

5:2 LAND DEVELOPMENT SUBMITTAL REQUIREMENTS AND APPROVAL PROCESS

5:2.1 General Application Process

5:2.1-1 Purpose

The purpose of this section is to establish the procedure for processing land development applications.

5:2.1-2 Application Process

The application process consists of the pre-application conference, application, review, and approval.

A. **Pre-Application Conference and Sketch Plan Review** - For the purpose of securing advice in the formative stages of development design, expediting applications, and reducing development costs, the developer may request a pre-application conference and/or sketch plan review in accordance with the following requirements:

1. **Pre-Application Conference** - At the request of the applicant, the County Planning Official shall arrange a pre-application conference to discuss requirements of this Ordinance, land development practices, proposed plans of the applicant, applicable provisions of the Comprehensive Plan, and related matters. The Planning Official shall invite all affected or interested agencies.
2. **Sketch Plan Review**- In addition, or as an alternative to the pre-application conference, the applicant may request an informal review of a sketch plan for the proposed subdivision or development. Applications for a major subdivision require a formal sketch plan for Planning and Zoning Commission review and approval. Similarly, applications for a planned development district (PDD) require a formal PDD site plan for Planning and Zoning Commission review and approval.

B. **Applications** - Applications will be assigned to one (1) of the following seven categories, as determined by the Planning Official, and processed accordingly:

1. Exempt subdivision.
2. Minor subdivision.
3. Major subdivision.
4. Large acreage residential developments on private roads.
5. Minor group development.
6. Major group development.
7. Planned development district.

C. **Review** - The designated responsibility for reviewing and approving each of the above is as follows:

Table 5-4 LAND DEVELOPMENT REVIEW AND APPROVAL RESPONSIBILITIES					
Development Type	Planning Official	County Engineer	Building Official	Planning Commission	County Council
Exempt Subdivision	✓				
Minor Subdivision	✓				
Major Subdivision	✓	✓		✓	
Large Acreage	✓	✓			
Minor Group Development	✓	✓	✓		
Major Group Development	✓	✓	✓	✓	
Planned Development District	✓	✓		✓	✓
Note: Subdivisions or group developments may be developed under the conservation subdivision and group development design provisions of this Ordinance. All respective land development submittal requirements are applicable to conservation design projects.					

5:2.2 Exempt Subdivisions

The following are exempt from the definition of a subdivision and, as such, are not governed by the regulations for subdivisions of this Ordinance. Exempt subdivisions, however, are subject to applicable zoning district regulations.

5:2.2-1 State Law Exemptions (under SC Code of Law 6-29-1110)

The following exceptions are included within this definition only for the purpose of requiring that the Planning and Zoning Department be informed and have a record of the subdivisions:

- A. The combination or re-combination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this Ordinance and other applicable regulations.
- B. The division of land into parcels of five acres or more where no new street is involved. Plats of these exceptions must be received as information by the Planning and Zoning Department, which shall indicate that fact on the plats.
- C. The combination or recombination of entire lots of record where no new street or change in existing streets is involved.

5:2.2-2 Kershaw County Exemptions

The following exemptions are hereby established by Kershaw County and are included within this definition only for the purpose of requiring that the Planning and Zoning Department be informed and have a record of the subdivisions:

- A. The division of land to create a cemetery lot.
- B. The division of land by will or inheritance under the statute of descent and distribution as long as no new street is involved.
- C. The division of land by gift conveyed by deed as long as no new street is involved. Such exemption shall be limited to the conveyance of land from one (1) member to another member of the same immediate family i.e. (husband, wife, mother, father, children, grandchildren, brothers, sisters). Land so divided may not be further transferred by sale or gift to any party other than a member of the same immediate family for a period of eighteen (18) months from the date the plat is approved for recording and shall be so notated on the plat. The Planning Official may waive the eighteen (18) month waiting period if the property owner can establish legitimate and compelling cause. The eighteen (18) month waiting period shall also be waived in the event of a judicial foreclosure.

5:2.2-3 Submittal Requirements

- A. Applicants of subdivisions exempt from the land development requirements of this Ordinance shall nonetheless submit to the Planning Official original copies (with original Registered Land Surveyor stamp or seal) of said exempt plat, drawn to the requirements of the *Minimum Standards Manual for the Practice of Land Surveying in South Carolina*, and shall include the Kershaw County Tax Map Survey (TMS) number. The exempted subdivision shall, however, conform to applicable zoning district regulations of this Ordinance.

