road agreeing to the request.
    - ii. If it exists, a copy of a plat noting property ownership along the road.
  - b. The County will reply by letter to the person making the request indicating that an inspection was performed and what improvements are required before the County can accept the road. The minimum design standards to accept any road is as follows:
    - i. The minimum amount of land needed for any road is 50 feet. If the roadway width including the drainage ditches is less than 50 feet, those property owners whose land is adjoining will have to give over to the County enough land to meet the 50 foot requirement.
    - ii. The road must have the proper drainage in place before it can be accepted. This includes ditches, culverts, pipes or retention ponds.
    - iii. The roadbed is to be 28 feet wide measured from shoulder to shoulder and have a 2.5" crown to allow for runoff into the ditches. All ditches must have a 0.5% grade to outfall points.
  - c. If the road meets these standards, the County Administrator will submit a request to County Council for acceptance. Once approved, legal documents at the property owner's cost will have to be provided to the County Administrator's Office deeding the 50 foot road right-of-way to the County. Once the deed is recorded at the Register of Deeds Office, the road will become a part of the county's maintenance system.
  - d. If the road does not meet these standards, the property owners may choose to improve the road to comply with the design standards themselves or pay to the County the cost of improving the road, and permit the County to perform the necessary work. At completion, the County Administrator will request County Council accept the road into the maintenance system conditioned on the proper legal documents being submitted by the property owners dedicating the road over to the County.

**K. Private road construction standards.**

**1. Use and maintenance of private roads.**

- a. A private road is permitted by right in subdivisions with less than 50 lots. Subdivisions with more than 50 lots shall be publicly owned and maintained unless approval by the planning commission is granted at preliminary plat review for conversion to private ownership and maintenance.
- b. Roads within gated communities may be private roads, regardless of number of lots. Access information shall be provided to emergency personnel so that the community can be accessed in the event of an emergency.
- c. The guarantees of right of access and maintenance of private roads in the subdivision shall run with the land. The guaranteeing instrument shall be reviewed and approved by the director prior to approval of the final plat. A verified certificate, signed by the owner of the subdivided land, attesting these facts shall be placed on the final plat submitted for approval.

**Example: Certificate of Subdivision Lots Accessed by a Private Road  
Certificate of Private Road Maintenance and Disclosures**

I, \_\_\_\_\_, certify that an instrument will be recorded simultaneously with the recordation of this approved final plat that guarantees:

- a. A right of access to any private road in the subdivision by all lots served by the road; and
- b. Maintenance of any private road in the subdivision at the standards set for approval.  
These guarantees of right of access and maintenance of the subdivision roads shall run with the land.

\_\_\_\_\_  
Owner(s)

\_\_\_\_\_  
Date

**2. Minimum construction standards for private roads.**

- a. General standards and specifications for private roads. All private roads approved and constructed in the county must meet these general standards and specifications.

<b>Private Road Standards and Specifications</b>	<b>Requirements</b>		
Total Number of Lots <sup>1</sup> Served By the Private Road	Less Than 50 Lots	Greater Than 50 lots	Nonresidential
Right-of-way width	50 ft.	50 ft.	50 ft.
Travel-way width	18 ft.	24 ft.	24 ft.

Lane width	9 ft.	12 ft.	12 ft.
Private road surface/travel-way material	Dirt, gravel, or paved	Dirt, gravel, or paved	Paved SCDOT Standards
SCDOT road geometry and specifications	Yes	Yes	Yes
Professional surveyor certification of road in platted right-of-way required	Yes	Yes	Yes

<sup>1</sup> Total number of lots served shall include the residual acreage of the tract being subdivided, where such residual acreage will be accessed by the private road.

- b. Private road maintenance. Maintenance of the private road shall be provided by the lot owners served by the road or an established HOA. A road maintenance agreement and declaration between the lot owners is required to insure the cost is shared, and a mechanism for maintenance is set up where a homeowners association is not created. The responsibility for maintenance is the property owners', and not the state nor the county.
- c. Road maintenance agreement requirements. The developer shall have an instrument recorded simultaneously with the final plat substantially in the form of the county's standard road maintenance agreement in article 14.04-7.

**L. Stormwater drainage facilities.**

1. The internal storm drainage system shall be designed to accommodate the appropriate design storm based on the location of the street/development. The roadway drainage system (the road surface, curb and gutter where provided) must be designed for a ten-year storm return frequency design and shall follow the design criteria as outlined in the South Carolina Stormwater Management and Sediment Control Handbook (SCSMSCH), current edition, for all unincorporated properties in the county.
2. Any off-site stormwater runoff onto the proposed development must be accommodated. Design parameters and coefficients used in all calculations for off-site stormwater shall be based on the projected build-out of the basin. The design storm shall be dictated by these standards with due consideration given to downstream system capacity.
3. In general, ditches shall be constructed to provide drainage from the road and adjacent areas. The ditches shall be built with sufficient depth and width to carry the expected volume of water. The side slopes shall be graded so they can be stabilized and prevent vehicles from becoming stuck if they enter them.
4. All development shall be subject to the provisions of the SCSMSCH, current edition. Developers of any proposed commercial development or subdivision must obtain a permit from the SCDHEC and OCRM offices, where required.

5. If an SCDHEC Stormwater permit is not required, then any residential development with an overall density of two dwelling units per acre or higher and all commercial developments require a drainage plan which meets OCRM design standards. All other projects are exempt.
6. An approved OCRM drainage plan fulfills the requirements of this section.
7. All drainage plans shall be certified by a South Carolina licensed professional engineer.

**14.04-5.080. - Utilities standards.**

**A. *Community water and sewer (public and private).***

1. All subdivisions and commercial developments shall be provided with water supplies and sanitary sewer systems approved by the SCDHEC.
2. The water supply system shall be adequate to handle the domestic demand, plus the fire flow, based on the completed development.
3. The sanitary sewer system shall be adequate to handle the necessary flow based on the completed development and peak usage.
4. Said facilities shall be "stubbed out" prior to road surfacing.
5. If the subdivision is to have a water or sewer system other than one connected to a public system, said systems are required to receive approval from the SCDHEC prior to preliminary plat submittal.
6. Where a central water system is provided for a development, three-way fire hydrants shall be installed by the developer in accordance with section 14.04-5.090(A) with two 2½-inch and one 4½-inch fire department connections (NST).
7. Community water and/or sewer systems shall be installed prior to final plat approval unless such installation is guaranteed in accordance with section 14.04-3.050.

