

FILE COPY

DO NOT REMOVE FROM DESK!!

FILE COPY

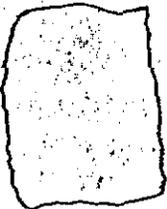
**LAND DEVELOPMENT REGULATIONS
FOR
FAIRFIELD COUNTY, SOUTH CAROLINA**



As Amended
February 23, 1998



Prepared by the
Fairfield County Planning Commission
with assistance from
Central Midlands Council of Governments



DO NOT REMOVE FROM THIS OFFICE

1-2 Short Title

This ordinance shall be known as and may be cited as the Fairfield County Land Development Regulations.

1-3 Authority

These regulations are adopted under authority granted by the General Assembly of South Carolina.

1-4 Jurisdiction

- A. These land development regulations shall apply to all development of land within the unincorporated area of Fairfield County.
- B. No land shall be developed within the unincorporated area of Fairfield county until an Application for Exemption has been approved by the Administrative Official: or
 - 1. The developer or his agent has submitted the required plats and plans as described in these regulations to the Planning Commission.
 - 2. Obtained approval of all of these plats and plans, including approval of the Final Plat or Plan by the Planning Commission.
 - 3. The approved Final Plat is recorded with County Clerk of Court when a traditional subdivision is involved.

1-5 Types of Development

For the purpose of proper regulation, developments have been divided into four types and separate regulations developed for each type. These types and the applicable sections of this ordinance are:

- A. Traditional Subdivisions - only sections one through five, and eight through twelve apply to this type of development.
- B. Group developments - only sections one, two and seven through twelve apply this type of development.
- C. Private Roadway Subdivision - section six.
- D. Extraordinary Development - section eight.

SECTION 2

DEFINITIONS

Usage

- A. For the purpose of the these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this section. The words to be defined are shown in bold and underlined, followed by the definition.
- B. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense: words used in the plural number include the singular: the word "herein" means "in these regulations": word "regulations" means "these regulations".
- C. A "person" includes a corporation, a partnership, and an incorporated association of persons such as a club: "shall" is always mandatory: a "building" includes a structure: a "building" or "structure" includes any part thereof: "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

2-2 Words and Terms Defined

Administrative Official

The County Administrator for Fairfield County, or other person duly designated to act in his behalf.

Applicant

The owner of land proposed to be subdivided or his representative.

Application for Exemption

An application to be made with the Administrative Official on which basis a finding of applicability of these regulations is to be made. See the definition of "subdivision" for standards of applicability.

Block

A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-ways, shorelines of waterways, or boundary lines of municipalities or counties.

Bond

Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Government Body. All bonds shall be approved by the Governing Body wherever a bond is required by these regulations.

Building

Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure.

Building Line

A line beyond which no foundation wall or part of the structure of any building shall project, with the exception of the overhang and the subsurface projection of footings.

Central Water System

A private water company not owned and operated by a public agency, serving new community development in an outlying area. It includes water treatment and distribution facilities.

Central Sewerage System

A community sewer system, including collection and treatment facilities, not owned and operated by a public agency serving a new subdivision in an outlying area.

Construction Plan

The maps of drawings accompany a subdivision plat or plan and showing specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Commission as a condition of the approval of the plat or plan.

County

The Fairfield County Council.

County Engineer

A registered, professional engineer who may be on the staff of the county or may be a private consultant contracted by the county.

Dam

A man-made barrier constructed of earthen fill, concrete, or other loose solid materials, designed to restrict the flow of surface water.

Developer

The owner or owners (or their representative) of a lot or of any land included in a proposed development. Also, the holder of an option or contract to purchase, or any other person having enforceable proprietary interest in such land.

Easement

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

Final Plat or Plan

The final map of all or a portion of a subdivision which is presented for final approval.

Frontage

That side of a lot abutting on a street or way ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

Grade

The slope of a road, street, or other public way, specified in percentage (%) terms from the horizontal.

Group Development

All divisions of a tract or parcel of land into two or more building sites for the purpose, whether immediate or future, of building development. Group developments would include apartment complexes, office parks, shopping centers or other commercial structures or complexes containing two or more business establishments, mobile home parks, industrial parks, or other developments where the site is not subdivided into lots and public streets but is divided into two or more building sites.

Health Department

The Fairfield County Health Department

Individual Sewage Disposal System

A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device.

Lot

The basic development unit - an area with fixed boundaries, used or intended to be used by one building and its accessory building(s) and not divided by any public highway or alley.

Lot Area

Means the total area of the lot including easements.

Lot, Corner

A lot situated at the intersection of two (2) streets. (The interior angle of such intersection not exceeding 135 degrees.)

Lot Depth

The mean horizontal distance between the front and rear lot lines.

Lot, Double Frontage

A lot having frontage and access of two or more public streets. A corner lot shall not be considered having double frontage unless it has frontage and access on three or more streets.

Lot Improvement

Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.

Lot, Interior

A lot other than a corner lot.

Lot, Reversed Frontage

A lot having frontage on two or more public streets, the access of which is restricted to on street.

Lot Width

The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth; or the same distance measured at a point midway between the front lot line and the rear lot line; or at the rear line of the required front yard (building line), especially on irregularly shaped lots.

Master Plan

The Fairfield County Comprehensive Land Use and Development Plan (November 1992), prepared and adopted by the Planning Commission, pursuant to State law, and including any part of such plan separately adopted and any amendment to such plan or parts thereof.

Off-Site

Any premises not located within the area of the property to be subdivided whether or not in the same ownership of the applicant for subdivision approval.

Official Map

The map established by the Fairfield County Council, pursuant to law, showing the streets, highway, parks, drainage systems, and setback lines therefore laid out, adopted and established by law, and any amendment or additions thereto adopted by the Fairfield County Council of additions thereto resulting from the subsequent filing of such approved plats.

Ordinance

Any legislative action, however denominated, of a local government which has the force of law, including any amendment or repeal of any ordinance.

Owner

Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

Parking, Off-Street

An area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street arranged so that no maneuvering incidental to parking shall be on any public street and so that an automobile may be parked or un-parked therein without moving any other automobiles.

Planning Commission

The Fairfield County Planning Commission

Preliminary Plat or Plan

The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for approval.

Public Improvement

Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

Registered Engineer

An engineer properly licensed and registered in the State of South Carolina.

Registered Land Surveyor

A land surveyor properly licensed and registered in the State of South Carolina.

Re-subdivision

A change in a map of any approved or recorded subdivision plat if such change affects any street layout on such map or area reserved there for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Right-of-Way

A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-ways intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

Sale or Lease

Any immediate or future transfer of ownership, on any possessory interest in land, including contract of sale, lease, devise, intestate succession, or other written instrument.

Setback

The required distance between a structure and the lot lines on the lot in which it is located. Lot lines can be the property lines or the edge of a street right-of-way.

Reserve Strip

A strip of land adjacent to a public street or similar right-of-way which has been reserved for the purpose of controlling access to the public way.

Screening

Either (A) a strip of at least ten (10) feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four (4) feet high at the time of planting, of a type that will form a year-round dense screen at least six (6) feet high; or (B) an opaque wall or barrier or uniformly painted fence at least six (6) feet high.

Sketch Plan or Site Plan

A sketch plan or plat is a generalized map prepared by the developer that shows the development concept. Its purpose is to serve as a basis for discussion without either the planning commission or the developer making commitments. This phase of the subdivision process precedes the preparation of the preliminary plat or plan (or final plat in the case of minor subdivisions).

Street

The word means, relates to, and includes the entire right-of-way of streets, avenues, boulevards, roads, highway, freeways, lanes, alleys, courts, thoroughfares, collectors, minor streets, cul-de-sacs, and other ways.

Street Classifications

Streets may be classified as follows:

- A. Alley: a public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

- B. **Minor Street:** A street which used or intended to be used to provide access to other streets from individual properties. Types of minor streets include:
1. **Urban residential** - minor streets serving residential lots in incorporated areas;
 2. **Rural residential** - minor streets serving residential lots;
 3. **Commercial or Industrial** - minor streets serving commercial or industrial uses;
 4. **Marginal access** - minor streets located parallel and adjacent to a limited access street or highway which provide access to abutting properties and protection from through traffic;
 5. **Cul-de-sac** - minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- C. **Collector Street:** A street which is used or intended to be used for moving traffic from minor streets to major thoroughfares, including the principal entrance and circulation street or streets of a development. Types of collector streets include:
1. **Urban residential** - collector streets which serve minor urban residential streets:
 2. **Rural residential** - collector streets which serve only minor rural residential lots which meet the lot size requirements of a minor residential street:
 3. **Commercial or Industrial** - collector streets which serve minor commercial or industrial streets.
- D. **Major Thoroughfare:** A freeway, expressway or an arterial street or highway which is used or intended to be used for moving either heavy vehicular traffic volumes or high-speed traffic, or both, or which was designated as a major thoroughfare in the Comprehensive Plan.

Street Perimeter

Any existing street to which the parcel of land to be subdivided abuts one (1) side.

Subdivider

Any person who (1) having an interest in land, causes it, directly or indirectly to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel site, unit, or plat in a subdivision, or, who (3) engages directly or through an agent, in the business of selling, leasing, developing, or offering for sale, lease, or development, a subdivision or any interest, lot, parcel site, unit, or plat in a subdivision, and who (4) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

Subdivision

All divisions of a tract or parcel of land into two (2) or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development, and includes all division of land involving a new street or a change in existing streets, and includes re-subdivision and, where appropriate, to the process of subdivision or to the land or area subdivided: provided, however, that the following, if no utilities systems are involved, are included within this definition only for the purpose of filing an Application for Exemption:

- A. Subdivision of two (2) to three (3) lots in which all lots meet the requirements of the Health Department and with no more than three (3) lots being permitted within any thirty-six (36) month period from a single tract of adjoining tracts of record which were under the same ownership on or after July 1, 1980.
- B. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and resultant lots are equal to the standards of the governing authority.
- C. Completion of existing subdivisions already having received the approval of construction plans (Preliminary Plat) by the appropriate public agencies and where construction of streets or utilities have been commenced prior to the adoption of these regulations.
- D. The division of a tract of land into lots by single or family owner where the property is sold or given to the children or relatives of the owner, provided such lot sizes are equal or exceed the standards set forth in these regulations and meet the requirements of the Health Department.
- E. The division of land into parcels of five (5) acres or more where no new streets are involved.
- F. Partitions of land by Court decree.

Interpretation of (B) above, the term "previously platted" shall mean platted approved, and recorded, if such lots were created in accordance with regulations in effect at the time of their creation, or created as a result of a land division and recorded prior to existence of applicable subdivision regulations. All of the above mentioned exemptions are subject to SC Health Department requirements.

Subdivision Types

- A. Nonresidential Subdivision: A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these regulations.

- B. Traditional Subdivision: All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development, and includes all division of land involving a new street or a change in existing streets, and includes re-subdivision and, where appropriate, to the process of subdivision or to the land or area subdivided: provided however, that the following exceptions are included within this definition only for the purpose of requiring that an Application for Exemption be filed with the Administrative Official.
 - 1. All exceptions stated in the definition of a subdivision.

- C. Private Roadway Subdivision (Section 6).

Use

The purpose or activity for which a piece of land or its buildings is designed, arranged, or intended, or for which it is occupied or maintained.

SECTION 3

APPLICATION PROCEDURE AND APPROVAL PROCESS FOR TRADITIONAL SUBDIVISIONS

3-1 General Procedure

Whenever any subdivision of land is proposed, before any contract is made for sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision in accordance with the following procedure, which includes only one (1) step for those subdivisions noted as exceptions in the definition of subdivision and basically four (4) steps for those which are not exemption. Those subdivisions which are not exempt shall be classified as such when the Application for Exemption is denied. They then must proceed through the three (3) additional steps as follows:

1. Sketch Plan
2. Preliminary Plat
3. Final Plat

3-2 Application for Exemption

- A. Application Procedure. Prior to subdividing land, an owner of the land or his representative, shall request an Application for Exemption. This Application shall be requested at the office of the Administrative Official and shall conform to the requirements of Section 4-1 of this Ordinance.
- B. Requirements for Exemption. To be exempted, a subdivision must meet at least one (1) of the criteria stated in the definition of "subdivision".
- C. Approval for Exemption. Applications for Exemption shall be received and evaluated by the Administrative Official. A copy of all Applications for Exemption shall be kept on file by the Administrative Official. The Administrative Official will normally advise the applicant at the time of application that the Application for Exemption is approved or disapproved but in no case shall it take longer than five (5) working days that the subdivision shall not have any other requirements to meet under these regulations. If disapproved, the subdivision shall be subject to the other requirements of the regulations. If the Administrative Official fails to act on the Application for Exemption within five (5) working days after application, the application shall be deemed approved.