- B. The Planning Official shall prepare approval guidelines and a checklist to assist the applicant in preparing the plat and submitting the documentation required to obtain approval for recording.
- C. The applicant shall produce evidence that no taxes or assessments are outstanding against the property.
- D. The applicant shall pay the proscribed plat approval fee set by County Council.

5:2.2-4 Approval Process

- A. The Planning Official shall make a determination that the proposed subdivision qualifies for and meets the requirements of an exempt subdivision. Supporting documentation such as deeds, wills, titles, supplemental plats and maps, etc. shall be reviewed and evaluated. The Planning Official shall prepare a plat approval guideline and checklist.
- B. Within ten (10) working days of submission of the plat, the Planning Official shall make a determination that the proposed exempt subdivision conforms to applicable zoning district regulations of this Ordinance and shall approve, approve with changes, or reject the plat. If rejected, changes, additional analysis, or other information necessary to make an approval determination shall be identified and transmitted to the applicant.
- C. Upon determination that all conditions for approval have been met, the Planning Official shall sign and stamp the plat as approved for recording.

5:2.3 Minor Subdivisions

5:2.3-1 Definition of Minor Subdivision

A minor subdivision is a subdivision which does not involve any of the following:

- A. The creation of more than ten (10) lots.
- B. The creation of any new street.
- C. The extension of public water or sewer lines.
- D. The installation of drainage improvements through one (1) or more lots to serve one (1) or more other lots.
- E. The extension of an existing minor or major subdivision or development under the same ownership or control which would in effect create more than ten contiguous lots.
- F. The creation of lots that cannot meet the driveway maximum number and separation standards.

5:2.3-2 Submittal Requirements

- A. Applicants requesting approval of a proposed minor subdivision, as defined by this Ordinance, shall submit to the Planning Official original copies (with original Registered Land Surveyor stamp or seal) of a plat displaying the Kershaw County Tax Map Survey (TMS) number, drawn to the requirements of the *Minimum Standards Manual for the Practice of Land Surveying in South Carolina*, the prescribed fee, and evidence that no taxes or assessments are outstanding against the property.
- B. The Planning Official shall prepare approval guidelines and a checklist to assist the applicant in preparing the plat and submitting the documentation required to obtain approval for recording.

5:2.3-3 Approval Process

- A. The Planning Official shall make a determination that the proposed subdivision qualifies for and meets the requirements of a minor subdivision. Supporting documentation such as deeds, wills, titles, supplemental plats and maps, etc. as outlined in the checklist and approval guidelines shall be reviewed and evaluated.
- B. Within ten (10) working days of submission of the plat, the Planning Official shall make a determination that the proposed minor subdivision conforms to applicable zoning district regulations and the regulations for the subdivision of land and the creation of lots section of this Ordinance and shall approve, approve with changes, or reject the plat. If rejected, changes, additional analysis, or other information necessary to make an approval determination shall be identified and transmitted to the applicant.
- C. Upon determination that all conditions for approval have been met, the Planning Official shall sign and stamp the plat as approved for recording.

5:2.4 Major Subdivisions

5:2.4-1 Definition of Major Subdivision

A major subdivision is any subdivision other than an exempt subdivision or one which does not qualify as a minor subdivision, a large acreage residential development, or a planned development district.

5:2.4-2 Sketch Plan Review

A. Submittal Requirements

An application for a major subdivision shall be submitted on forms prepared by the Planning Official. Sketch plans shall be prepared for all major subdivisions.

B. Sketch Plan - Sketch plans shall be prepared in accordance with the regulations for the subdivision of land and the creation of lots and with the design standards and required improvements of this Article and shall contain the following:

1. Sketch Plan General Information

- a. Proposed name of land development (subdivision), which shall not duplicate or approximate the name of any other development in the County, or name of property if no name is chosen (this is commonly the name which the property is known locally).
- b. Name and address, including the telephone number of the developer/applicant and/or owner/applicant, and licensed contractor.
- c. North arrow, scale, and date, including revision dates.
- d. Tract boundaries and acreage.
- e. Tax Map Survey Number(s).
- f. Vicinity map.

2. Site Information

- a. The location of topographical lines (closest available contour intervals - USGS contours acceptable), floodplain areas, wetlands, and storm drainage ditches.
- b. Location, names, and right-of-way widths of existing or platted streets within and in the vicinity of tract.
- c. Location and dimensions of all existing rights-of-way and easements either on or adjacent to the property to be subdivided. Specifics must be given as to whether utilities are located within the easements or rights-of-way, and the location of poles and/or towers must be shown.
- d. 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.
- e. Political lines, if applicable, and the position of the proposed development in relation to its surroundings indicating current land use and zoning of the subject site and adjacent property.