**B. *Wells and septic tanks.***

1. A subdivision or commercial development using individual septic systems and/or wells shall conform to those requirements as set forth by SCDHEC. It is not required for a well or septic system to be installed prior to the sale of any lot.
2. A private septic system may be located off site for conservation subdivisions provided that the location of such system is noted on the final plat as a septic field utility easement.

**C. *Street lighting (optional).***



1. Where street lighting is proposed, the following standards shall apply.
2. Street lighting shall be Light-Emitting-Diode (LED) where possible, and provided at all public street intersections, and midway between intersections located more than 800 feet apart; provided such spacing shall not be less than 400 feet between streetlights.
3. The maximum height of streetlights shall be 25 feet.
4. Street lighting shall be properly shielded so as not to create a hazard to drivers or a nuisance to residents.

**14.04-5.090. - Emergency management.**

**A. *Fire hydrants.***

1. Where sufficient water flow and pressure exist, as determined by the county fire marshal and approved by the appropriate water provider, the developer shall install fire hydrants throughout each subdivision or commercial development to maintain a maximum 500-foot radius between hydrants, as approved by the fire marshal.
2. Unless no practicable alternative is available, water lines shall be looped wherever possible and not contain dead-end lines for pressure and volume equalization throughout the system.

**B. *Fire suppression requirements.***

1. For any subdivision or commercial development without a fire suppression rated water system, that has access to an adequate permanent surface water supply (100,000 gallon storage in a 50-year drought), the applicant shall install a dry fire hydrant system. An all-weather access road for firefighting equipment shall be provided by the applicant to this permanent surface water supply.
2. Where the subdivision or commercial development is neither served by a public water system nor has access to an adequate permanent surface water supply, such systems shall be reviewed by the director and fire marshal to determine alternative measures to ensure adequacy of fire protection.

**14.04-5.100. - Surveying and markers.**

All land developments within the jurisdiction of this chapter shall be surveyed, platted, and marked in accord with the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, as promulgated by S.C. Code 1976, title 40, chapter 21. This manual is hereby adopted by reference and is as much a part of this chapter as if contained herein.

**14.04-5.110. - Construction procedures.**

- A. No construction or installation or improvements shall commence in a proposed subdivision or commercial development until the preliminary plat, existing conditions survey, site plan and construction drawings have been approved by all appropriate authorities.
- B. No building, zoning or other permits shall be issued for erection of a structure in any subdivision or commercial development until all the requirements of this chapter have been met. The approving authorities having jurisdiction or their representatives shall inspect and approve all completed work prior to release of any sureties.

**ARTICLE 14.04-6. - DEFINITIONS**

**Sections:**

**14.04-6.010. - Purpose.**

**14.04-6.020. - Interpretation.**

**14.04-6.030. - Acronyms.**

**14.04-6.040. - Definitions.**

**14.04-6.010. - Purpose.**

For the purpose of interpreting chapter 14.04 and chapter 14.08, certain words, concepts, and ideas are defined herein. Except as defined herein, all other words used in these chapters shall have their everyday meaning as determined by their dictionary definition.

**14.04-6.020. - Interpretation.**

- A. Words not defined herein shall have the meanings stated in the Standard Building, Plumbing, Electrical, Gas, or Fire Prevention Codes. Words not defined in the standard codes shall have the meanings in Webster's Tenth Edition Collegiate Dictionary, as revised.
- B. Words in the present tense include the future tense and vice-versa. Words used in the singular include the plural, and vice-versa.
- C. The terms "shall" or "must" are always mandatory.
- D. The terms "may" or "can" are permissive.
- E. The term "lot" includes the word "plot" or "parcel."
- F. The term "person" includes a firm, association, organization, partnership, trust company, or corporation, as well as an individual.
- G. The term "planning commission" refers to the county planning commission.
- H. The term "council" refers to the county council.
- I. Any word denoting gender includes the female and the male.

- J. The term "structure" shall include the word "building."
- K. The term "street" shall include the word "road."
- L. The term "zoning board of appeals" refers to the county zoning board of appeals.
- M. The term "used" or "occupied" as applied to any land or building shall be construed to imply that said land or building is in actual use or occupancy and shall be construed to include the words "intended," "arranged," or "designed" to be used or occupied.
- N. The term "map" or "zoning map" shall mean the official zoning map of Colleton County, South Carolina.

**14.04-6.030. - Acronyms.**

Following is a list of acronyms (other than zoning districts) and their meanings found throughout chapter 14.04 and chapter 14.08:

<b>BFE</b>	<b>Base flood elevation</b>
<b>DUA</b>	<b>Dwelling units per acre</b>
<b>FEMA</b>	<b>Federal Emergency Management Agency</b>
<b>FIRM</b>	<b>Flood insurance rate maps</b>
<b>HOA</b>	<b>Any legal type of Home Owners Association</b>
<b>ROW</b>	<b>Right-of-way / Rights-of-way</b>
<b>OCRM</b>	<b>Ocean and Coastal Resource Management</b>
<b>SC</b>	<b>South Carolina</b>
<b>SCDHEC / DHEC</b>	<b>South Carolina Department of Health and Environmental Control</b>
<b>SCDOT / DOT</b>	<b>South Carolina Department of Transportation</b>
<b>US / USA</b>	<b>United States of America</b>

**14.04-6.040. - Definitions.**

The following words, terms and phrases, when used in chapter 14.04 and chapter 14.08, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Abutting* means sharing a common border; physically touching.

*Agricultural production/activity* means land used exclusively as a bonafide agricultural operation by the owner and/or tenant. The use of land for agricultural purposes including farming, fish culture, bees for honey production, animal and poultry husbandry, and the necessary accessory uses for packing, treating, curing or storing the

produce or product, provided that the operation of the accessory use is clearly incidental to the agricultural activity. Uses which shall not be classified as agricultural production or uses, for the purposes of this chapter, include zoos, kennels, or riding stables and academies.