- D. Appeals of the Decisions of the Administrative Official. If an applicant disagrees with the disapproval or approval with modifications of his Sketch Plat by the Administrative Official, he may submit the Sketch Plan to the Planning Commission at its next regular meeting. The Planning Commission shall review the Sketch Plan at the meeting at which it is presented and act on the appeal with pertinent comments and recommendations noted in the minutes of the Planning Commission meeting.

3-3 Sketch Plan

- A. Discussion of Requirements. Before preparing the sketch plan for a subdivision, the applicant should discuss with the Administrative Official the procedure for adoption of a subdivision plat and the requirements as to general layout of streets and for reservations of land, street improvements, drainage, sewerage, fire protection, extraordinary development (Section 8) and other similar matters, as well as the availability of existing services. The Administrative Official shall also advise the applicant, where appropriate, to discuss the proposed subdivision with those officials who must eventually approve these aspects of the subdivision plat coming within their jurisdiction.
- B. Application Procedure and Requirements. Prior to subdividing land, an owner of the land, or his representative, shall file an application for approval of a sketch plan. The application shall:
1. Be made on forms available at the office of the Administrative Official.
 2. Include all contiguous holdings of the owner including land in the "same ownership", as defined herein, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership.
 3. Be accompanied by a minimum of seven (7) copies of the Sketch Plan as described in these regulations and complying in all respects with these regulations.
- C. Approval of Sketch Plan. After reviewing the Sketch Plan, the Administrative Official will advise the applicant within thirty (30) days after application that the Sketch Plan is approved, disapproved, or approved with certain modifications. If approved, said approval shall constitute authorization to prepare and submit a Preliminary Plat. Approval *does not* authorize the developer to begin the proposed construction or improvements. If the Administrative Official to the Planning Commission fails to act on the Sketch Plan within thirty (30) days after application, the

Sketch Plan shall be deemed approved and a certificate to that effect shall be issued by the Planning Commission upon demand; provided, however, that the subdivider may waive this requirement and consent in writing to extension of such period.

- D. Appeals of the Decisions of the Administrative Official. If an applicant disagrees with the disapproval or approval with modifications of his Sketch Plan by the Administrative Official, he may submit the Sketch Plan to the Planning Commission at its next regular meeting. The Planning Commission shall review the Sketch Plan at the meeting at which it is presented and act on the appeal with pertinent comments and recommendations noted in the minutes of the Planning Commission meeting.
- E. Distribution of Sketch Plan. Sketch Plans shall be distributed for purposes of notification to the following agencies and departments when appropriate:
 - 1. Administrative Official (file copy);
 - 2. County Health Department;
 - 3. County Engineer;
 - 4. City Engineer or Public Service District (if either is involved due to a tie-in to a water or sewer system);
 - 5. County Public Works Department; and
 - 6. Central Midlands Regional Planning Council
 - 7. Appropriate soil & erosion control agency.

In addition, one copy shall be returned to the applicant showing any modifications needed.

3-4 Preliminary Plat

- A. Application Procedure and Requirements. Based upon the approval of the Sketch Plan, the applicant should file with the Administrative Official an application for approval of a Preliminary Plat. The application shall:
 - 1. Be made on forms available at the office of the Administrative Official to the Planning commission together with a fee as set forth in Section 10 of these regulations.

2. Be accompanied by a minimum of seven (7) copies of the Preliminary Plat as described in these regulations.

3. Be accompanied by a minimum of seven (7) copies of Construction Plans as described in these regulations.

4. Conform in all respects with the Sketch Plan as approved.

B. Approval of Preliminary Plat. Upon determination by the Administrative Official that the Preliminary Plat conforms with the approved Sketch Plan, the Administrative Official shall submit an appropriate number of copies of the Preliminary Plat and construction Plans to the following agencies for review and approval:

1. County Health Department (If septic tanks or individual wells are involved):

2. City Engineer or Public Service District (If either is involved due to a tie-in to a public water and sewer system):

3. County Engineer:

4. County Public Works Department:

5. South Carolina Department of Health & Environmental Control Water Division (If a tie-in to or a new public water system is involved):

6. South Carolina Department of Health & Environmental Control Waste Water Division (If a tie-in to or a new public sewer system is involved); and

7. South Carolina Department of Health and Environmental Control Stormwater Management Division;

8. Central Midlands Regional Planning Council.

These reviewing agencies shall report their findings to the Planning Commission within thirty (30) days after receipt of Preliminary Plat. Upon receipt of reports from these reviewing agencies the Planning Commission shall give approval, approval with certain modifications, or disapproval of the Preliminary Plat, but in each case their action shall be taken within sixty (60) days after submission of the Preliminary Plat: otherwise, such plat shall be deemed to have been approved and a certificate to that effect shall be issued by the Planning Commission on demand: provided, however, that the applicant for Planning Commission's approval may waive this requirement and consent in

writing to an extension of such period. The grounds of disapproval of any Preliminary Plat shall be stated in the records of the Planning Commission.

It is expressly understood that the Planning Commission shall not act to override the requirements of other agencies or County Departments. It may, however, seek to bring agreement in case of conflicts between the various reviewing agencies, or a reviewing agency and the subdivider.

Any plat submitted to the Planning Commission shall contain the name and address of a person to whom notice of hearing may be sent; and no plat shall be acted upon by the Planning Commission without affording a hearing thereon, notice of time and place of which shall be sent by certified mail to said address not less than five (5) days before the date fixed therefore.

Any appeal shall be made to the County Council who shall at their discretion hear the appeal and made their decision known to the appellant and the Planning Commission. Any appeal to County Council must be in writing and filed with the County Council within ten (10) days after the notice of the decision of the Planning Commission has been delivered to the subdivider. The County Council must render its decision as to whether or not the appeal shall be heard within the twenty (20) day period thereafter. Failure to act by County Council within the twenty day period shall constitute a denial of the appeal and the ruling of the Planning Commission shall be the final administrative decision in the matter.

Approval of the Preliminary Plat shall be noted on the plat and certified by the Administrative Official to the Planning Commission on authorization by the Planning Commission. Also noted shall be the date on which the Planning Commission granted approval and the date of written notification to the subdivider or his authorized agent. *Approval of a preliminary subdivision plat shall not constitute approval of the final subdivision plat.* Application for approval of the final (record) plat will be considered only after the requirements for final plat approval as specified herein have been fulfilled and after all other specified conditions have been met. Upon approval of the preliminary subdivision plat by the Planning Commission, the subdivider may proceed with compliance of the other requirements of these regulations, construction of proposed improvements, and the preparation of the final subdivision plat.

- C. Effective Period of Preliminary Approval. The approval of Preliminary Plat shall be effective for a period of two (2) years at the end of which time final approval on the subdivision must have been obtained from the Planning Commission although the plat need not yet be signed and filed with the County Clerk of Court. Any plat not receiving final approval

within the period of time set forth therein shall be required to resubmit a new plat for preliminary approval subject to all new subdivision regulations.

Model Homes. For the purpose of allowing the early construction of model homes in a subdivision, the Planning Commission at its discretion may permit a portion of a subdivision involving not more than two (2) lots to be created in accordance with the procedures for exempted subdivisions, provided said portion derives access from an existing city, county or state highway, and provided no future road or other improvement is anticipated where said lots are proposed. Subsequent to approval of exemption, the model may be constructed, subject to such additional requirements that the Planning Commission may require.

3-5 Final Plat

- A. **Application Procedure and Requirements.** Following the approval of the Preliminary Plat and completion of all required improvements, if the improvements are not going to be bonded, the applicant shall file with the Administrative Official as application for final approval of a subdivision plat. The application shall:
1. Be made on forms available at the Office of the Administrative Official.
 2. Be accompanied by a minimum of eight (8) prints and one reproducible copy of the Final Plat, and
 - a. As-built drawing of sanitary sewers (if applicable) with grade, pipe sizes, and points of discharge.
 - b. As-built drawing of storm sewer system with grade, pipe sizes, and location of outlets.
 - c. As-built drawing of water system with pipe sizes and location of hydrants and valves.
 3. Comply in all respects with the Preliminary Plat as approved.
 4. Be accompanied by all formal irrevocable offers of dedication to the public of all streets, local government uses, utilities, park, and easements, in approved by the local government attorney; and the Final Plat shall be marked with a notation indicating the formal offers of dedication as follows:

The owner, or his representative, hereby irrevocably offers for dedication to the local government all the streets, local

government uses, easements, parks and required utilities shown in the subdivision plat and construction plans in accordance with an irrevocable offer of dedication dated _____, and recorded in the County Clerk of Court's Office.

By _____
(Owner or Representative)

Date _____

The applicant shall deliver a full covenant and warranty deed to all such lands in proper form for recording.

5. Be accompanied by the performance bond, if required, in a form *satisfactory to the local government attorney and in an amount established by the Planning commission upon recommendation of the County Engineer shall include a provision that the principal of the bond shall comply with all the terms of the resolution of Final Plat approval as determined by the Planning Commission and shall include, but not be limited to, the performance of all required subdivision and off-site improvements, and that all improvements and land included in the irrevocable offer of dedication shall be dedicated to the local government free and clear of all liens and encumbrances on the premises.*
6. Be accompanied by the following certificate signed by a registered South Carolina Engineer covering all required improvements which are not bonded:

I hereby certify that the streets, drainage system, sewer system, and water system in _____ Subdivision as shown on the Record Drawings dated _____, prepared by _____ have been installed in accordance with the Preliminary Plat and Construction Plans approved by the Fairfield County Planning Commission on _____, 19____.

SEAL

Registered Engineer

- B. Final Plat Approval. Upon determination by the Administrative Official to the Planning Commission that the Final Plat is in conformity with the Preliminary Plat as approved, the Administrative Official shall submit an

appropriate number of copies of the Final Plat and As-Built Drawings to the same agencies and county departments which reviewed and approved the Preliminary Plat.

These reviewing agencies shall report their findings to the Planning Commission within thirty (30) days after receipt of the Final Plat.

Upon Receipt of:

1. A report from the County Health Department that all lots are acceptable for installation of wells or a report from the City Engineer/Public Service District and the South Carolina Department of Health and Environmental Control water Division that the water system is acceptable for operation;
2. A report from the County Health Department that all lots are acceptable for installation of an individual sewage disposal system or a report from the City Engineer/Public Service District and the South Carolina Department of Health and Environmental Control Waste Water Division that the waste water system is acceptable for operation: and
3. A report from the County Engineer and the County Public Works Department that all streets and drainage facilities have been properly installed in accordance with the Preliminary Plat:

Or upon approval of a bond for completion of improvements by the County Council, the Planning Commission shall give approval, approval with modifications, or disapproval of the Final Plat. When bond is used in lieu of completion of improvements the Planning Commission shall stipulate the the period of time within when all of the required improvements shall be installed and approved by the appropriate agencies. In no event shall this time be longer than two (2) years. *Final acceptance will be based on a satisfactory on-site inspection by the County Engineer and reported in writing to this Planning Commission.*

In each case the Planning Commission shall act on a Final Plat within sixty (60) days after the date of application; otherwise, such plat shall be deemed to have been approved and a certificate to that effect shall be issued by the Planning Commission on demand; provided, however, that the applicant may waive this requirement and consent in writing to the extension of such period. The grounds of disapproval of any plat shall be stated upon the records of the Planning Commission. No plat shall be acted upon by the Planning Commission without affording a hearing thereon, notice of time and place of which shall be sent by registered or certified mail to the address provided by the applicant not less than five (5) days before the time of the hearing.

It is expressly understood that the Planning commission shall not act to override the requirements of other agencies or County Departments. It may, however, seek to bring agreement in cases of conflict between the various reviewing agencies, or a reviewing agency and the subdivider. In no case shall the Planning Commission disapprove a Final Plat of a subdivision which:

1. Meets the requirements of a Final Plat as set forth in the regulations, and
2. Conforms to an approved Preliminary Plat, and
3. Has all the required improvements installed and approved.

Any appeal shall be made to the County Council who shall at their discretion hear the appeal and make their decision known to the appellant and the Planning Commission. Any appeal to the County Council must be in writing and filed with County Council within ten (10) days after the notice of the decision of the Planning Commission has been delivered to the subdivider. The County Council must render its decision as to whether or not the appeal shall be heard within twenty (20) days thereafter. Failure to act by County Council within the twenty (20) day period shall constitute a denial of the appeal and the ruling of the Planning Commission shall be the final administrative decision in the matter.