3. Planned Improvements

- a. Approximate location and layout of proposed streets, roads, and sidewalks.
- b. Approximate locations, dimensions, and area of all proposed lots.
- c. Layout of all existing lots, including building setback lines, scaled dimensions of lots, and lot numbers.
- d. Total number of lots (existing and/or proposed).

- e. Layout of proposed easements, indicating width and use.
- f. A general representation of the extent of proposed grading throughout the site, indicating the change in natural site contours. This does not require a staking plan.
- g. The location, dimensions, and acreage of all common open space property proposed to be set aside 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. Refer to the Residential Common Open Space section of Article 3 of this Ordinance.

4. Phased Development

The applicant may, and is encouraged to submit a sketch plan of the entire track ultimately to be developed, although the present plans may only call for development of part of the development of part of the property.

C. Sketch Plan Approval Process

- 1. The applicant shall submit to the Planning Official ten (10) copies of the sketch plan drawn per the requirements stipulated in this section.
- 2. The Planning Official shall review the sketch plan for completeness per the sketch plan submittal requirements of this section. A sketch plan deemed complete by the Planning Official will be placed on the agenda for the next regular Planning and Zoning Commission meeting scheduled at least forty-five (45) days after the sketch plan is filed. The Planning Official shall distribute copies of the sketch plan to all affected County agencies for review and comment.
- 3. The Planning Official shall present the application to the Planning and Zoning Commission in a staff report with the Planning and Zoning Department's analysis and recommendations and any impact assessment reports received from commenting agencies per the adequate public facilities provisions of this Article. The Planning and Zoning Commission shall consider compliance of the proposed major subdivision with the applicable subdivision regulations and design standards and required improvements per this Article, the impact on public facilities, and the goals and objectives of the Comprehensive Plan.
- 4. The Planning and Zoning Commission shall approve, approve conditionally, or disapprove the sketch plan. If the sketch plan is disapproved or approved conditionally, the reasons for such action shall be conveyed to the applicant. The reasons for disapproval shall refer specifically to those parts of the Comprehensive Plan, ordinance, or regulation with which the sketch plan does not conform. On conditional approval, the Planning and Zoning Commission may require the applicant to resubmit the sketch plan with all recommended changes before approving said sketch plan. The Planning and Zoning Commission may direct the Planning Official to review the resubmitted sketch plan and to make a determination of approval, or it may require that the resubmitted sketch plan be brought before the Planning and Zoning Commission for review at the next regular Planning and Zoning Commission meeting scheduled at least one (1) calendar month after the resubmitted sketch plan is filed.
- 5. If the sketch plan is found to conform to all requirements of the Ordinance, approval subject to the traffic management plan provisions of this Ordinance shall be given by the Planning and Zoning Commission or Planning Official as directed by the Planning and Zoning Commission.

5:2.4-3 Preliminary Plans

Upon final approval of the sketch plan and traffic management plan, if and as required, the applicant shall submit to the Planning Official six (6) copies of the preliminary plat and three (3) copies of construction plans and design calculations. The preliminary plans submittal shall be in compliance with the sketch plan as approved by the Planning and Zoning Commission and shall incorporate the subdivision regulations and design standards and required improvements of this Article.

A. General Submittal Requirements

1. Plans sheets shall be of a convenient scale of not less than one (1) inch equals 100 feet, adjustable depending upon lot sizes and total acreage.
2. Plan sheets should be of standard size of not greater than 24"x36" and no smaller than 24"x18".
3. The number of items presented on any one (1) sheet should be limited such that each item is clearly defined and easily reviewed.
4. Sheets overcrowded with too much information such that they are difficult and/or confusing to review shall be avoided.
5. A line and object legend shall be located within the plans.

B. Submittal and Distribution

Preliminary plans shall consist of two (2) submittals: The preliminary plat and the construction plans.

1. The applicant shall submit six (6) copies of the preliminary plat and three (3) copies of the construction plans to the Planning and Zoning Department.
2. The Planning Official will route one (1) copy of the preliminary plat and (2) copies of the construction plans to the County Engineer.
3. The Planning Official and/or County Engineer will distribute relevant copies of the preliminary plats and/or construction plans to other affected County departments for review and comment.