***Agricultural support services*** includes the operation, management, conservation, improvement, and maintenance of a farm and the structures on the farm, including building repair, replacement, expansion, and construction incidental to the farming operation; and/or the marketing and selling of agricultural products, agro-tourism, the storage and use of materials for agricultural purposes, packing, treating, processing, sorting, storage, and other similar activities performed to add value to crops, livestock, and agricultural items produced on the farm.

***Airport elevation*** means the established elevation of the highest point on the usable landing area.

***Airport hazard*** means any structure, tree, or use of land which obstructs the airspace required for, or is otherwise hazardous to the flight of aircraft in landing or taking off at the airport.

***Airport reference point*** means the point established and designated as the appropriate geographic center of the airport landing areas.

***Animal production*** means the dairying, raising, management, care, and training of livestock, including horses, bees, poultry, and other animals for individual and public use, consumption, and marketing.

***Animal services*** means a public or private facility for medical or surgical treatment, grooming, breeding, selling, or boarding of animals. Unless outdoor kennels are specifically allowed, all facilities associated with animal services shall be located indoors.

***Automotive services*** means any building, premises, and land, in or upon which the primary use of land is a business which involves the maintenance, servicing or sale of new or used automobiles, motorcycles, boats or other motor vehicles generally and including recreation vehicles and any vehicle leasing, rental, parking service, preparation or repair work conducted. The term "automotive services" includes but is not limited to auto dealerships, auto body shops, auto service stations, boat repair or sales, car washes, convenience stores, gas stations, truck stops, and oil/lube servicing. This does not include the sale of parts or related products (i.e., auto parts store).

***Bed and breakfast inn*** means any owner-occupied dwelling or portion thereof offering rooms and meals at breakfast to transient lodgers in return for compensation.

***Buildable area*** means that portion of any lot which may be used or built upon in accordance with the regulations governing the zoning district within which the lot is

located when the front, side and rear yard, open space, and applicable buffer area requirements have been met.

***Building/structure, accessory***, means a subordinate structure on the same lot as the principal or main building or use occupied or devoted to a use incidental to the principal use. Included in this definition are private garages, storage sheds, workshops, animal shelters, pool houses, etc., when detached from the principal buildings, and carports attached to the principal building when at least 75 percent open or unenclosed.

***Building/structure, alteration*** means any act or process that changes or alters some or all of the exterior architectural features of a structure, including, but not limited to, the addition onto or reconstruction of any structure.

***Building/structure, principal***, means a building in which the main or principal use is, or is intended to be conducted.

***Campgrounds*** means land containing five or more campsites which are located, established, or maintained for occupancy by people in temporary living quarters, such as tents, recreational vehicles, or travel trailers which are primarily used for recreation or vacation purposes.

***Canopy tree*** means a deciduous tree that forms the top layer of vegetation in a forest. Examples of such trees include oaks, hickories, maples, and poplars, among others.

***Cemetery, accessory***, means a portion of property used for the interment of the dead. An accessory cemetery is located at the site of another principal use such as a religious institution or place of worship. A cemetery shall not be used for the preparation, embalming or cremation of bodies.

***Cemetery, family***, means a family plot used for the interment of the dead of a family member related by blood, marriage, or adoption. A cemetery shall not be used for the preparation, embalming, or cremation of bodies.

***Cemetery, principal***, means property used principally for the interment of the dead, which use may include the commercial sale and location of burial lots, plots, crypts, or vaults for use exclusively on the subject property. A cemetery shall not be used for the preparation, embalming, or cremation of bodies.

***Certificate of occupancy (C of O)*** means a certificate issued by the building official which certifies that a structure has been erected in accordance with all applicable county zoning, development and building codes, the effect of which shall permit the occupancy of a building.

***Certificate of occupancy, Temporary (TCO)*** means a temporary 30, 60 or 90-day certificate issued by the building official which certifies that a structure has been erected in accordance with all applicable county codes, which allows for the stocking of shelves,

furnishing of space, or installation of specialized equipment prior to the final inspection and issuance of the certificate of occupancy.

**Commercial development** means the changing of land characteristics through development, redevelopment, and/or construction of any use other than single or two-family residential is classified as a commercial development, such as: apartments and condominiums; commercial parks, centers, and subdivisions; industrial parks; manufactured home and RV parks; and, similar developments for profit, sale, lease, or any combination having owner-rental characteristics.

**Community sewer system** means infrastructure to remove waste water within a development that is not connected to a public sewer system where the lots are not on individual septic tanks. Such systems shall be approved by the SCDHEC.

**Community water system** means infrastructure to deliver water within a development that is not connected to a public water system where the lots are not on individual wells. Such systems shall be approved by the SCDHEC.

**Conditional use** means a use of land or structure, which is permitted in a zoning district with conditions for approval, as specified in chapter 14.08.

**Condominium** means a unit in a multi-unit structure owned by an individual who has shared use of all common areas associated with that structure with the other individuals who occupy the same multi-unit structure.

**Day care services** means and includes any home, center, agency, or place, however styled, where children, elderly, and other persons not related to the operator are received for custodial care, apart from their parents, whether for compensation, reward, or otherwise during part or all of the day and for any number of successive days.

**Density** means the number of dwelling units per acre of land developed or used for residential purposes.

**Developer** means a person, individual, partnership, or corporation (or agent therefor) that undertakes the activities covered by these regulations.

**Development** means any manmade change to real estate, including, but not limited to, the construction of buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

**Domestic animal shelter** means a pen, shelter, or structure where no more than three dogs or small domestic animals, not to include farm animals, such as horses, cows, goats, swine including pot-bellied pigs, sheep, ponies, grazing animals, and fowl of any kind, are boarded and kept.

**Drainage** means the removal of surface or groundwater from land by drains, grading, or other means.

**Driveway** means a paved or unpaved area used for ingress and egress to a property from a street or road by motor vehicles.

**Dwelling** means a building or portion of a building constructed for human habitation, typically with cooking, sleeping, bathing, and toilet facilities.

**Dwelling unit** means a single unit that fits the description of a dwelling.

**Dwelling, apartment.** See **Dwelling, multi-family.**

**Dwelling, detached,** means a single dwelling unit, surrounded by open space or yards and which is not attached to any other dwelling by any means.