- C. Certificate of Approval for Recording. Upon approval of the Final Plat by the Planning Commission, the following statement will be placed on the Final Plat by the Administrative Official and two (2) copies of the plat returned to the subdivider:

The subdivision plat shown hereon has been found to comply with the Fairfield County Land Development Regulations and has been approved for recording in the Office of the Clerk of Court of Fairfield County, South Carolina.

_____ 19 _____

_____ Title _____

- D. Recording of Final Plat. It shall be the responsibility of the Administrative Official to file the plat with the County Clerk of Court's Office within thirty (30) days of the date of signature.

- E. Staging of Major Subdivisions. The Planning Commission may grant Final Plat approval to sections of a subdivision shown on an approved Preliminary Plat which meet all the previously mentioned requirements of this ordinance if such sections, in the opinion of the Planning Commission, are adequately served by all utilities, a storm drainage system and street system, even if no other sections of the subdivision are developed.
- F. Final Plat Revision. If it should become necessary to revise a final plat due to a dimensional error, a revised plat shall be submitted to the County Clerk for final recording after the Planning Commission has approved and signed the revised plat.

3-6 Federal Housing Administration or Farmers home Administration Approval

In the event the subdivider plans to secure approval of his subdivision design by the Federal Housing Administration and/or the Farmers Home Administration, it is suggested that such approval be secured prior to submission of a preliminary plat to the Planning Commission.

3-7 Flood Plain Restrictions

No portion of a subdivision shall be approved for construction which is subject to inundation by a flood of one hundred-year frequency or less unless such portion of the subdivision is filled or otherwise protected to raise the elevation to at least one foot above the one hundred-year frequency flood elevation. Such fill or other protection shall not encroach on the required floodway or street. The elevation of the fill or adequacy of other protection shall be certified by a registered engineer or land surveyor before approval of the Final Plat.

3-8 Wetlands

No portion of a subdivision shall be approved for construction which is in a designated wetland without prior approval from, and subject to the restrictions of, the U.S. Corps of Engineers.

3-9 Prohibition

The Clerk of Court of Fairfield County shall not accept, file, or record any subdivision plat, plat of a group development, planned until development or experimental development unless such plat has been duly approved by the Fairfield County Planning Commission. Should any public official violate the provisions of this section he shall in each instance be subject to the penalties stated in Section 10 of these regulations.

3-10 Street Naming

The Fairfield County Planning Commission shall approve and authorize the name of any street or road laid out within Fairfield County on any subdivision plat or group development subject to review and approval by said Planning Commission. It shall be unlawful for any person in laying out any new street or road to name such street or road on any plat, by any marking, or in any deed or instrument without first getting the approval of the Planning Commission. Any person violating this provision shall be guilty of a misdemeanor punishable by the terms of Section 9 of these regulations.

3-11 Variances

When, due to the peculiar shape of topography of a tract of land or other unusual physical characteristics, it is impractical for a developer to comply with the literal interpretations of the design requirements of these regulations, the Planning Commission shall be authorized to vary such requirements provided the intent and purpose of these regulations are not violated.

SECTION 4

SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED FOR TRADITIONAL SUBDIVISIONS

4-1 Application for Exemption

- A. Application for Exemption shall be requested at the Office of the Administrative Official. This application will request the following information and may be filled out by the Administrative Official:
1. Name of the applicant.
 2. Address of the applicant.
 3. Tax Map Number
 4. Phone number of the applicant.
 5. Location of the property to be subdivided.
 - a. Public street on which the property is located.
 - b. Location on road map of the County which the Administrative Official shall provide.
 6. Features of the property.
 - a. Total acreage of the tract to be subdivided:
 - b. Number of lots proposed :
 - c. Shape, dimension, and total acreage of each lot proposed:
 - d. Arrangement of lots proposed:
 - e. Health Department approval of each lot to be subdivided.
- B. The subdivider may, and is encouraged to, submit a surveyed plat or freehand sketch of the tract he plans to subdivide. This sketch or plat may include information on the area of the tract, adjacent roads, existing roads, dimensions of the tract, and area, dimensions, and arrangement of lots.

Sketch Plan

Sketch Plans submitted to the Planning Commission, prepared in pen or pencil, shall be drawn to a convenient scale of not less than 200 feet to one inch (depending upon the lot sizes and total acreage to be subdivided) and shall show the following information:

1. Name
 - a. Name of subdivision if property is within an existing subdivision.
 - b. Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded.
 - c. Name of property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known.)
2. Ownership
 - a. Name and address, including telephone number, of legal owner or agent of the property involved in the subdivision.
 - b. Name and address, including telephone number, of the professional person(s), if any, responsible for the subdivision's design, or for the design of any public improvements, and for the surveys.
3. Location

A vicinity map at a scale of not less than one inch equals two miles showing the relationship of the proposed subdivision to surrounding development. The scale of the vicinity map should be shown, as well as a north arrow.
4. Features
 - a. Total acreage in the tract to be subdivided.
 - b. Location of property lines, existing easements, railroad right-of-ways, water courses and existing buildings.
 - c. Location of all existing or platted streets or other public ways within or adjacent to the tract.

- d. Names of any adjoining subdivisions.
 - e. Approximate location, widths, and classification of proposed streets, including width of right-of-ways.
 - f. Approximate location, dimensions, and area of all proposed or existing lots.
 - g. Existing and proposed uses of land throughout the subdivision.
 - h. Existing uses of land surrounding the subdivision.
 - i. The approximate location and dimensions of any parcels of land proposed to be set aside for a park, playground, or other public use, or for the common use of property owners in the proposed subdivision with designation of the purpose thereof.
 - j. Location of lakes, swamps, and land subject to flood, based on a one hundred-year frequency flood.
 - k. Topography in terms of mean sea level by contours at vertical intervals of not more than five (5) feet. (The Planning Commission's Administrative Official may accept vertical intervals of not more than ten (10) feet or waive the requirement where existing topographic mapping is not available at five (5) feet contours and the terrain of the proposed subdivision is not of major significance.)
 - l. Location of city limit lines and county lines, if applicable.
- B. The subdivider may, and is encouraged to, submit a sketch plan of the entire tract he plans to ultimately develop, even though his present plans call for the actual development of only a part of the property.
- C. A site evaluation of the development, including a soil survey and interpretations conducted or approved by the County Soil and Water Conservation District as described herein, shall be submitted as an integral component of the Sketch Plan.

The developer of the subdivision shall apply to the Soil and Water Conservation District to do the required site evaluation and soil survey and interpretations. If the staff of the Conservation District determines that it cannot perform the site evaluation within 30 days of the application, then the developer may contract with a registered engineer, landscape architect or professional soil conservationist to perform the site

evaluation. This site evaluation must then be submitted to the staff of the Conservation District for approval. The staff shall review the site evaluation within 15 days of its submission.

It is suggested that the subdivider obtain a site evaluation, including a soil survey and interpretations, and use it as an aid in the development of his Sketch Plan.

4-3 Preliminary Plat

- A. *The Preliminary Plat shall be prepared by a South Carolina Registered Land Surveyor at a convenient scale of not less than one inch equals 200 feet; adjustable depending upon lot sizes and total acreage.*
- B. The Preliminary Plat shall include the following:
 1. Name
 - a. Name of subdivision if property is within an existing subdivision.
 - b. Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded.
 2. Ownership
 - a. Name and address, including telephone number of legal owner or agent of the property involved in the subdivision.
 - b. Name and address, including telephone number of the professional person(s) responsible for the subdivision's design, or for the design of any public improvements, and for the surveys.
 3. Location

A vicinity map at a scale of not less than one inch equals two miles showing the relationship of the proposed subdivision to surrounding development. The scale of the vicinity map should be shown, as well as a north arrow.
 4. Features
 - a. Total acreage in the tract to be subdivided.

- b. Graphic scale, north point, and date. The north point shall be identified as magnetic, true, or grid north.
- c. Boundaries of the tract to be subdivided with all bearings and distances indicated. The boundary survey shall be to such a degree of accuracy that the error of closure is not greater than 1:5000.
- d. The following conditions:
 - 1. Topography by contours at vertical intervals of not more than five (5) feet.
 - 2. Deed record names of adjoining property owners.
 - 3. Names of any adjoining subdivisions.
 - 4. Property lines within and adjoining the subdivision.
 - 5. Location and right-of-way of all existing or platted streets or other public ways, railroads, easements, water courses and buildings either on or adjacent to the property to be subdivided. Specify whether utility lines are in easements or right-of-ways and show location of poles or towers.
 - 6. Location of city limits and county lines, if applicable.
 - 7. Location of streams, lakes swamps, and land subject to flood, based on a one hundred-year frequency flood. Those lots so affected shall be identified and noted on the plat.
 - 8. Location of existing adjoining property lines.
 - 9. In case of re-subdivisions, a copy of existing plat with proposed re-subdivisions superimposed thereon.
 - 10. Size and location of existing sewers, water mains, drains, culverts or other underground facilities within the street or within the right-of-way of streets or roads adjoining the tract. Grades and invert elevations of sewers shall be shown.

11. The acreage of each drainage are affecting the proposed subdivision .
12. All elevations shall refer to Mean Sea Level Datum (if available) where public water and/or public sewers are to be installed.

e. The following proposed conditions:

1. The location, width, classification and proposed name of all proposed streets, alleys, and other public ways. This should include the width of both the paved surface and the right-of-way.
2. The location and width of all utility and other types of easements.
3. The location, dimensions and building setback lines of all proposed lots.
4. The location and dimensions of all property proposed to be set aside for a park, playground, or other public use, or for the common use of property owners in the proposed subdivision with designation of the purpose thereof and conditions, if any, of the dedication or reservation.
5. Sufficient data acceptable to the County Engineer to determine readily the location, bearing and length of all lines, and to reproduce such lines upon the ground: the location of all proposed monuments.
6. Indication of the use of all lots (single family, two family, multi-family, townhouse, offices, commercial, warehousing, industrial, etc.)
7. Blocks shall be consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively throughout the several additions.
8. All lots in each block shall be consecutively numbered.
9. Total number of lots and total length of new streets.

- C. The Preliminary Plat shall be presented in a similar format to the one on the accompanying sheet. All dimensions shall be shown to the nearest one-tenth of a foot and angles to the nearest minute.

4-4 Construction Plans

- A. General - Construction plans 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. The Construction Plans shall include the following if such an improvement is proposed in the subdivision.
 - 1. Profiles showing existing and proposed elevations along the center lines of all new roads. The elevation along the center lines of existing roads shall be shown within one hundred (100) feet of their intersection with new roads. Approximate radii of all curves, lengths of tangents, and central angles on all streets.
 - 2. Where steep slopes exist, the County Engineer may require that cross-sections of all proposed streets at one-hundred foot stations shall be shown at five (5) points as follows: On a line at right angles to the center line of the street, and said evaluation points shall be at the center of the street, each property line, and points twenty-five (25) feet inside each property line.
 - 3. Plans and profiles showing the locations and typical cross-section of streets payments including curbs and gutters, sidewalks, drainage easements, rights-of-ways, 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, storm water drains, and fire hydrants, showing connection to any exact location and size of all water, gas, or other underground utilities or structures.
 - 4. Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drain, 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 subdivision. The water elevations of adjoining lakes or streams at the date of the survey and the approximate 100 year flood elevations of such lakes or streams. All elevations shall be referred to the Mean Sea Level Datum where public water and/or public sewers are to be installed.

5. The acreage of each drainage area affecting the proposed subdivision.
6. Topography at a contour interval of two (2) feet, referred to sea level datum when public water and/or public sewers are to be installed or portions(s) of the subdivision would be inundated by a 100-year frequency flood.
7. All specifications and references required by the construction standards and specifications of Fairfield County, any other local government providing any utility, and the Department of Health and Environmental Control or the County Health Department.
8. A site grading plan showing proposed finished contours when any major contour changes or filling for flood protection are proposed in the subdivision.
9. Title, name and address, telephone and signature of South Carolina Registered Engineer and Surveyor responsible for the plans and date, including revision dates.