C. The Preliminary Plat

Preliminary plats for major subdivisions shall contain the following:

1. General Information

- a. Proposed name of land development (subdivision, commercial complex, etc.), which shall not duplicate or approximate the name of any other development in the County.
- b. Name, address, and telephone number(s) of the developer/applicant and/or owner/applicant.
- c. Name, address, and telephone number(s) of the professional person(s) responsible for the subdivision's design, or for the design of any public improvements, and for the surveys.
- d. North arrow, scale, and date, including revision dates.
- e. Tract boundaries and acreage.
- f. Phase boundaries and acreage.
- g. Tax Map Survey Number(s).
- h. Vicinity map.

2. Site Information

- a. The location of topographical lines, at two (2) foot to five (5) foot intervals (survey verified) extending at least 100 feet outside the subdivision, wetlands, floodplain areas, and storm drainage ditches.

- b. Current zoning and land use (e.g. residential, commercial, timberland, etc.) of subject site.
 - c. Political lines, if applicable, and identification of all surrounding land use and zoning. Any adjoining subdivision shall be identified by name.
 - d. Location, names, and right-of-way widths of existing or platted streets within and in the vicinity of tract. In case of re-subdivisions, a copy of existing plat with proposed re-subdivisions superimposed shall be submitted on a separate sheet.
 - e. Location and dimensions of all existing rights-of-way and easements either on or adjacent to the property to be subdivided. Specifics must be given as to whether utilities are located within the easements or rights-of-way, and the location of poles and/or towers must be shown.
 - f. 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.
 - g. Elevations where public water and/or public sewers are to be installed referencing the most recent vertical datum (if applicable).
3. **Planned Improvements**
- a. Layout of streets, alleys, sidewalks, paths, and/or greenways.
 - b. Layout of all blocks and lots, including building setback lines, scaled dimensions of lots, consecutive lot and block numbers, and total number of lots.
 - c. Layout of all easements and rights-of-way, indicating width and use.
 - d. The location, dimensions, and acreage of all common open space property proposed to be set aside 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. Refer to the Residential Common Open Space section of Article 3.
 - e. Indication of the use of all lots (single-family, two-family, multi-family, townhouse, offices, commercial, warehousing, industrial, etc.). Proposed uses shall not be contrary to those permitted by the zoning district regulations of this Ordinance.

5:2.4-4 Construction Plans

The construction plans shall include the following if and as such improvements are applicable to the proposed development:

- A. Staking plan showing proposed cut and fill, borrow areas, etc.
- B. 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 100 feet of their intersection with new roads. Approximate radii of all curves, lengths of tangents, and central angles on all streets.
- C. Plans and profiles showing the locations and typical cross-section of street pavements including curbs and gutters, sidewalks, storm drainage easements, rights-of-ways, manholes, catch basins, and other storm drainage structures.
- D. The locations of street trees, street lighting, and street signs.
- E. The location, size, invert elevations, and easements (as applicable) for sanitary sewers, potable water lines, gas lines, underground cable and electric lines, fire hydrants, and other utilities and structures; showing connection to and exact location and size of all existing water, gas, or other underground utilities or structures.
- F. Copies of all applicable encroachment permits.

- G. Location, size, elevation, easements, and other appropriate description of any existing facilities or utilities, including, but not limited to existing streets, sewers, drains, water mains, water bodies, streams, and other pertinent features such as swamps, railroads, and 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.
- H. All elevations shall be referred to most recent vertical datum where public water and/or public sewers are to be installed.
- I. Erosion prevention, sediment control, and stormwater drainage plans showing the acreage of each drainage area affecting the proposed subdivision, both on-site and off-site, to include, but not limited to location, size, and invert elevations of proposed stormwater drains, stormwater detention/retention pond details, and any other applicable structural and non-structural stormwater best management practices details and notes.
- J. Topography at a contour interval of two (2) feet, referred to vertical datum currently required by FEMA when public water and/or public sewers are to be installed where there are portions(s) of the subdivision that would be inundated by a 100-year frequency flood.
- K. All details, notes, and references required by the construction standards and specifications of Kershaw County, any other local government or organization providing any utility, and the SCDHEC.
- L. A construction sequence.
- M. Title, name, address, telephone, and signature of the South Carolina Registered Engineer and Surveyor responsible for the plans with plan preparation date, including revision dates.
- N. When sewer utility easements are granted, or rights-of-way are dedicated to Kershaw County, the construction plans shall contain the applicable certifications:
 - 1. **Certification of Ownership and Dedication** - The following must be completed by the property owner:

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 said streets; walks; parks; rights-of-way; sewer lines to include manholes and manhole castings, fittings and other components, and service lines to the right-of-way boundaries; and other sites to public use as specifically noted hereon. It being understood that I (we) hereby warrant said facilities and agree to bear any costs associated with correcting any defects in said facilities for a period of one (1) year from the date of final plat approval.