**Dwelling, duplex,** means a single building containing two dwelling units.

**Dwelling, multi-family,** means a single building containing five or more dwelling units.

**Dwelling, patio house,** means a single-family detached or semi-detached dwelling unit. It is built on a small lot generally enclosed by walls, which provide privacy. The term is synonymous with zero lot line dwellings.

**Dwelling, quadruplex,** means a single building containing four dwelling units.

**Dwelling, residential designed manufactured home,** means a single-family dwelling unit built according to the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code, 6-15-76, and which:

1. Has a minimum width over 20 feet (multiple section);
2. Has a minimum of 900 square feet of enclosed living area;
3. Has a minimum 3:12 roof pitch; and has a type of shingle commonly used in standard residential construction;
4. Is covered with an exterior material customarily used on site built homes, including vinyl or aluminum lap siding, wood, masonite, or other materials similar to the exterior siding commonly used in standard residential construction; and
5. Has a roof overhang of not less than eight inches.

**Dwelling, single-family,** means a single building containing one dwelling unit.

**Dwelling, standard designed manufactured home,** means a single-family dwelling unit built according to the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code, 6-15-76, and which does not meet the definition of a residential designed manufactured home.

***Dwelling, townhouse***, means a series of attached single-family dwelling units on separate lots, which may or may not have a common roof and are separated from each other by common or shared vertical walls.

***Dwelling, triplex***, means a single building containing three dwelling units.

***Dwelling, zero lot line***, means a zero lot line dwelling is a single family detached unit which instead of being centered on a lot, is placed against at least one of the side lot lines. The term is synonymous with patio homes.

***Easement*** means a strip of land extending along a property line or across a lot, for which a limited right of use has been granted for a public or quasi-public purpose and within which the owner of the property shall not erect any trees or permanent structures.

***Emergency services*** means police department, fire department, rescue squad, emergency medical technicians, ambulatory services, or similar services that respond in the event of an emergency.

***Evergreen tree*** means a coniferous or other type of tree that remains green throughout the year.

***Family*** means one or more persons related by blood, marriage, adoption, or guardianship, and not more than four persons not so related, except that mentally and physically handicapped persons for whom care is provided on a 24-hour basis shall be construed to be a family, in accordance with the provisions of S.C. Code 1976, § 6-7-830.

***Family group development*** means a group of up to six individual detached dwelling units allowed on a single lot of record occupied only by persons related by blood, marriage, adoption, or guardianship, where all units comply with the density and setback requirements for the zoning district where the lot is located, except where prohibited in the RS, CC, VC, LID and ID zoning districts.

***Farm Structure*** means a structure less than 5,000 sq. ft., located on no less than five (5) acres in the RC-1, RC-2, RD-1 or RD-2 zoning districts that is being used as a farm for agricultural production purposes, which is not a public livestock area or a residential dwelling unit, which does not have cooking or sleeping amenities or facilities, with or without restroom facilities, a SCDHEC approved septic tank system and electric service not to exceed 200 Amps, where the use is exclusively associated with the production, harvesting, storage, drying or raising and growing of agricultural commodities, including livestock, fowl and bees for honey, or similar commonly known commodities. Further, the owner agrees to prohibit public access to the structure and sign the “*Farm and Accessory Use Structure Non-Conversion Affidavit*” which certifies that the structure cannot be converted to a residential dwelling unit or a commercial use, without prior proper zoning and building permit approvals for such conversion, as may be



allowed by the zoning and building codes in effect at the time of conversion and change of use request.

***Federal manufactured home construction and safety standards*** means regulations promulgated by the Department of Housing and Urban Development (HUD) governing the design and construction of manufactured housing. These standards also set performance requirements for heating, plumbing, air conditions, thermal, and electrical systems.

***Floor*** means the top surface of an area in a building that is walked on and makes contact with people's shoes, from the basement floor to the top floor of a building.

***Floor area ratio*** means an intensity measure of land use derived at by dividing the total floor area of a building by the total site area.

***Fuel supply services*** means a business that distributes petroleum, biodiesel, or similar fuel products for motor vehicles. This does not include gas-selling stations or convenience stores, which are a type of automotive service. Such businesses may have above-ground or below-ground tanks.

***Garage, private*** means a structure built to park vehicles inside of it that is for private use only.

***Garage, public*** means a structure built to park vehicles inside of it that is used by the general public.

***Grandfathered/Legal Nonconformity*** means and describes the status accorded certain properties, uses, structures and activities that legally existed prior to the date of adoption of the current/active zoning ordinance which changed its classification from conforming to nonconforming, where the nonconformity now exists as a legal nonconformity, and where the nonconformity may continue without limitation unless discontinued or abandoned for six (6) months, which then requires the nonconformity to be brought into compliance with the current codes in effect at the end of that six (6) month period of discontinuance and/or abandonment.

***Gross floor area (GFA)*** means the combined sum of the floor area, measured horizontally, where the floor area for every floor or story of a building is added to the sum, including basements and attics, measured from the exterior faces of the structure. It does not include unenclosed porches or detached accessory buildings.

***Habitable dwelling*** means a dwelling meeting the minimum habitability requirements of this chapter, and other applicable regulations.

***Hazard to air navigation*** means an obstruction determined to have a substantially adverse effect on the safe and efficient utilization of the navigable airspace of an airport.

**Heavy construction contractor** means a construction contractor that utilizes heavy equipment including but not limited to earthmoving equipment and/or cranes.

**Height** means the vertical distance measurement from the top of a structure or vegetation to the ground directly beneath the structure or vegetation.

**Home occupation** means any occupation within a dwelling, or an accessory building clearly incidental thereto, carried on by a member or members of the family residing on the premises, which in no way changes the residential character or nature of the neighborhood.

**Improvement** means any man-made immovable item that becomes part of, placed upon, or affixed to the ground or a structure.

**Instrument runway** means a runway equipped with a precision electronic navigation or landing aid suitable to assist the landing of aircraft by an instrument approach under restricted visibility conditions.

**Kennel, outdoor**, means any outdoor place or structure used in whole or in part for the purpose of keeping, housing, or raising 24 or more animals in any combination, outside of a fully enclosed structure, whether the animals are boarded, pet animal rescues, or household pets.