4-5 Final Plat

- A. General - The Final Plat shall be prepared by a South Carolina Registered Land Surveyor at the same scale and containing the same information, except for any changes or additions required by the Planning Commission, as shown on the Preliminary Plat; except that final finished contours and the resultant areas subject to inundation by a 100 year flood shall be shown. The Preliminary Plat may be used as the Final Plat if it meets these requirements and is revised in accordance with the the requirements of the Planning Commission. All revision dates must be shown as well as the following:
 1. Name of owner of record.
 2. Name of subdivision, date, north arrow, and graphic scale.
 3. Name, registration number, and seal of registered surveyor or civil engineer.
 4. Name of municipality or county in which subdivision is located and location map.
 5. Sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement, boundary line, and building line whether curved or straight. This shall include the radius, point of

tangent, and other data for curved property lines and curved streets, to an appropriate accuracy and in conformance with good surveying practice.

6. Names of owners of record of all adjoining land and all property boundaries, water courses, streets, easements, utilities and other such improvements, which cross or form any boundary line of the tract being subdivided.
7. Exact boundaries of the tract of land being subdivided shown with bearing and distances.
8. Streets and alleys, rights-of-way, percent of grades and street names.
9. Rights-of-ways or easement: location, widths and purposes.
10. Lot lines, minimum building setback lines, and lot and block numbers.
11. Parks, school sites, or other public open spaces, if any.
12. All dimensions shall be as required by "Minimum Standards for the Practice of Land Surveying in South Carolina."
13. Accurate description of the location of all monuments and markers.

B. The following signed certificates shall appear on the Final Plat which is submitted to the Planning Commission by the subdivider.

1. Certificate of Accuracy

I hereby certify that the plan shown and described hereon is a true and correct survey to the accuracy required by the Fairfield County Subdivision Regulations and the monuments shown have been placed to the specifications set forth in said regulations.

_____, 19____

Registration No. _____

Registered Land Surveyor

2. Certificate of Ownership and Dedication

It is hereby certified that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby dedicate all streets, alleys, walks, parks, and other sites to public or private use as noted.

Date

Owner

Owner

3. The following signed certificate:

I hereby certify that the streets, drainage system, sewer system and water system in _____ subdivision as shown on the Plat dated _____, prepared by _____ has been installed in accordance with the Preliminary Plat (construction drawings) approved _____.

SEAL

Registered Engineer

SECTION 5

REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS AND DESIGN OF TRADITIONAL SUBDIVISIONS

5-1 General Improvements

- A. Conformance to Applicable Rules and Regulations. In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules and regulations:
1. All applicable statutory provisions.
 2. All other applicable laws of the appropriate jurisdiction.
 3. The Official Master Plan, Official Map, Public Utilities Plan, and Capital Improvements Program of the local government, including all streets, drainage systems, and parks shown on the Official Map or Master Plan as adopted.
 4. The special requirements of these regulations and any rules of the Health Department and/or appropriate state agencies.
 5. The rules of the State Department of Highways and Public Transportation if the subdivision or any lot contained therein abuts a state highway or connecting street.
 6. The standards and regulations adopted by the County Engineer and all boards, commissions, agencies and officials of Fairfield County.
 7. Plat approved may be withheld if a subdivision is not in conformity with the above guides or policy and purposes of these regulations established in Section 1-1 of these regulations.
- B. Self-Imposed Restrictions. If the owner places restrictions on any of the land contained in the subdivision greater than those required by these regulations, such restrictions or reference thereto may be required to be indicated on the subdivision plat, or the Planning Commission may require that restrictive covenants be recorded with the County Clerk of Court in form to be approved by the Fairfield County Attorney.
- C. Plats Straddling Municipal Boundaries. Whenever access to the subdivision is required across land in another local government, the Planning Commission may request assurance from the County Attorney that access is legally established, and from the County Engineer that the

access road is adequately improved, or that a performance bond has been duly executed and is sufficient in amount to assure the construction of the access road. In general, lot lines should be laid out so as not to cross municipal or county boundary lines.

- D. **Monuments.** A steel or wrought iron water pipe or reinforcing rod not less than one-half (1/2) inch in diameter and 24 inches in length, be set at each change in direction of the boundary survey of the subdivision, excluding water courses, and at all lot corners. A monument shall also be set at a point of curve, point of intersection, property corner, point of tangency and reference point. All markers shall be driven to within four (4) inches of the finished grade or flush as conditions may require.
- E. **Subdivision Name.** The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Planning Commission shall have final authority to designate the name of the subdivision which shall be determined at sketch plan approval.
- F. **Natural Gas.** When gas lines are located in a street right-of-way, where possible, such lines shall be located outside the portion of the street to be surfaced to prevent having to cut into the paved surface to serve abutting properties.
- G. **Street Name Signs.** Street name signs shall be installed at all intersections within a subdivision. The location and design shall be approved by the appropriate official.
- H. **Sediment Control.** The Fairfield County Engineer shall review subdivision proposals to insure conformance with the Sediment Control Ordinance for Fairfield County, South Carolina.

5-2 Lot Improvements

- A. **Lot Arrangement.** The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with Health-Regulations and in providing driveway access to buildings on such lots from an approved street.
 - 1. **Lot width.** The minimum lot width shall be as shown on the following table. In the case of lots fronting on the turn-around of a cul-de-sac, the width between side lot lines where they intersect with the street right-of-way shall not be less than 25 feet. Corner lots shall be at least five (5) feet wider than interior lots; provided, however, the maximum required width of a corner lot shall be one hundred (100) feet.

2. Minimum Lot Dimensions and Area, the minimum lot width at the front building line and minimum lot area shall be as shown in the following schedule unless the Health Department requires greater lot dimensions area.

Dwelling Type	Utilities Available	Minimum Width of lot at Minimum Building Setback Line (ft)	Minimum Area (Sq. Ft.)
Single-family	Public Water Public Sewerage	60	7,500
	Public Water Private Sewerage	60	*
	Private Water Private Sewerage	a. 100 b. 200	*
Duplex	Public Water Public Sewerage	60	10,000
Multi-family	Public Water**		5,000 for first family, 2,500 for each additional family.
	Public Sewerage**	100	

* As approved by the Health Department

** Required

- a. For lots fronting on an urban residential street, the minimum width of the lot at the lot at the minimum building setback line will be no less than 100 feet, however, an alternate minimum width of 150 feet existing within 400 feet of the front property line may be used, but that portion of the lot which provides access to the buildable portion of the lot shall be no less than 50 feet at any time.
- b. For lots fronting on any street which does not at least meet the standards of an urban residential street, the width of the lot at the minimum building setback line will be no less than 200 feet except for those lots fronting directly on cul-de-sacs which shall have a minimum of 60 feet of frontage each. The further subdivision of these lots must be prohibited by recorded deed restrictions which can only be released by County Council.

- D. Street Access. All lots hereafter established shall front or abut on a street; either an existing public street, or new streets which conforms to the requirements of these regulations. There shall be no private streets platted in any subdivision, except as permitted in Section 6.

SEE
PG. 42

- E. Lot Drainage. Lots shall be laid out so as to provide positive drainage coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.
- F. Fencing. Each subdivider and/or developer shall be required to furnish and install fences wherever the Planning Commission determines that a hazardous condition may exist. The fences shall be constructed according to standards established by the County Engineer and shall be noted as to height and material on the Final Plat. No Final Plat shall be approved until said fence improvements have been duly installed.
- G. Water-bodies and Watercourse. If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the fees of adjacent lots. The Planning Commission may approve an alternative plan whereby the ownership of an responsibility for safe maintenance of the water body is so placed that it will not become a local government responsibility. No more than twenty-five percent (25%) of the minimum area of a lot required under this ordinance may be satisfied by land which is under water. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for installation of a culvert or other structure, of design approved by the County Engineer.
- H. Easement. Easements having a minimum width of ten (10) feet and located along the side or rear lot lines shall be provided as required for utility lines and underground mains and cables.

5-3 Streets

- A. General Requirements.
 - 1. Frontage or Improved Streets. No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street which is:
 - a. An existing state, county or city owned and maintained street; or
 - b. A street shown upon a plat approved by the Planning Commission and recorded in the County Clerk of Court's Office. Such street or highway must be suitable improved as required by these regulations and specifications, or be secured by a performance bond required under these subdivision regulations with the width and right-of-way required by these subdivision regulations.

2. Grading and improvement Plan. Roads shall be graded and improved and conform to the local government construction standards and specifications and shall be approved as to design and specifications the County Engineer in accordance with the construction plans required to be submitted prior to Final Plat Approval.
3. Topography and Arrangement.
 - a. Roads shall be related appropriately to the topography.
 - b. Minor streets shall be curved whenever possible to avoid uniformity of lot appearance. All streets shall be arranged so as to obtain as many as possible of the building sites at or above the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. Specific standards are contained in the design standards of these regulations.
 - c. The location and width of all proposed streets shall be in conformity with official plans and maps and with existing amended plans of the Planning Commission.
 - d. All thoroughfares shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.
 - e. Minor streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
 - f. The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, cul-de-sacs, or u-shaped streets shall be encouraged where such will result in a more desirable layout.
 1. The street layout of the proposed subdivision shall provide for the continuation or projection of streets already existing in areas adjacent to the area being subdivided unless the Planning Commission deems

such continuation or extension undesirable for specific reasons of topography or design.

2. Where, in the opinion of the Planning commission, it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundaries of such properties. Where the Planning Commission deems it necessary, such dead-end streets shall be provided with an approved temporary turnaround having a radius of at least forty (40) feet.

3. The street system for the proposed subdivision shall provide for extending existing streets at the same or greater width, but in no case shall a street extension be of less width than the minimum width required in these regulations for a street in its category.

h. In business and industrial developments, the streets and other access-ways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic including pedestrian.

4. Blocks.

a. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads, or waterways.

b. The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed two thousand (2000) feet, nor be less than four hundred (400) feet in length. Wherever practicable, blocks along major arterial and collector streets shall be not less than one thousand (1000) feet in length.

c. In long blocks, the Planning Commission may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.

- d. Pedestrian-ways or crosswalks, not less than ten (10) feet wide, may be required by the Planning Commission through the center of blocks more than eight hundred (800) feet long where deemed essential to provided circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.
 - e. Blocks designed for industrial uses shall be of such length and width as may be determined suitable by the Planning Commission for prospective use.
5. Access to Primary Arterial. Where a subdivision borders on or contains an existing or proposed primary arterial, the Planning Commission may require that access to such streets be limited by one of the following means:
- a. The subdivision of lots so as to back onto the primary arterial and front onto a parallel local street; no access shall be provided from the primary arterial, and screening shall be provided in a strip of land along the rear property line of such lots.
 - b. A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the major arterial.
 - c. A marginal access or service road (separated from the primary arterial by a planting or grass strip and having access thereto at suitable points).
6. Street Names. Street or roads that are extensions of or obviously in alignment with existing named streets shall bear that name, the names of new streets and roads shall be subject to the approval of the Administrative Official to the Planning Commission and shall not duplicate or be similar in sound to existing names, irrespective of the use of the suffix street, avenue, circle, way, boulevard, drive, place, or court, or the like.
7. Reserve Strips.
- a. The creation of reserve strips shall not be permitted adjacent to a proposed street in such a manner as to deny access from adjacent property to such street.
 - b. Reserved strips at the terminus of a new street shall be prohibited.

- c. Reserve strips should not be confused with buffer zones created for the purpose of landscaping and land use divisions. Minimum width of buffer zones shall be 25 feet.
8. Dead-End Streets (Permanent). Where a road does not extend to the boundary of the subdivision and its continuation is not required by the Planning Commission for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with County construction standards and specifications. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, be limited in length in accordance with the design standards of these regulations.
9. Alleys. Service alleys or drives may be required in multiple dwellings, commercial and industrial developments and shall have a minimum surface treatment width of fifteen (15) feet, but shall not be provided in one and two family residential developments unless the subdivider provides evidence satisfactory to the Planning Commission of the need for alleys.

B. Design Standards.

1. General. In order to provide for streets of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, fire fighting, sanitation and road maintenance equipment, and to coordinate so as to compose a convenient system and avoid undue hardships to adjoining properties, the following design standards for streets are hereby required. At a minimum, all new local streets and road improvements shall conform with the minimum design criteria outlined in A Policy on Geometric Design of Highways and Streets, American Association of State Highway and Transportation Officials, 1990. If conflicts arise, the more restrictive standard shall prevail.

(Street classification may be indicated on the Major Thoroughfare Plan, or Official Map; otherwise, it shall be determined by the Planning Commission.)

Improvement	Rural residential	Urban residential	Non-residential
Minimum Right-of-Way width (ft)			
Minor street	50	50	66
Collector street	66	66	66

Note: Right-of-Way Widths greater than "minimum" are encouraged because they make for a safer, more aesthetic and more "comfortable" facility and permit future roadway widening without disrupting abutting property.