_____	_____
Date	Owner
_____	_____
Date	Owner

- 2. **Sewer Easement Certification** - The following certification, as applicable, shall be included on all construction plans and final plats submitted for approval:

The Party of the First Part, hereinafter called "Grantor," does hereby grant, bargain, sell, release and convey unto Kershaw County, hereinafter called "Grantee," its successors and assigns, sewer lines and appurtenances incidental thereto including but not limited to pipes, manholes and fittings

and other components comprising the sewer system as shown on hereon, in fee simple, together with an exclusive easement, twenty (20) feet in width together with the right during the course of operation, construction, and/or maintenance to use such additional width as may be necessary on either side of the aforesaid right-of-way herein granted, for the purpose of operation, construction, and/or maintenance of said sewer lines and appurtenances through and under the lands hereon described, together with the right of ingress and egress across said property at all times, and the right to excavate and refill ditches and/or trenches, and the further right to remove trees, bushes, undergrowth, crops and/or other obstructions interfering with the operation, construction and/or maintenance of said sewer lines and appurtenances. The grantor hereby agrees that no construction (including, but not limited to, buildings, paving, pipe lines or other utilities) will be allowed within the limits of this easement without the prior approval of Kershaw County.

_____	_____
Date	Owner (Grantor)
_____	_____
Date	Owner (Grantor)

5:2.4-5 Preliminary Plan Approval Procedure

The Planning Official shall review the preliminary plat for compliance with the requirements of this Ordinance and verify that the plat is in substantial conformance with the sketch plan as approved by the Planning and Zoning Commission. Within twenty (20) working days of receipt of the preliminary plat, the Planning Official shall approve, approve conditionally, or disapprove the plat. If the preliminary plat is disapproved or approved conditionally, the reasons for such action shall be conveyed to the applicant. The reasons for disapproval shall refer specifically to those parts of the sketch plan, the Comprehensive Plan, ordinance, or regulation with which the preliminary plat does not conform. On conditional approval, the Planning Official may require the applicant to resubmit the preliminary plat with all recommended changes before approving said plat. A decision of the Planning Official may be appealed to the Planning and Zoning Commission. The appeal must be filed within sixty (60) days of the administrative decision, and shall be heard at the next regular Planning and Zoning Commission meeting scheduled at least fifteen (15) days after the appeal is filed. If the preliminary plat is found to conform to all requirements of the Ordinance, the Planning Official shall notify the applicant.

The County Engineer shall review the construction plans for compliance with the requirements of this Ordinance. Within twenty (20) working days of receipt of the construction plans, the County Engineer shall approve, approve conditionally, or disapprove the construction plans. If the construction plans are disapproved or approved conditionally, the reasons for such action shall be conveyed in writing to the applicant and copied to the Planning Official. The reasons for disapproval shall refer specifically to those parts of the Ordinance or regulation with which the plans do not conform. On conditional approval, the County Engineer may require the applicant to resubmit the construction plans with all recommended changes before approving said plans. A decision of the County Engineer may be appealed to the Planning and Zoning Commission.

The appeal must be filed within sixty (60) days of the administrative decision, and shall be heard at the next regular Planning and Zoning Commission meeting scheduled at least fifteen (15) days after the appeal is filed. If the construction plans are found to conform to all requirements of the Ordinance, the County Engineer shall notify the applicant and the Planning Official in writing.

Upon final approval of the preliminary plat, and upon receipt of written final approval of the construction plans from the County Engineer, the Planning Official shall note approval in writing on at least two (2) copies of the preliminary plat. One (1) copy shall be retained by the Planning and Zoning Office and one (1) copy given to the applicant. Written approval on the preliminary plat shall state that the approval is to proceed under supervision of the County with the installation of site improvements; and to proceed with the preparation of the final plat. The approval must further state that preliminary plan approval does not authorize the applicant to sell or otherwise transfer lots or parcels within the platted subdivision. The Planning Official shall sign and date this written statement.

Where applicable, a phased clearing plan per the provisions of this Ordinance shall be submitted and approved before site development activities are permitted.