**Larger than utility runway** means a runway that is constructed for and intended to be used by propeller driven aircraft greater than 12,500 pounds maximum gross weight and jet-propelled aircraft.

**Livestock** means the keeping or raising of cattle, sheep, goats, swine, horses, donkeys, mules, burros, buffalo, llamas, or similar animals.

**Lot** means a parcel of land considered as a unit. The terms "lot," "lot of record," "property," or "tract," whenever used in these chapters, are interchangeable.

**Lot area** means the horizontal area contained within the boundary lines of a lot.

**Lot depth** means the horizontal distance between the front and rear lot lines.

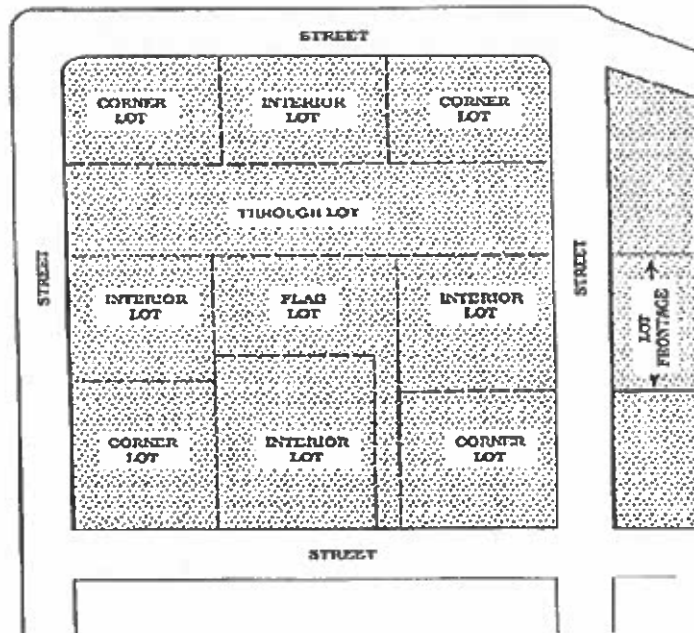
**Lot line** means a line bounding a lot which divides one lot from another or from a street or any other public or private space.

**Lot of record** means a lot, the boundaries of which are filed as a legal record.

**Lot width** means the horizontal distance between the side lot lines measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

*Lot, corner*, means a lot located at the intersection of two or more streets.

#### DEFINITION OF TYPES OF LOTS



*Lot, existing*, means a lot that was recorded prior to the adoption of the ordinance from which this chapter is derived (December 5, 2000) which is the same as when it was initially recorded.

*Lot, interior*, means a lot, other than a corner lot, which has frontage on only one street other than an alley.

*Lot, through or double frontage*, means a lot which has street frontage on two opposing ends of the lot.

*Lot, flag*, means a lot having only its narrow access way to the lot (aka the flag pole) fronting onto a public or private road or access easement, with the bulk of the lot (aka the flag) set back from the road. (See lot definition detail above.)

*Manufactured home park* means a lot with the size and improvements needed to support the long-term parking of three or more manufactured homes, which may include resident services and facilities.

*Manufactured home park space* means the individual space within a manufactured home park designed to accommodate one unit.

*Manufacturing, heavy*, means the assembly, fabrication, production or processing of materials that have greater than average impacts on the environment, or that have

significant impacts on the use and enjoyment of other properties due to the generation of noise, smoke, fumes, odors, glare, health or safety hazards, or uses that otherwise do not constitute "light manufacturing," or any use where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, production or processing exceeds 25 percent of the floor area of all buildings on the lot. The term "heavy manufacturing" shall include, but not be limited to, the following: enameling, lacquering, plating or galvanizing of metals; foundries or mills producing iron and steel products; industrial chemical manufacture; meat packing plants; mixing plants for concrete or paving materials and products; oxygen and other gaseous manufacture and/or storage; pottery, porcelain, and vitreous china manufacture; wholesale poultry dressing; pressure treating of wood; stonecutting; tire recapping and retreading; and, tobacco and textile products manufacturing. (Not including resource extraction, mining, or drilling, or recycling and salvaging operations.)

***Manufacturing, light***, means the assembly, fabrication, production or processing of materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, production or processing takes place, where such processes are housed entirely within a building, or where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, production or processing does not exceed 25 percent of the floor area of all buildings on the lot. (Not including heavy manufacturing, resource extraction, mining, or drilling, or recycling and salvaging operations.)

***Marina*** means a facility located along a shoreline that may have docks, moorings, supplies and services for watercraft and passengers, to include storage, docking, sales and repair and construction activities.

***Mini-warehouse*** means a building or buildings in a controlled-access and fenced compound that contains individual, compartmentalized spaces for the commercial dead storage of customer's goods or wares.

***Mixed occupancy*** means any building that is used for two or more occupancies classified by different occupancy use groups.

***Mixed use building*** means a two-story or taller building in which the ground floor contains a commercial retail or service business with at least one of the floors above containing one or more residential dwelling units.

***Modular building unit or modular structure*** means any structure other than a mobile or manufactured home, constructed off site, and transported to the point of use for installation. When meeting the requirements of the Modular Building's Construction Act (S.C. Code 1976, § 23-43-10), said structure may be located in any zoning district.

***Nonconformity***, means any lot, use, structure, sign or vegetation which exists that does not conform to the current requirements of this chapter.

**Nonconformity, legal** means any lot, use, structure, sign or vegetation legally in existence prior to the effective date of the ordinance from which this chapter is derived, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of this chapter.

**Nonresidential use** means a principal use of land or structure for other than residential purposes (i.e., commercial, industrial, institutional).

**Office, professional**, means an office building that houses professional services, such as accounting, engineering, architectural, and legal, which typically doesn't involve the on-site retail sale of goods.

**Outdoor market** means a use involving the retail sale of items outside an enclosed permanent structure on the same property or by the same organizer(s) more than four days per year, such as, farmers markets and flea markets.

**Open space ratio** means the intensity of land use as derived by dividing the total amount of open space area within the site by the total site area.

**Parcel** – see lot.

**Parcel, existing**, means a lot that was recorded prior to the adoption of the ordinance from which this chapter is derived (December 5, 2000) which is the same as when it was recorded.

**Park, public** means a public recreational facility which may include commercial activities for recreational uses only, open space and public gardens.