Improvement	Rural residential	Urban residential	Non-residential
Minimum finished surface width (ft) (b,c,d)			
Minor street	22 (a,e)	26 (a,e)	32
Collector street	26 (a,e)	32 (a,e)	36

See notations on next page.

- (a) Pavement widths shown do not provide for on-street parking; service lanes are intended only for loading and unloading of passengers and goods and for disabled vehicles and not for the storage of vehicles.
- (b) An eighteen inch (18") wide grass strip should be provided between the right-of-way boundary and the outside edge or back of any sidewalk constructed within the right-of-way. This arrangement will permit the placing of utility poles back of the sidewalk and at the same time retain a grass strip between the sidewalk and the curb or edge of pavement; both of these features are highly desirable, particularly from a safety viewpoint
- (c) Measured from the back of each curb or from the low point of valley gutter to low point of valley gutter.
- (d) Road surfaces on collector streets in residential developments shall be as required in "Road Improvement Policy, Fairfield County, South Carolina". All roads in nonresidential developments and all collector streets shall be hard surfaced (Portland cement concrete, asphaltic concrete, or bituminous wearing).
- (e) Measured from edge of paving to edge of paving when a typical State Highway Department local road or street section is used.

Primary and Secondary Arterial design standards are as required by the Major Thoroughfare Plan or Official Map and the South Carolina Department of Highways and Public Transportation. Normally, such streets will require reservation or dedication of right-of-way by the subdivider and improvements by others.

2. Road Surfacing and Improvements. After sewer and water utilities have been installed by the developer, the applicant shall construct curbs and gutter or valley gutters and shall surface or cause to be surfaced roadways to the widths prescribed in these regulations. Said surfacing shall be of such character as is suitable for improvements in the surrounding areas. Types of surface shall be as determined by the County Engineer. Adequate provision shall be made for culverts, drains and bridges.

Improvement	Rural residential	Urban residential	Non-residential
Maximum Grade (%)			
Minor street	15	15	12
Collector street	10	10	10
Min. radius of curve (ft)			
Minor street	150	150	200
Collector street	300	300	350
Min. length of tangents between reverse curves			
Minor street	100	100	200
Collector street	300	300	300
Min. sight distance (ft) (10 ft. per 1 MPH posted speed *)			
Minor street	250	300	300
Collector street	350	350	350
Maximum design speed (MPH)			
Minor street	25	30	30
Collector street	35	35	35
Minimum turnaround (diameter in feet)			
Cul-de-sac (right-of-way)	100	100	120
Cul-de-sac (pavement width)	80	80	100
Cul-de-sac (pavement width, center island optional)	20	20	30

* American Association of State Highway and Transportation Officials (AASHTO) guidelines.

All road surfaces, shoulders, drainage improvements and structures curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications adopted by the Planning Commission, County Engineer, or Governing Body and shall be incorporated into the construction plans required to be submitted by the developer for plat approval.

3. **Excess Right-of-way.** Right-of-way widths in excess of the standards designated in these regulations shall be required whenever, due to topography additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of two to one.
4. **Railroad and Limited Access Highway.** Railroad rights-of-way and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows:
 - a. In residential districts a buffer strip at least 25 feet in depth, in addition to the normal depth of the lot required in the district, shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat; "This strip is reserved for screening. The placement of structure here is prohibited."
 - b. In districts zoned for business, commercial, or industrial uses, the nearest street extending parallel or approximately parallel to the railroad shall, whenever practicable, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.
 - c. Streets parallel to the railroad when intersecting a street which crosses the railroad at grade shall, to the extent practicable, be at a distance of at least 150 feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.
5. **Intersections.**
 - a. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be

approximately at right angles for one hundred (100) feet from the center line of the through street. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Planning Commission.

- b. Proposed new intersection along one side of an existing street shall, whenever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with center line offsets of less than one hundred and fifty (150) feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where opposing streets intersect collector streets, their alignment shall be continuous. Intersection of streets shall be at least eight hundred (800) feet apart.
 - c. Minimum curb radius at the intersection of two (2) minor streets shall be at least twenty (20) feet; and minimum curb radius at an intersection involving a collector street shall be at least twenty-five (25) feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.
 - d. Intersections shall be designed with a flat grade whenever practical. In hilly or rolling area, at the approach to an intersection, a leveling area shall be provided having not greater than a three percent (3%) rate at a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting street.
 - e. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.
 - f. The cross-slopes on all streets, including intersections, shall be not greater than three percent (3%) and no less than one-half of a percent (0.5%).
6. **Bridges.** Bridges of primary benefit to the applicant, as determined by the Planning Commission, shall be constructed at the full expense of the applicant and meet the design requirements of the County Engineer.

C. Road Dedications and Reservations.

1. New Perimeter Streets. Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the subdivider. The Planning Commission may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width within his own subdivision boundaries.
2. Widening and Realignment of Existing Roads. Where a subdivision borders an existing narrow road or when the Master Plan or Official Map indicate plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant shall be required to improve and dedicate at his expense such area for widening or realignment of such roads. Such frontage roads and streets shall be improved and dedicated by the applicant at his own expense to the full width as required by these subdivision regulations.
3. When a subdivision contains a part or all of the proposed location of a new street shown in the local governments major thoroughfare plan, the necessary right-of-way shall be reserved for this new street and the design of the subdivision shall reflect the future existence of this street. Dedication of this right-of-way shall not count in satisfying the setback and lot size requirements of this ordinance.

5-4 Drainage and Storm Sewers

- A. General Requirements. The Planning Commission shall not approve any plat of subdivision which does not make adequate provision for storm or flood water runoff channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system. Storm sewers, where required, shall be designed by the Rational Method, or other methods as approved by the County Engineer, and a copy of design computations shall be submitted along with plans. Inlets shall be provided so that surface water is not carried across or around any intersection.

When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point and basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each block.

B. Nature of Storm Water Facilities.

1. Location. The applicant may be required by the Planning Commission to carry away by pipe or open ditch any spring or surface water that may exist either previously to or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the local government's standards and specifications.
2. Storm Water Management. Managing stormwater is both fiscally and politically sound when approached as a preventive strategy. Controlling the flow of stormwater helps to improve groundwater recharge, reduce sedimentation, and enhances overall water quality. Additional objectives that can be achieved from controlling stormwater runoff can be found in the following table.

Objectives of Controlling Stormwater Runoff	
•	To prevent the degradation of property by enhancing the environmental character and quality of streams.
•	To prevent damages to life and property from flooding resulting from excessive rates and velocities of runoff.
•	To reduce public expenditures for replacement or repair of public facilities resulting from artificially induced flood peaks.
•	To enhance the quality of non-point source runoff by water retention measures.
•	To prevent degradation of stream quality due to impairment of the stream's biological system.
•	To prevent degradation of the stream caused by excessive flushing and sedimentation.
•	To maintain natural stream channels and prevent accelerated bank erosion by controlling the rate and velocity of runoff into streams. ¹

¹ South Branch Watershed Association, et. al., "Municipal Stormwater Management", Lebanon, NJ. (n.d.)

3. Accessibility to Public Storm Sewers.
 - a. Where public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the specifications of the County Engineer. Inspection of facilities shall be conducted by the County Engineer.
 - b. If a connection to a public storm sewer will be provided eventually, as determined by the County Engineer and the Planning Commission, the developer shall make arrangements for future storm water disposal by a public utility system at the time the plat receives final approval. Provision for such connection shall be incorporated by the inclusion in the performance bond required for the subdivision plat.
4. Accommodation of Upstream Drainage Areas. A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The County Engineer shall determine the necessary size of the facility based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development expected in the Master Plan.
5. Effect on Downstream Drainage Areas. The County Engineer shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Local government drainage studies together with such other studies as shall be appropriate shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Planning Commission may withhold approval of the subdivision until provision has been made for the improvement of said potential condition in such sum as the Planning Commission shall determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

C. Dedication of Drainage Easements.

1. General Requirements. Where a subdivision is traversed by a water-course, drainage-way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and of such width and construction, or both, as will be adequate for the purpose. Wherever possible, it is desirable that the drainage easement be maintained by an unobstructed channel, free of encroachments that could decrease the flood-carrying capacity of flood plains, increase flood heights, or otherwise aggravate flood problems. Trees and brush which shade streams and stabilize the banks should not be disturbed.
2. Drainage Easements.
 - a. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road right-of-ways, perpetual unobstructed easements at least twelve (12) feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.
 - b. When a proposed drainage system will increase the maximum flow of water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
 - c. The applicant shall dedicate drainage or conservation easements on both sides of existing watercourses to a distance to be determined by the Planning Commission.
 - d. Low-lying lands along watercourses subject to flooding or overflowing during storm periods, included in areas for dedication, shall be retained as drainage ways.
- D. Other Requirements. Additional requirements for controlling stormwater runoff may be found in the Fairfield County Sediment and Erosion Control Ordinance. Developers should refer to that document to ensure compliance with all applicable regulations.

5-5 Water Facilities

- A. General Requirements.

1. Necessary action shall be taken by the applicant to extend an existing public water system for the purpose of providing a water supply system capable of providing domestic water use and fire protection.
2. Where a public water main is accessible, the subdivider shall install adequate water facilities (including fire hydrants) subject to the specifications of the state or local authorities. All water mains with fire hydrants shall be at least six (6) inches in diameter.
3. Water main extensions shall be approved by the officially designated agency of the state or local government.
4. To facilitate the above, the location of all fire hydrants, all water supply improvements, and the boundary lines of proposed districts, indicating all improvements proposed to be served, shall be shown on the preliminary plat, and the cost of installing same shall be included in any bond to be furnished by the developer.
5. When the water main is located under the street surface to serve the abutting lots, a connection shall be stubbed out to the property line to serve each lot before the street is surfaced.

B. Individual Wells and Central Water Systems.

1. In rural residential subdivisions, at the discretion of the Planning Commission, if a public water system is not available, individual wells may be used or a central water system provided in such a manner that an adequate supply of potable water will be available to every lot in the subdivision. Individual wells and central water systems shall be approved by the appropriate health authorities. Orders of approval shall be submitted to the Planning Commission.
2. If the Planning Commission requires that a connection to a public water main be eventually provided as a condition to approval of an individual well or central water system, the applicant shall make arrangements for future water service at the time the plat received final approval. Performance or cash bonds may be required to insure compliance.

- C. Fire Hydrants.** Fire hydrants shall be required for all subdivisions except those coming under Section 5-5B. Fire hydrants shall be located no more than one thousand (1000) feet apart and within five hundred (500) feet of any structure and shall be approved by the applicable protection unit. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply

improvements shall be installed before any final paving of a street shown on the subdivision plat.

5-6 Sewerage Facilities

- A. **General Requirements.** The applicant shall install sanitary sewer facilities in a manner prescribed by the local government construction standards specifications. All plans shall be designed in accordance with the rules, regulations, and standards of the County Engineer, Health Department, and other appropriate agency. Plans shall be approved by the above agencies.
- B. **Central Sewerage System Requirements.**
1. Where a public sanitary sewerage system is reasonable accessible, the applicant shall connect with same and provide sewers accessible to each lot in the subdivision. When the sewer line is located in a street right-of-way and it will be necessary to cut into the street surface to serve the abutting lots, a connection shall be stubbed out to the property line to serve each lot prior to surfacing the street.
 2. Where public sanitary sewerage systems are not reasonably accessible but will become available within a reasonable time (not to exceed five (5) years), the applicant may choose one of the following alternatives:
 - a. Central Sewerage System, the maintenance cost to be assessed against each property benefited. Where plans for future public sanitary sewerage systems exist, the applicant shall install the sewer lines, laterals, and mains to be in permanent conformance with such plans and ready for connection to such public sewer mains; or
 - b. Individual disposal systems, provided the applicant shall install sanitary sewer lines, laterals, and mains from the street curb to a point in the subdivision boundary where a future connection with the public sewer main shall be made. Sewer lines shall be laid from the house to the street line, and a connection shall be available in the home to connect when the public sewers become available. Such sewer systems shall be capped until ready for use and shall conform to all plans for installation of the public sewer system, where such exist, and shall be ready for connection to such public sewer main.