**Park model/travel trailer** means a recreational vehicle primarily designed and intended to provide temporary living quarters for recreation, camping, or seasonal use. It is built on a single chassis, mounted on wheels with a gross trailer area not exceeding 400 square feet in the setup mode. Each park model shall be certified by its manufacturer as complying with ANSI A119.5.

**Personal care services** means services provided by licensed professional stylists, aestheticians, and therapists including but not limited to hair care, nail care, waxing, massage therapy, and similar spa services.

**Place of worship** means a building or structure, or group thereof, which by design and construction are primarily intended for conducting organized religious services whose site may include an accessory area for the interment of the dead in a cemetery. Day care centers (which have enrollment capacities in excess of 25 enrollees) and/or schools operated by the church on the facilities of the church shall be considered separate principal uses.

**Plat** means a map or drawing upon which the developer's plan of a subdivision or commercial development is presented for approval.

**Precision instrument runway** means a runway with an instrument approach procedure utilizing an instrument landing system (ILS) or precision approach radar (PAR).

**Premises** means a lot, plot, or parcel of land including the buildings thereon, under control by the same owner or operator together with all included land within the property boundaries of the premises.

**Produce stand** means the sale of any form of agricultural or horticultural products at a retail stand located on the same site where the products are grown. Off-site produce stands shall be considered temporary uses and shall meet the requirements of such.

**Recreation, commercial** means any establishment whose main purpose is to provide the general public with an amusing or entertaining activity and where tickets are sold or fees are collected for the activity. Includes, but not limited to, skating rinks, water parks, miniature golf courses, arcades, bowling alleys, but not billiard halls and movie theaters.

**Recreation, private** means clubs or recreation facilities for which a membership charge may be made and which are open only to bona fide members and their guests. A private recreational facility may not be open or available to members of the general public

**Recreational group quarters** means any combination of two or more of the following uses:

1. Housing, including patio homes, single-family detached dwellings, townhomes, and condominiums;
2. Resort accommodations including inns and cottages, but not hotels or motels; and
3. Recreational facilities including golf courses, marinas, horse stables and tracks, trails, tennis courts, swimming and activity centers, hunting and shooting facilities and ecotourism activities.

**Recreational vehicle** means a motorized vehicle intended to travel over streets and highways that is designed to serve as a temporary dwelling unit with cooking, sleeping, bathing and restroom facilities.

**Recreational vehicle park** means a site where three or more recreational vehicles are in use for residential or camping purposes.

**Residential care facilities** means an institutional facility in which supervision, care, therapeutic, or medical services are provided for three or more persons in a residential setting and capacity.

**Riparian buffer** means land adjacent to a stream where vegetation is strongly influenced by the presence of water. Designated riparian buffers shall remain undisturbed to protect the native vegetation and water quality.

**Runway** means a defined area on an airport prepared for the landing and takeoff of aircraft along its length.

**Scrap (junk) and waste** means any materials consisting of waste, discarded or salvage matter which is bought, sold, exchanged, stored, baled, packed or disassembled for profit, trade or hire, and shall include any vehicle damaged so as not to comply with state or federal safety regulations, incapable of self-propulsion or partially dismantled if retained on the premises whether for repair or not. The term "junk" shall also mean, but not be limited to, old, nonfunctioning, or scrap metals, rope, rags, paper, trash, tires, rubber, appliances, other old ferrous or non-ferrous material, barrels or drums, industrial or commercial equipment, fixtures or machinery, batteries, cardboard, plastic, pallets, motors, rubbish, debris; wrecked, dismantled or disabled motor vehicles or parts thereof.

**Seasonal sales** means the retail sale of items related to the season of the year including, but not limited to, fireworks, pumpkins, Christmas trees, flowers, and produce.

**Seasonal worker housing** means temporary housing located on the site of an agricultural use for migrant workers present during peak planting or harvesting seasons for a crop.

**Sexually oriented business**, for purposes of this chapter, means and includes the following:

- A. **"Adult arcade"** means any place to which the public is permitted or invited wherein coin, slug or card-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.
- B. **"Adult bookstore or adult video store"** means a commercial establishment, which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
  1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes or video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or
  2. Instruments, devices, or paraphernalia, which are designed for use in connection with specified sexual activities. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore or adult video store so long as: one of its principal business purposes is the offering for sale or rental for consideration the specified

materials which depict or describe specified sexual activities or specified anatomical areas.

- C. **"Adult cabaret"** means a nightclub, bar, restaurant or similar commercial establishment, which regularly features:
1. Persons who appear in a state of nudity;
  2. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
  3. Films, motion pictures, videocassettes, slides, or other photographic reproductions, which are characterized by the description of specified sexual activities or specified anatomical areas.
- D. **"Adult motel"** means a hotel, motel or similar commercial establishment which:
1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions;
  2. Offers a sleeping room for rent for a period of time that is less than ten hours; or
  3. Allows a tenant or occupant of a sleeping room to sublet the room for a period of time that is less than ten hours.
- E. **"Adult motion picture theater"** means a commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- F. **"Adult theater"** means a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.
- G. **"Sexual encounter center"** means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:
1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
  2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or seminude.

**Sign**, means any communication device, structure, or fixture that incorporates graphics, symbols, or written copy intended to promote the sale of a product, commodity,



or service, or to provide direction or identification for a premises or facility. Please see Chapter 14.08-6.030 for specific sign types and definitions.

***Sign, abandoned***, means a sign structure not containing a sign, or not in use for 120 continuous days, or a sign advertising a business no longer occupying the site on which the sign exists, or to which it refers.

***Sign face*** means the area or display surface, measured in square footage, used for the commercial message.

***Specified anatomical areas*** means and includes any of the following:

- A. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae;
- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

***Specified criminal act*** includes criminal sexual conduct, in any degree; criminal sexual conduct with a minor, in any degree; assault with intent to commit criminal sexual conduct; spousal sexual battery; engaging a child for sexual performance; producing, directing or promoting a child for sexual performance; lewd act on a minor; incest; prostitution; assignation or pandering; buggery; indecent exposure; obscenity offenses; and the out of state or federal counterparts to the preceding sexual offenses whether or not referred to by a different name.