3. Where sanitary sewer systems are not reasonably accessible and will not become available for a period in excess of fifteen (15) years, the applicant may install sewerage systems as follows:
 - a. Urban residential Subdivisions. A central sewerage system only. No individual disposal system will be permitted. Where plans exist for a public sewer system to be built, for a period in excess of five (5) years the applicant shall install all sewer lines, laterals, and mains to be in permanent conformance with such plans and ready for connection of such public sewer main.
 - b. Rural Residential Subdivisions. Individual disposal systems or central sewerage systems may be used.
- C. Individual Disposal System Requirements. If public sewer facilities are not available and individual disposal systems are proposed, minimum lot areas shall conform to the requirements of this ordinance and percolation tests and test holes be made as directed by the local government Health Officer and the results submitted to the Health Department. The individual disposal system, including the size of the septic tanks and size of the tile fields or other secondary treatment device, shall also be approved by the Health Officer.
- D. Design Criteria for Sanitary Sewers.
 1. These design criteria are not intended to cover extraordinary situations. Deviations will be allowed and may be required in those instances where considered justified by the County Engineer.
 2. Sanitary sewers shall be designed and installed to the design standards and specifications of the city, county, or public service district into whose sewer system the subdivision is connecting and to all design standards and specifications of the appropriate State Health Agency controlling sewer systems.

5-7 Sidewalks

A. Required Improvement.

Sidewalks shall be included within the dedicated non-pavement right-of-way of all roads as shown in the table below.

Sidewalks shall be improved as required in Section 5-3, B,2, of these regulations. A median strip of grassed or landscaped area at least two

(2) feet wide is recommended to separate all sidewalks from adjacent curbs or the edge of street pavement.

- B. Pedestrian Accesses. The Planning Commission may require, in order to facilitate pedestrian access from the roads to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements at least twenty (20) feet in width. Easements shall be indicated on the plat.

SIDEWALKS REQUIRED*

Type of road	Rural	Urban	Business	Industrial
Cul-de-sac	Optional	Optional	Both sides	Optional
Minor	Optional	One side	Both sides	Optional
Collector	Optional	Both sides	Both sides	Optional
Marginal access	Optional	One side	Both sides	Optional

*Sidewalks, wherever provided, shall be at least four (4) feet in width.

5-8 Parks, Playgrounds and Recreation Areas

- A. Recreation Standards. The Planning Commission shall require that in every subdivision with fifty (50) or more lots that land be reserved for parks and playgrounds or other recreation purposes in locations designated on the Master Plan or otherwise where such reservations would be appropriate. Each reservation shall be of suitable size, dimension, topography, and general character and shall have adequate road access for the particular purpose envisioned. The area shall be shown and marked on the plat. "Reserved for Park and/or Recreation Purposes". When recreation areas are required, the Planning Commission shall determine the number of acres to be reserved on the basis of providing three (3) acres of recreation area for every one hundred (100) dwelling units. The Planning Commission may refer such proposed reservations to local government official or department in charge of parks and recreation for recommendation. The developer shall dedicate all such recreation areas to the local government or recreation commission as a condition of final subdivision plat approval if desired by such local government or commission. If not dedicated to be a public agency, an appropriate privacy agency shall be established for the maintenance of all recreation areas.

- B. Minimum Size for Park and Playground Reservations. In general, land reserved for recreation purposes shall have an area of at least four (4) acres. When the area required is less than four (4) acres, the Commission may require that the recreation area be located at a suitable place on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided. Where recreation land in any subdivision is not reserved, or the land reserved is less than the standard in Section 5-8, A, requires, the provisions of Section 5-8, D, shall be applicable.
- C. Recreation Sites. Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, play-field, or for other recreation purposes, and shall be relatively level and dry; and shall be improved by the developer to the standards required by the Planning Commission, which improvements shall be included in any bond. A recreation site shall have a total frontage on one (1) or more streets of at least one hundred (100) feet, and no other dimension of the site shall be less than two hundred (200) feet in depth. The Planning Commission may refer any subdivision proposed to contain a dedicated park to the local government official or department in charge of parks and recreation for a recommendation. All land to be reserved for dedication to the local government for park purposes shall have prior approval of the Governing Body and shall be shown marked on the plat "Reserved for Park and/or Recreation Purposes".
- D. Alternative Procedure: Money in Lieu of Land. Where, with respect to a particular subdivision, the reservation of land required pursuant to this section does not equal the amount of total land required to be reserved in Section 5-8, A., the Planning Commission shall require, prior to final approval of the subdivision plat, that the applicant deposit with the Governing Body a cash payment in lieu of land reservation. Such deposit shall be placed in a Neighborhood Park and Recreation Improvement Fund to be established by the County Council. Such deposit shall be used by the local government for improvement of a neighborhood park, playground, or recreation area, including the acquisition of property. Such deposit must be used for facilities that will be actually available to and benefit the persons in said subdivision and be located in the general neighborhood of the subdivision. The Planning Commission shall determine the amount to be deposited based on the following formula:
- Two Hundred Dollars (\$200) multiplied by the number of times the total area of the subdivision is divisible by the average lot size of the subdivision, less a credit for the amount of land, if any, actually reserved for recreation purposes, as the land reserved bears in proportion to the land required for reservation in Section 5-8, A.

- E. Other Recreation Reservations. The provisions of this section are minimum standards. None of the paragraphs above shall be construed as prohibiting a developer from reserving other land for recreation purposes in addition to the requirements of this section.

5-9 Conservation of Cultural, Historical and Natural Resources

A. Purpose

The cultural, historical, and natural resources of Fairfield County have unique characteristics and are invaluable to present and future generations of Fairfield County residents. Land development, without regard to these resources, may lead to their destruction, producing significant adverse economic and environmental impacts and threatening the health, safety and general welfare of the citizens of the county. The purpose of this subsection is to encourage developers to consider cultural, historical, and natural resources when proposing a development project and that they take all reasonable steps to minimize adverse impacts from such development. Land development and resources conservation can, and must be viewed as complimentary activities.

B. Site Analysis

In order for the Planning Commission to make an informed decision in a timely manner, it is recommended that the developer prepare an analysis of the characteristics of the development site, such as site context; geology and soils, with severe limitations to development; wetlands; floodplains; topography; ecology; existing vegetation, structures, and road networks; visual features, and past and present use of the site. The analysis narrative should be included as a component of the Sketch Plan application. The developer may include topographic maps, wetlands maps, or other pertinent supporting documentation.

C. Subdivision and Site Design.

1. Design of the development should take into consideration all existing local and regional plans for the surrounding community.
2. Development of the site should be based on the site analysis. To the maximum extent practicable, development should be located to conserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alteration of natural features. The Developer may wish to use the criteria from or participate in the "South Carolina Stewardship Development Program" sponsored by the SC Department of Natural Resources.

3. When any of the following natural features are identified on the site, sound planning or engineering solutions are required to reduce or eliminate any negative effects of the proposed development or such features shall remain undisturbed, in accordance with applicable Federal, state or local regulations:
 - a. Unique and/or fragile areas, including wetlands as defined in Section 404, Federal Water Pollution Control Act Amendments of 1972, and delineated on wetlands maps prepared by the U.S. Fish & Wildlife Service. When wetlands are identified by the analysis, the applicant should contact the US Army Corps of Engineers to determine if such wetlands are "jurisdictional wetlands", and if so, to secure the necessary permits and/or clearance before a building or use permit shall be issued by the county.
 - b. Significant trees or stands of trees, defined as the largest known individual trees of each species in the state, large trees approaching the diameter of the known largest tree, or species or clumps of trees that are rare to the area or of particular horticultural or landscape value. The developer should consult with the SC Forestry Commission records for rare or valuable trees.
 - c. Land in the flood plain, as defined by state or local regulations. Where floodplains are identified by the analysis, and shown on the Flood Hazard Boundary Maps for Fairfield County, all development shall comply with the county's Flood Hazard Prevention Ordinance.
 - d. Steep slopes in excess of 20 percent as measured over a 100 foot interval unless appropriate engineering measures concerning slope stability, erosion, and resident safety are taken;
 - e. Habitats of threatened or endangered wildlife species - as identified on Federal or state lists - defined by the Endangered Species Act. Developer should contact the SC Department of Natural Resources' Natural Heritage Program to identify potential conflicts.
 - f. Historically significant structures and sites, as listed on Federal or state lists of historic places.
4. The development should be laid out to avoid adversely affecting groundwater and aquifer recharge; to reduce cut and fill; to

prevent flooding; to provide adequate access to lots and sites; and to mitigate adverse effects of noise, odor, traffic, drainage, and utilities on neighboring properties.

5-10 Nonresidential Subdivisions

- A. **General.** If a proposed subdivision includes land that is proposed for commercial or industrial purposes, the layout of the subdivision, with respect to such land, shall make such provision as the Planning Commission may require.
- B. **Standards.** In addition to the principles and standards in these regulations which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Commission that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:
1. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
 2. Street rights-of-way and pavement shall be adequate to accommodate the type volume of traffic anticipated to be generated thereupon.
 3. Special requirements may be imposed by the local government with respect to street, curb, gutter, and sidewalk design and construction.
 4. Special requirements may be imposed by the local government with respect to the installation of public utilities, including water, sewer, and storm water drainage.
 5. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.
 6. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

5-11 Surety In Lieu of Completion of Improvements

In lieu of the completion of the physical development and installation of the required improvements previous to the final approval of a plat, the County Council may accept a bond in an amount and with surety and conditions satisfactory to it providing for and securing to the County the actual construction and installation of such improvements and utilities within a period specified by the Planning Commission and expressed in the bond.

SECTION 6

PRIVATE ROADWAY SUBDIVISION

6-1 Purpose

The purpose of this Section to allow the subdivision of certain properties in Fairfield County without incurring the high costs associated with the road construction in a major subdivision.

6-2 Definition

A private roadway subdivision is a duly recorded residential subdivision that has access, ingress and egress, through a private road that is exempt from the road surfacing requirements of the Fairfield County Subdivision Regulations. The private roadway subdivision is not exempt from design criteria that will insure adequate and safe ingress and egress for individual parcels. This roadway is to be maintained by the property owners within that particular subdivision. This is accomplished by recording "Restrictive Covenants" with the final plat.

6-3 Requirements

- A. The tract proposed to be subdivided must have frontage (either fee simple or a deeded easement) on a public street or road of not less than sixty-six (66) feet.
- B. Each lot must have a minimum area of one (1) acre, exclusive of the private roadway.
- C. The private roadway must have a right-of-way of at least fifty (50) feet and should terminate within the subdivision with a minimum turn-around radius of fifty (50) feet.
- D. All other road specifications (except paving) found in Section 5-3 (Streets) apply.
- E. The maximum number of lots that may be created under this type of subdivision is:

Minimum lot size:

1 acre

5 ac.

10 ac.

Maximum number of lots:

20

30

unlimited

In all cases, the maximum allowable number of *dwelling units* per lot is one.

- F. If public water and sewer is not available, the subdivision shall comply with wastewater treatment and disposal system standards as published by the Fairfield County Health Department and the SC Department of Health and Environmental Control.

6-4 Prohibited

- A. Any further subdivision of land within this subdivision shall be prohibited.
- B. Further subdivision of the remaining tract or parcel of land, the "parent tract", shall not be permitted, except in full compliance with the subdivision regulations, including requirements for paved roads.
- C. The restrictive covenants and the plat shall not be modified or amended without the consent of the Planning Commission, the County Council and ALL property owners.
- D. The standards, guidelines, and definitions adopted in this section shall apply to *residential development only*. Commercial or industrial activities or development are expressly prohibited from this section.

6-5 Approval Procedure

- A. The applicant shall submit a sketch plan for review by the Planning Commission prior to expenditure of major funds.
- B. If the sketch plan meets the requirements of the subdivision regulations, it may be scheduled before the Planning Commission regular meeting for conceptual approval. If conceptual approval is given, the applicant may prepare and submit a Preliminary Plat in compliance with all conditions listed in Section 6-3.
- C. Upon preliminary approval, the developer (applicant) shall contract with a Registered Professional Engineer licensed in the State of South Carolina, for the purpose of certifying that all construction including, but not limited to, the road design, measurements, and material conform with the specifications found in Section 5-3 and the construction drawings submitted by the developer.
- D. Certification (#C above) is required for final plat approval.
- E. Once the conditions listed in Section 6-3 are satisfied, the restrictive covenants and plat shall be submitted to the Planning Commission. The Planning Commission shall review and approve, disapprove, or approve with modifications the restrictive covenants and plat at the meeting at which it is presented.

6-6 Conditions for Approval

In addition to the requirements stated in Section 6-3, the following conditions must be met in order to gain subdivision approval.