***Specified sexual activities*** means and includes the following:

- A. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts.
- B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.
- C. Masturbation, actual or simulated.
- D. Human genitals in a state of sexual stimulation, arousal or tumescence.
- E. Excretory functions as part of or in connection with any of the activities set forth in subsections A through D of this definition.

***South Carolina manufactured housing board*** is authorized by state statute to regulate the construction, repair, modification, installation, tie-down, hook-up, and sale of manufactured homes in South Carolina, which utilizes the Federal Manufactured Housing Construction and Safety Standards, promulgated by HUD, and contained in the board's Manufactured Housing Regulations, current edition.

***Special exception*** means permission granted by the zoning board of appeals to conduct a use with unique circumstances on a specific property.

**Street** means any public or private thoroughfare (drive, avenue, or boulevard) or space more than 18 feet in right-of-way width which has been designed, constructed and designated for motor vehicle traffic.

**Street, major**, includes all state primary and federal aid highways and streets that serve to circulate traffic, having signals at assigned intersections, and stop signs on side streets and/or having controlled access and channelized intersections.

**Street, minor**, means a street designed principally to travel within a neighborhood from house to house and exit onto a major street.

**Street, private**, means a street not dedicated for public use or maintenance.

**Structure**. As defined by the International Building Code, current edition.

**Structure, accessory**, means a subordinate structure on the same lot as the principal or main structure which is devoted to a use incidental to the principal use, such as private garages, storage sheds, farm structures, workshops, animal shelters, pool houses, etc., when detached from the principal buildings.

**Structure, principal**, means a structure in which the principal or main use is conducted.

**Structural alteration** means any change in the supporting members of a building, such as load-bearing walls, beams, trusses or girders, or any change in the dimension or configuration of the roof or exterior walls.

**Subdivision** means the division of an existing parcel or lot into two or more developable lots, or other divisions of land for sale, legacy, or building development, including all divisions of land involving a new street or a change in existing streets and includes the re-subdivision of land.

**Subdivision, conservation**, means the grouping and condensing of lots in order to conserve land, open space, and unique natural resources and allow innovation in the design of the subdivision. Overall density does not change in a conservation subdivision.

**Subdivision, exempt**, means a subdivision which meets the following conditions:

1. Involves the division of land into parcels of five acres or more where no new street is involved; or
2. Includes the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this chapter and other applicable regulations;
3. Includes cemetery lots;
4. Includes a single pre-existing lot or record.

***Subdivision, family***, is a subdivision of land by a property owner among his immediate family members as a gift or for nominal consideration.

***Subdivision, major***, is any subdivision other than an exempt or minor subdivision.

***Subdivision, minor***, is one which does not involve the creation of more than 15 lots fronting onto an existing public or private street.

***Temporary use*** means a use not permanently located on a site that may include a special event, sale, or temporary structure.

***Tree, canopy***, means a tree of a species which, at maturity, can be expected to reach a height of more than 35 feet under normal growing conditions in the local climate. The tree shall have a caliper of at least 2½ inches at the time of planting measured six inches up from the highest root.

***Tree, significant***, means any tree, other than a pine tree, measuring 30 inches diameter at breast height (DBH).

***Tree, understory***, means a small deciduous tree that forms the layer of vegetation under the canopy trees in a forest. Examples of such trees include dogwoods, sourwoods, fruit trees, among others. An understory tree may also be referred to as an ornamental tree.

***Use*** means the purpose or activity, for which land or any building thereon is designed, arranged or intended, or for which it is occupied or maintained.

***Use, accessory***. See ***Building, accessory***.

***Use, principal***, means the primary purpose for which the land is used.

***Utility runway*** means a runway that is constructed for and intended to be used by propeller driven aircraft weighing less than 12,500 pounds maximum gross weight fueled and loaded.

***Variance*** means a modification of the area regulations of this chapter, granted by the zoning board of appeals, where such modification will not be contrary to the public interest, and where, owing to conditions peculiar to the property, a literal enforcement of the requirements of this chapter would result in unnecessary and undue hardship, and where such modification will not authorize a use of the property which is not permitted within the zoning district in which the property is located.

***Vegetation*** means any plant object of natural growth.

***Visual runway*** means a runway intended solely for the operation of aircraft using visual approach procedures.

**Waste management services** means a business that conducts the collection of garbage or recyclables from roll-off or roll-out garbage containers or dumpsters. The term "waste management services" does not include landfills or recycling operations.

**Wetlands** means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, and bogs. For official determination if an area is classified as a wetland contact the SCDHEC.

**Yard** means an open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided by this chapter.

**Yard, front**, means a yard extending the full width of the front of a lot between the front (street) right-of-way line or property line and the front building line. Where more than one street abuts the lot, the front yard is the more narrow of the street frontages and/or the street frontage to which the property is addressed.

**Yard, rear**, means a yard opposite of the front yard, extending the full width of the lot in the area between the rear lot line and the rear building line.

**Yard, required**, means that part of a yard between a lot line and the minimum required building setback line, within which no structure shall be located except as provided by this chapter.

**Yards, side**, means the yards extending the full length of the lot in the areas between the side lot lines and the sides of a building.

**Zoning district** means a specifically delineated area or district within which specific zoning and development regulations and requirements govern the use, placement, spacing and size of the land and buildings.

**Zoning permit** means written permission issued by the director or his designee for the construction or enlargement of a structure, the installation of a sign, or the conducting of a use.

## **ARTICLE 14.04-7. - FORMS AND EXAMPLES**

### **Sections:**

**14.04-7.010. - Letter of credit example.**

**14.04-7.020. - Road maintenance agreement.**

**14.04-7.010. - Letter of credit example.**

**Bank Letterhead  
IRREVOCABLE LETTER OF CREDIT FOR PERFORMANCE**

Date:	Month/Date/Year	LOC No.:
Lender:	Applicant:	
Name of Financial Institution	Name of individual or Corporation	
C/O (Contact Person)	C/O (Contact Person)	
Address	Address	
City/State/Zip	City/State/Zip	
Beneficiary:	Project Name:	
Colleton County	Give project name with phase #	
C/O Planning Department		
31 Klein Street		
Walterboro, SC 29488		
Amount:	Expiration Date:	
Insert amount of LOC	Date of Expiration	

We (Bank) hereby issue our irrevocable standby letter of credit No. (LOC #) in your favor for the account of (Applicant), up to the aggregate amount of exactly USD (LOC amount).