A. Restrictive Covenants: Prior to the transfer of any interest in land and/or the recording of any deed or plat subdividing the property, the owner shall submit to the Planning Commission a properly executed set of restrictive covenants covering the tract to be subdivided. These restrictive covenants shall be in a form acceptable to the County Attorney and shall provide at a minimum:

1. A privately maintained roadway having a minimum access width of fifty (50) feet, which has direct access to a public road or street and which provides access to all lots and shall be established by one of the following methods:
 - a. A property owner's association pursuant to a Declaration of Covenants which provides for maintenance of the roadway by all lot owners fronting on the road and which gives each lot owner fronting on the roadway the right to use the roadway for ingress, egress and access to and from a public road.
 - b. Cross easements in favor of each lot owner fronting on the roadway containing a provision for common maintenance of the roadway with fee simple owned by each lot owner.
 - c. Conveyance of an undivided interest to each lot owner fronting on the roadway, the numerator of which is one and the denominator of which is the number of lots fronting on the driveway, together with a provision for cross easements and for maintenance of the roadway by all lot owners.

Said roadways shall be jointly owned and maintained by all property owners abutting the roadway. Such private roadway shall comply with any lending requirements of FHA and VA.

2. Provisions shall be made for maintenance of the private roadway in perpetuity by the property owners abutting the roadway. All lot owners shall be jointly and severally financially required to maintain the roadway, said obligation to be enforceable by the filing of a lien by the remaining property owners against the property of a defaulting owner. The following statement in capital letters shall be conspicuously displayed in the restrictive covenants:

"THE PRIVATE ROADWAY PROVIDING ACCESS TO LOTS IN THIS DEVELOPMENT IS NOT AND WILL NOT BE MAINTAINED BY FAIRFIELD COUNTY. OWNERS OF LOTS IN THIS DEVELOPMENT ARE FINANCIALLY OBLIGATED TO MAINTAIN THIS ROADWAY IN PERPETUITY FOR THE BENEFIT OF ALL PROPERTY OWNERS IN THE DEVELOPMENT."

3. Restrictive covenants shall refer to the plat required by this section.
4. The restrictive covenants shall require that any deed or document conveying any interest in a lot in the subdivision shall conspicuously contain the following language with an appropriate space for a signature by the grantee or grantees acknowledging same: THE REAL PROPERTY DESCRIBED IN THIS DEED IS SUBJECT TO RESTRICTIVE COVENANTS RECORDED IN DEED BOOK ___ AT PAGE _____. THESE RESTRICTIVE COVENANTS PROVIDE, AMONG OTHER THINGS, A FINANCIAL OBLIGATION TO MAINTAIN A PRIVATE ROADWAY. THESE RESTRICTIVE COVENANTS ARE SPECIFICALLY ACKNOWLEDGED BY THE GRANTEE(S).

GRANTEE(S)

- B. Plat: A plat of the subdivision shall be prepared by a licensed surveyor. This plat shall, at a minimum, show the borders of all lots resulting from the proposed subdivision, the size and acreage of each lot exclusive of the access roadway, the frontage of the overall tract on public roads and streets, and the locations and dimensions of the privately maintained access roadway. The following statement must be conspicuously shown on the plat in capital letters: THE PRIVATE ROADWAY PROVIDING ACCESS TO LOTS (INSERT THE LOT NUMBERS) SHOWN HEREON IS NOT, AND WILL NOT BE, MAINTAINED BY FAIRFIELD COUNTY. SEE DECLARATION OF RESTRICTIVE COVENANTS RECORDED IN DEED BOOK _____, PAGE _____, IN THE RMC OFFICE OF FAIRFIELD COUNTY, SOUTH CAROLINA.
- C. Road Frontage: The tract proposed to be subdivided must have frontage of no less than sixty-six (66) feet on a public road or street. A minimum distance of not less than 200 feet shall be required between the centerlines of such roadways.
- D. Sign: The owner shall conspicuously place on the privately maintained roadway near the entrance to the subdivision a street sign with an approved name for E-911 coordination.

- E. Roadway Improvements and Drainage: Any impermeable or semi-permeable improvements to the roadway at any point shall require submission of a storm drainage plan to the Fairfield County Planning Commission for review and approval by the County Engineer. In any event, the deed or any document conveying any interest in the subdivision shall conspicuously contain the following language with an appropriate space for signature(s) by the Grantee(s) acknowledging same:

ALTERATION OF STORM DRAINAGE FLOW IS PROHIBITED
WITHOUT A STORM DRAINAGE PLAN PREPARED IN ACCORDANCE
WITH ALL APPLICABLE DRAINAGE STANDARDS.

GRANTEE(S)

The aforementioned language shall be conspicuously displayed in capital letters in the restrictive covenants and on the plat as a disclosure statement.

(Page Left Blank)

SECTION 7

GROUP DEVELOPMENTS

7-1 General

- A. In order to prevent creation of traffic hazards, insure the provision of off-street parking, and provision of necessary utilities, plans for group developments such as shopping centers, industrial parks, mobile home parks, and apartment complexes, where the site is not subdivided into lots and public streets but is divided into two or more building sites, shall be submitted to the Planning Commission for review and approval.
- B. These regulations are considered minimum and may be superseded by more restrictive regulations, if any.

7-2 Procedures for Group Development Approval

- A. Site Plan.
 - 1. The developer shall submit at least six (6) copies of a Site Plan to the Administrative Official to the Planning Commission for review and approval. The administrative Official shall approve or disapprove the Site Plan within fifteen (15) days.
 - 2. If the Site Plan is disapproved by the Administrative Official or if the Administrative Official requires changes with which the developer disagrees, the developer may submit the Site Plan to the Planning Commission at its next regular meeting. The Planning Commission shall review and approve, disapprove, or approve with modifications the Site Plan at the meeting at which it is presented. Pertinent comments and recommendations shall be noted in the minutes of the Planning Commission meeting.
 - 3. If the Administrative Official to the Planning Commission fails to act within fifteen (15) days after submission of the Site Plan, the Administrative Official must inform the developer of the date on which action shall be taken, but such extension of time shall not exceed fifteen days. Failure to act within these time limits shall be deemed to constitute Site Plan Approval, and a certificate to that effect shall be issued by the Planning Commission upon demand.
- B. Construction Drawings.
 - 1. The developer shall submit at least eight (8) copies of the Construction Drawings of all or a portion of the development given

Site Plan approval, along with the necessary supporting data to the Administrative Official to the Planning Commission.

2. Upon determination that the Construction Drawings conform to the approved Site Plan, the Administrative Official shall submit these plans to the following agencies (as appropriate) for review and approval:
 - a. County Health Department
 - b. County Engineer
 - c. City Engineer (if a municipal water or sewer system is involved)
 - d. Public Service District (if any is involved)
 - e. South Carolina Department of Health and Environmental Control

These review agencies shall report their finding to the Planning Commission within thirty (30) days after receipt of the Construction Drawings.

3. Upon receipt of the reports from the above agencies, the Administrative Official to the Planning Commission shall approve, disapprove, or approve with modifications the Construction Drawings within sixty (60) days after submission of the plans.
4. If the Construction Drawings are disapproved by the Administrative Official or if the Administrative Official requires changes with which the developer disagrees, the developer may submit the Construction Drawings to the Planning Commission at its next regular meeting. The Planning Commission shall review and approve, disapprove, or approve with modifications the Construction Drawings at the next regular meeting at which it is presented. Pertinent comments and recommendations shall be noted in the minutes of the Planning Commission.
5. If the Administrative Official to the Planning Commission fails to act within sixty (60) days after submission of the Construction Drawings, the plans shall be automatically approved, and a certificate to that effect shall be issued by the Planning Commission upon demand.
6. The Planning Commission shall not act to override the requirements of other agencies or departments. The Commission may seek to bring agreement in case of conflict between the various reviewing agencies and the developer.

C. Final Approval.

1. After completion of the physical development of all or part of the area shown on the approved Construction Drawings, the developer or his representative shall submit to the administrative Official to the Planning Commission eight (8) copies of the As-Built Drawings of the development.
2. Upon determination that the As-Built Drawings conform to the approved Construction Drawings, the Administrative Official shall submit these plans to the same agencies which reviewed the Construction Drawings. These reviewing agencies shall report their findings to the Planning Commission within thirty (30) days after receipt of the As-Built Drawings.
3. Upon receipt of the reports from the above agencies, the Administrative Official to the Planning Commission shall approve, disapprove, or approve with modifications the As-Built Drawings within sixty (60) days after submission of the plans. In no case shall the Planning Commission disapprove the As-Built Drawings of a Group Development which:
 - a. Meet the requirements of a Group Development as set forth in these regulations:
 - b. Conform to the approved Construction Drawings; and
 - c. Have all the required improvements installed and approved.
4. If the As-Built Drawings are disapproved the Administrative Official or if the Administrative Official requires changes with which the developer disagrees, the developer may submit the As-Built Drawings to the Planning Commission shall review and approve, disapprove, or approve with modifications the As-Built Drawings at the next regular meeting at which it is presented. Pertinent comments and recommendations shall be noted in the minutes of the Planning Commission.
5. If the Administrative Official to the Planning Commission fails to act within sixty (60) days after submission of the As-Built Drawings, the plans shall be automatically approved and a certificate to that effect shall be issued by the Planning Commission upon demand.
6. The Planning Commission shall not act to override the requirements of other agencies or county departments. The Planning Commission may seek to bring agreement in cases of

conflict between the various reviewing agencies and the developer.

7-3 General Plat Information

A. Site Plan.

1. Total acreage in the tract proposed for Group Development and a statement of total contiguous acreage owned by the developer.
2. Tentative access and/or street layout.
3. Approximate rights-of-ways of existing and proposed buildings and structures.
4. Typical arrangement of existing and proposed buildings and structures.
5. Existing and proposed uses of land throughout the tract.
6. Existing uses of land and all existing street intersections surrounding the tract.
7. Topography in terms of mean sea level by contours at vertical intervals of not more than five (5) feet and extending at least one hundred (100) feet outside the tract (if access to adjoining land can be obtained).
8. Name, date, north point, and graphic scale of not less than two hundred (200) feet to one (1) inch.
9. A vicinity map at a scale of not less than one (1) inch equals one (1) mile showing the relationship of the proposed Group Development to surrounding development, especially schools, parks and shopping areas. The scale of the vicinity map should be shown on the Site Plan Drawing.
10. A site evaluation shall be submitted with the Site Plan. For developments exceeding five (5) acres in size, the elevation data for a one hundred (100) year flood shall be included.

B. Construction Drawings.

1. A plat of the property drawn to a scale of at least one hundred (100) feet to one (1) inch, and shall include the name of the development, north point, graphic scale, and date.

2. A location map at a scale of one (1) inch to one thousand (1000) feet showing the parcel of land, the location of all buildings, parking areas, and roadways, and all adjacent road rights-of-way. The scale of the location map should be shown on the construction drawings.
3. The shape, dimensions and location of all buildings and property lines, existing and proposed, on said parcel.
4. The nature (commercial, industrial, etc.) of the proposed uses of the buildings and/or land.
5. Topography in terms of mean sea level by contours at vertical intervals of not more than five (5) feet.
6. The location and dimensions of off-street parking and loading spaces and the means of ingress and egress to and from such space.
7. The location and size of all proposed utilities and storm drainage facilities.
8. A statement of variances requested from any section or subsection of Article 7-4 of these regulations.
9. Such other information as the Planning Commission may deem necessary because of the physical characteristics peculiar to the particular development.
10. Construction Drawing should be presented in a similar format to the accompanying sheet.

7-4 Standards

The following standards shall be used in reviewing such developments:

- A. Minimum off-street parking requirement.
 1. Residential Uses - Two (2) spaces per dwelling unit, unless conditions warrant less and are approved by the Planning Commission.
 2. Commercial Uses - One space for each three hundred (300) square feet of gross floor area.
 3. Industrial Uses - One space for each eight hundred (800) square feet of gross floor area.

- B. Setback Requirements.
 - 1. Front Yard - 35 feet minimum
 - 2. Side Yard - 15 feet minimum
 - 3. Rear Yard - 15 feet minimum

- C. Internal Design and Spacing.
 - 1. Separation within Development - All buildings shall be at least twenty (20) feet apart; but at least forty (40) feet apart when front-to-front or rear-to-rear and one hundred (100) feet when front-to-rear.
 - 2. Separation with Adjoining Lots - No dwelling or building other than accessory structures in a group housing development shall be situated as to face the rear of another building on an adjoining lot for a distance of one hundred (100) feet.
 - 3. In residential Group Developments no single row of dwelling units shall be greater than two hundred (200) feet in length.
 - 4. All distances are measured from structure to structure.

- D. Water and Sewer. Adequate provisions for water supply and sanitary sewerage shall be installed by the developer according to the plans and specifications approved by the proper authorities.

- E. Residential Area Requirements shall have a minimum of five thousand (5000) square feet for the first dwelling unit, two thousand (2000) square feet for each additional dwelling unit.

- F. Access and Egress shall conform with the Driveway Regulations of the South Carolina Highway Department.

- G. Mobile Home Parks shall conform to the minimum standards set forth in the regulations; "Mobile Home Park Ordinance of Fairfield County, South Carolina".

- H. Screening. Group housing projects shall be effectively screened along the side and rear property line where adjoining property is developed as single-family residential or commercial by either:
 - 1. A strip of at least ten (10) feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four (4) feet high at the time of planting, of a type that will form a year-round dense screen at least six (6) feet high; or

2. An opaque wall or barrier or uniformly painted fence at least six (6) feet high.

7-5 Enforcement

- A. No building permit shall be issued until the Construction Drawings for the Group Development have been approved by the Planning Commission.
- B. No Certificate of Approval for occupancy shall be issued until the As-Built Drawings for the Group Development have been given final approval by the Planning Commission.

(Page Left Blank)

SECTION 8

EXTRAORDINARY DEVELOPMENT

8-1 Purpose

With certain types of development, extraordinary safeguards may be necessary to protect the health, safety and general welfare of the citizens of Fairfield County. Developers are encouraged to work with the Planning Commission to avoid delays in project approvals.

8-2 Artificial Impoundments

Although aesthetically pleasing, the creation of artificial lakes or impoundments can result in significant water quality problems and dam safety issues.

A. Water Quality

1. Framework

Altering the natural flow of water can lead to eutrophication - a process by which a standing body of water becomes enriched with excess plant nutrients such as phosphorus and nitrogen, which results in excess algal production. This condition leads to lower dissolved oxygen (DO) levels which can have a detrimental effect on fish species and water quality. Artificial impoundments also lead to higher water temperatures and excess sedimentation, also harmful to aquatic species. Artificial lakes in Fairfield County should be planned carefully with a view towards ecological consequences.

2. Recommendation

Developers should take appropriate steps to maintain good water quality in artificial lakes. Developing a long term strategy for maintaining water quality is recommended. This strategy may include the use of greater setbacks for principal structures and associated buildings with impermeable surfaces from the normal high water mark of the water body, vegetative buffers along the edge of the water body, or the installation of an aeration system to maintain a healthy level of DO in the water body.

B. Dams

1. Framework

A dam breach can be a significant threat to the safety of homeowners, and motorists (in the event that a road is constructed on a dam). For this reason, all dams must meet either requirements of the South Carolina Department of Dam Safety, the U.S. Corps of Engineers or Section 8-2.B.2 of this ordinance, whichever is applicable.

2. Requirements

Any dam construction not covered under the requirements of the South Carolina Department of Dam Safety and for the purpose of creating an artificial impoundment for the benefit of a residential subdivision, including subdivisions not yet proposed, shall conform with the following requirements:

- a. The developer must provide dam construction drawings and plans *certified by a Professional Engineer* to the Planning Commission prior to beginning any site work.
- b. Upon concurrence by the Planning Commission and the County Engineer that the proposed dam construction will not cause unreasonable harm to the health, safety, and general welfare of the residents of the county, the developer may proceed with construction.
- c. Dam construction shall be periodically inspected by the developer's engineer to ensure conformance with the approved drawings and plans. The developer shall be responsible for notifying the Planning Commission and the County Engineer during a minimum of three (3) phases of dam construction (see below). The County Engineer may inspect the construction at their discretion.

Phase 1 - Coring, backfilling and setting of invert.
Phase 2 - Mid-construction of fill.
Phase 3 - Top fill and grading.
- d. Dams existing prior to the adoption of this ordinance must meet the requirements of this ordinance before a road is constructed on the dam.

8-3 Reserved

SECTION 9

LAND SURVEYING STANDARDS: Connecting Surveys to State Plane Coordinate System

9-1 Purpose

The purpose of this section is to require certain land parcels, located within reasonable distance from monumented control points, to be referenced by field survey to geodetic control points which are defined by state plane coordinates. In cases where monumented control points are not within a reasonable distance as defined in this document the requirement will be to reference the survey to points which are identifiable on the county orthophoto maps. Property surveys affected by this section will be referenced to its accurate geographical locations, and therefore can be plotted in their correct position on the state plane coordinate based county mapping system. These positions can be reproduced to the same accuracy as the original determination, even if all physically platted corners or supporting evidence, or both has been destroyed.

This will improve greatly county land records by allowing ground surveys to be easily and accurately translated to county maps – hard-copy or electronic. In addition, land owners will benefit in that property corners tied directly to monumented geodetic control by field surveys are defined by mathematical references which cannot be destroyed; therefore in the future, missing or destroyed property corners can be more easily re-established with a high level of confidence.

This concept has existed for many years, but it has not been practical to apply on the county level until recent developments in technology allowed the cost-effective production of accurate mapping systems and the placement of closely-spaced geodetic control monuments defined by very accurate coordinates. In addition the recent development of the satellite based Global Positioning System (GPS) is revolutionizing control surveys.

9-2 Surveys Requiring Tie To Geodetic Control Monument

The following surveys require ties to geodetic control monuments:

- A. Any subdivision of five (5) or more lots within a one mile traverse distance of geodetic control.
- B. Any tract of five (5) or more acres within a one mile traverse distance of geodetic control.
- C. Any subdivision of 25 or more lots or non-agricultural industrial/commercial development of 25 or more acres regardless of distance from geodetic control.

9-3 Surveys Exempt from Geodetic Control Monument Tie

It is considered very desirable for surveyors to tie all surveys, whenever possible, to the state

plane coordinate system. Nothing in these exemptions is intended to discourage surveyors from tying surveys to the state plane coordinate system.

The following surveys are exempted from geodetic control monument tie:

- A. Mortgage surveys of residential property in existing subdivisions.
- B. Any survey not specified in Section 2.

9-4. Surveys Requiring Orthophoto Locator Tie

With the exception of mortgage surveys, all surveys not tied to geodetic control shall have a "locator tie". A locator tie is defined as a bearing and distance tie from a property corner to a point identifiable on the orthophoto map such as a building corner, a road intersection with a driveway or other point that can be accurately spotted on the orthophoto.

To support this requirement, the county will make copies of the county orthophoto maps available to licensed surveyors at a reasonable cost. Special pricing to surveyors will be contingent upon these maps being for the surveyors use only.

9-5 Survey Requirements

Survey requirements specified in this document are only for control survey connections between geodetic survey monuments and land parcels. Boundary surveys shall be performed in accordance with the State Minimum Standards published by the State Board of Registration for Professional Engineers and Land Surveyors unless more stringent requirements are specified herein. In so far as possible, Control surveys between geodetic monuments and property boundaries shall be extended from the nearest geodetic control monuments (s). County specifications for horizontal control are as follows:

- A. Terrestrial Surveys:
 - 1. If control is extended no more than 1/2 mile from control monument to property boundary third-order, class I (1/10,000) specifications shall be followed.
 - 2. If control is extended more that 1/2 mile from the control monument to the property boundary second -order class II specifications shall be followed.
- B. Global Positioning System (GPS) Surveys:
 - 1. If GPS is used, procedures shall be followed to insure compatibility with the nearest geodetic control monuments to an accuracy of at least 5 cm + 2ppm. Only survey grade GPS receivers shall be used for boundary

control.

C. Plat Requirements:

1. State plane coordinates shall be shown on the plat for at least two property corners. The geodetic monument(s) used for control will be noted on the plat with the grid distance and azimuth shown to at least one of the coordinated property corners.
2. Horizontal ground distances (not grid distance) will be shown on the plat for all segments of the boundary survey. A combined state plane coordinate - sea level reduction factor will be noted on the plat. Area will be based on horizontal ground distances.
3. All bearings will be referenced to state plane coordinate grid north.
4. Survey caps identifying the surveyor shall be placed on all new corners set on surveys covered by this ordinance.

9-6 Electronic Data Files

If the parcel are subdivision is generated with computer-aided drafting procedures, the county may request a copy of the electronic file to be copied on county-supplied medium.

Page Left Blank.

SECTION 10

APPLICATION OF REGULATIONS

From and after the adoption of these regulations and notification of the Office of the Clerk of Court for Fairfield County:

- 10-1** No subdivision plat shall be filed with or recorded by the Office of the Clerk of Court until such plat has been given Final Plat Approval by the Planning Commission according to the procedures set forth in these regulations.
- 10-2** No street right-of-way shall be accepted, opened, or maintained in any subdivision established hereafter which does not meet the requirements of these regulations.
- 10-3** No building permit shall be issued for buildings in any traditional subdivision established hereafter unless a Final Plat of such subdivision has been approved by the Planning Commission or unless an Application for Exemption has been approved by the Administrative Official.
- 10-4** No building permit shall be issued for buildings in any group development established hereafter unless a Preliminary Plan of such group development has been approved by the Planning Commission.

(Page Left Blank)

SECTION 11

VIOLATION AND PENALTY

11-1 Penalties for Transferring Lots in Unapproved Subdivisions.

The owner or agent of the owner of any land to be subdivided within the County who transfers or sells or agrees to sell or negotiate to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land before such plat has been approved by the Planning Commission and recorded in the Office of Clerk of Court 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 of 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 such transfer or sale or agreement by appropriate action.

(South Carolina Code §§ 5-23-710, -720, 6-7-1060)

11-2 Prosecution of Violations

Whenever it shall come to the attention of the local governing body that any provision of these regulations has been or is being violated, the local government may immediately institute suit and prosecute this violation final judgment.

(Page Left Blank)

SECTION 12

FEES

12-1 Traditional Subdivision Processing Fee Schedule.

Submittal of a Sketch Plan for review by the Planning Commission must be accompanied by a \$50.00 nonrefundable fee.

The following nonrefundable fee shall be paid by the owner or agent of the owner of a proposed subdivision when the Preliminary Plat is submitted to the Administrative Official of the Planning Commission:

<u>Number of Lots</u>	<u>Fees</u>
2 - 5	\$75.00
6 +	\$100.00 + \$10.00 per lot above 5 lots

When the Sketch, Preliminary, and Final Plats are submitted concurrently, all applicable fees are due at that time. All fees must be paid prior to recording the final plat.

12-2 Group Development Processing Fee Schedule.

The following fee shall be paid by the Developer of a group development or his agent when the Preliminary Plat is submitted to the Administrative Official to the Planning Commission:

A. Residential Group Development:

Number of Dwelling Units	Fees
All developments	\$150.00 + \$10.00 per unit.

B. Commercial or Industrial Group Developments:

Area (square feet)	Fees
50,000 s.f. or less . . .	\$ 500.00
50,001 - 100,000 s.f. .	\$ 750.00
Above 100,000 s.f.	\$ 1,000.00

(Page Left Blank)

SECTION 13

LEGAL STATUS

13-1 Conflict with Other Laws

Whenever the provisions of these regulations impose more restrictive standards than are required in or under any other ordinance, the regulations herein contained shall prevail. Whenever the provisions of any other ordinance requires more restrictive standards than are required herein, the requirements of such regulations shall prevail.

13-2 Repeal of Conflicting Regulations

All ordinances and resolutions regulating the subdivision of land adopted prior to these regulations are hereby repealed.

13-3 Separability Clause

If any section, clause, or portion of these regulations shall be held by a court of competent jurisdiction to be invalid or unconstitutional, such findings shall not affect any other section, clause, or portion of these regulations.

13-4 Effective Date

These regulations shall take effect and be enforced as of January 1, 1996; provided, however, these regulations shall not apply to any subdivision or part thereof which has been approved for construction by the Planning Commission prior to the adoption of these regulations.

13-5 Amendment

These regulations may be amended after notice and public hearing in the same manner as prescribed by law for their original adoption.

(Page Left Blank)

SECTION 14

ADOPTION CLAUSE

The Fairfield County Council hereby adopts the foregoing regulations for the development of land within Fairfield County, South Carolina, as the Land Development Regulations of Fairfield County and directs that a signed copy of this action be transmitted to the Office of the Clerk of Court of Fairfield County. All regulations or parts of regulations in conflict herewith are hereby repealed.

ADOPTED THIS _____ DAY OF _____, 19____, BY
ORDER OF THE FAIRFIELD COUNTY COUNCIL.

ATTEST:

CLERK TO COUNCIL

CHAIRMAN

(Page Left Blank)