Requested drafts presented in compliance with the terms of this letter of credit shall be accompanied by a statement indicating:

" Applicant, as Principal, has failed to complete all improvements for (Name of Development) in accordance with the requirements of the Colleton County Land Development Regulations".

No partial drafts shall be allowed under the terms of this letter of credit by the applicant or the beneficiary.

Except as otherwise stated herein, this letter of credit is subject to the uniform customs and practices for documentary credits (Edition), established by the International Chamber of Commerce Publication (Number).

(Bank)    , as surety, hereby agrees that drafts drawn under and in compliance with the terms of this letter of credit will be duly honored on presentation at our counters at the address shown on the letterhead and/or     (address of South Carolina branch (if address on letterhead is not in South Carolina) and/or upon facsimile to (bank facsimile number))     on or prior to     (Date)    , at which time this agreement shall expire.

<u>(Signature)</u>	SIGNATURES MUST BE IN BLUE INK
<u>(Typed Name) (Title)</u>	
	NOTARIZED

**14.04-7.020. - Road maintenance agreement.**

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF COLLETON )

ROAD MAINTENANCE AGREEMENT  
 FOR \_\_\_\_\_  
 \_\_\_\_\_ SUBDIVISION

WHEREAS, the undersigned, \_\_\_\_\_ is the owner and developer of the property described below, and:

WHEREAS, (the owner/developer) desires to impose restrictions and conditions for the use and maintenance of the (description of the road) to be jointly owned by any and all purchasers of the lots set forth hereinafter below.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS that the (the owner/developer) does hereby impose the following restrictions and conditions and covenants upon the lands described as follows:

*"Legal description, to include the name of the subdivision and the plat book location in the office of the Register of Deeds"*

THE CONDITION AND RESTRICTIONS imposed on the aforesaid property are as follows:

1. The (description of the road) running through said property as shown on the aforesaid plat is for the joint use of the owners of lots (description of the lots), their heirs, successors, and assigns, for ingress and egress to and from the respective lots and for the installation of public utilities. These owners shall be called the (subdivision name) Property Owners Association hereinafter called the Association.
2. A property owner is a person, firm, corporation, partnership, association, trust, or other legal entity, or any combination thereof, which is the holder of a deed to a lot in \_\_\_\_\_ subdivision. It is the responsibility of each present and subsequent member of the Association to assist in keeping the road in a high state of maintenance and to respect the rights of the other property owners in its use.
3. Maintenance costs to the said roadway shall be borne in accordance with the percentage of ownership of the lots hereinabove set forth; said interest at this state being solely in the name of (the owner/developer). Percentage shall be divided equally for each lot owned, therefore, with the property subdivided into (number) lots, the ownership of each lot represents (fraction) of the maintenance cost to be shared. The developer shall carry all the responsibilities of a lot owner in proportion to the number of lots owned.

*NOTE: If the developer wishes to either expand the subdivision at a later date or allow property owners to further subdivide their lots, provisions for such must be stipulated in this agreement.*

4. The Association in January of each year shall elect a Board of Directors consisting of (number) members. This Board shall be responsible for the care and maintenance of the roadways in \_\_\_\_\_ subdivision, and is authorized to direct the financial matters of the property owners concerning collection of assessments and necessary expenditures of joint funds of the property owners. To carry out these duties, the Board shall elect a President, Vice-President, Secretary, and Treasurer.

5. Upon the initial sale of each lot, \_\_\_\_\_ dollars shall be set aside in escrow by developer to be drawn upon as determined by the Board of Directors stipulated above to provide maintenance to the aforesaid roadway.
6. There shall also be an annual assessment upon each lot owner, which shall be due on July 1<sup>st</sup> of each year. Initially this assessment shall be \_\_\_\_\_ dollars per lot per year. This amount may be changed at any time by a two-thirds vote of the members of the Association. The obligation of lot owner to pay this assessment shall be a continuing lien upon the lot, subject only to the lien on a bona fide first mortgage upon such real property held by a reputable financial institution, and said lien may be enforced by the Association in all respects as though secured by a recorded mortgage as provided by the laws of the State of South Carolina.

This instrument is to be recorded in the Colleton County office of the Register of Deeds, and the Undersigned, \_\_\_\_\_ *(the owner/developer)* and all future owners shall cause the following statement to be placed in every contract and deed conveying lots out of this subdivision. This statement shall be signed by the grantee(s) and shall be placed immediately below the grantor's signature and shall be binding on all parties thereof. Failure of any subsequent purchaser to comply with this provision shall in no way diminish or impair the terms of this agreement and the conditions, benefits, and obligations imposed and granted thereunder.

7. "I, the undersigned, as purchaser of the above lot described in this deed/contract, acknowledge the existence of the road maintenance agreement as recorded in the office of the Register of Deeds for Colleton County in Deed Book \_\_\_\_ at Page \_\_\_\_. I do hereby confirm by acceptance of this deed/contract all the terms and conditions thereof. I understand that since the road described in that agreement is not being engineered and constructed according to Colleton County standards, it will not be the responsibility of Colleton County to maintain the road. I further acknowledge that the lot owners subject to that agreement shall be responsible for the maintenance and upkeep of that road."

It is agreed that said road shall be kept free of all obstructions so as to be open for the passage of fire, police, and other emergency vehicles, personnel, or equipment at all times; and that such responsibility lies with the respective property owners, their agents, guests, and employees.

8. That said roadway shall be posted as a "privately maintained road" prior to the conveyance of properties, and shall remain posted in that manner at all times.
9. These covenants and restrictions are to run with and bind the land, and shall inure to the benefit of and bind property owners subject to this agreement, their respective legal representatives, heirs, successors, and assigns, for a term of twenty (20) years from the date this agreement is recorded in the office of the Register of Deeds for Colleton County; after which time said agreement shall be automatically extended for successive periods of ten (10) years unless an instrument has been recorded whereby the owners of the lots have agreed to a change in this agreement.
10. Changes in this agreement either in whole or in part may be executed at any time by the recording of an instrument signed by a majority of the members of the Association.