5:2.4-6 Final Plat

A. Submittal Requirements

Prior to recording the final plat with the Register of Deeds, thus creating individual lots of record that can be sold or transferred, the final plat must be submitted to the Planning and Zoning office for review and approval for recording. The final plat must contain the following:

B. Plat Information

1. General Information

- a. Title "FINAL PLAT FOR: _____ (name of land development)." The name of the development (subdivision, commercial complex, etc.) shall not duplicate or approximate the name of any other development in the County.
- b. Name, address, and telephone number of developer/applicant and/or owner/applicant.
- c. Name, address, and telephone number(s) of the professional person(s) responsible for the subdivision's design, or for the design of any public improvements, and for the surveys.
- d. North arrow, scale, and date.
- e. Tract boundaries and acreage.
- f. Tax map survey (TMS) number(s).
- g. Vicinity map.

2. Site Information

- a. Location, names, and right-of-way widths of streets, alleys, sidewalks, paths, and/or greenways within the tract.
- b. Location and dimensions of all existing rights-of-way and easements either on or adjacent to the property to be subdivided. Specifics must be given as to whether utilities are located within the easements or rights-of-way, and the location of poles and/or towers must be shown.
- c. Size and location of 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.

- d. Layout of other easements, indicating width and use.
- e. Layout of all blocks and lots, including building setback lines; scaled dimensions of lots, consecutive lot and block numbers, and total number of lots.
- f. The location, dimensions, and acreage of all common open space property to be set aside for the common use of property owners in the subdivision or group development with designation of the purpose thereof and conditions, if any, of the dedication or reservation.
- g. Indication of the use of all lots (single-family, two-family, multi-family, townhouse, offices, commercial, warehousing, industrial, etc.). Proposed uses shall not be contrary to those permitted by the zoning district regulations of this Ordinance.

3. Surveyor Certification

The signature, seal, and certification of a Registered Professional Land Surveyor to the effect that the final plat accurately reflects a survey made by him/her, that any change from the description appearing in the last recorded transfer of land contained in the final plat is so indicated, that all monuments shown thereon actually exist and their position is accurately shown, and that all dimensional and geodetic details are correct.

4. Certificate of Approval for Recording

(To be recorded with the approved final plat.)

The subdivision plat shown hereon has been found to comply with the Zoning and Land Development Regulations of Kershaw County and has been approved for recording in the office of the Register of Deeds of Kershaw County, South Carolina.

Date

Planning Official

Note: This certificate is an acknowledgment by the County that all required improvements have been installed and inspected for compliance, or financial guarantees ensuring installation of required improvements have been received as required by this Ordinance.

5. Certificate of Ownership and Dedication - The following must be completed by the property owner:

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 said streets; walks; parks; rights-of-way; sewer lines to include manholes and manhole castings, fittings and other components, and service lines to the right-of-way boundaries; and other sites to public use as specifically noted hereon. It being understood that I (we) hereby warrant said facilities and agree to bear any costs associated with correcting any defects in said facilities for a period of one (1) year from the date of final plat approval.

Date

Owner

Date

Owner

6. Certification for Private Roads and Facilities

All private roads and facilities must be marked as private on the final plat and all subsequent plats of individual lots must also be marked with the following notation:

Any streets, walks, parks, and other sites as specifically noted hereon shall be perpetually maintained by a homeowners' association and will not be accepted for maintenance by Kershaw County. The homeowners' association shall be a legally chartered entity that is registered with the SC Secretary of State.

_____	_____
Date	Owner
_____	_____
Date	Owner

Note: All property owners shall sign and legally record an approved road maintenance and/or other facility agreement. This agreement shall be binding and transfer with the property, and shall be referenced in the deed covering the property that the road and/or other facility is private. The subdivision final plat and each individual parcel plat shall depict the roadway and/or other facilities as privately maintained.

7. Sewer Easement Certification - The following certification, as applicable, shall be included on all construction plans and final plats submitted for approval:

The Party of the First Part, hereinafter called "Grantor," does hereby grant, bargain, sell, release and convey unto Kershaw County, hereinafter called "Grantee," its successors and assigns, sewer lines and appurtenances incidental thereto including but not limited to pipes, manholes and fittings and other components comprising the sewer system as shown on hereon, in fee simple, together with an exclusive easement, twenty (20) feet in width together with the right during the course of operation, construction, and/or maintenance to use such additional width as may be necessary on either side of the aforesaid right-of-way herein granted, for the purpose of operation, construction, and/or maintenance of said sewer lines and appurtenances through and under the lands hereon described, together with the right of ingress and egress across said property at all times, and the right to excavate and refill ditches and/or trenches, and the further right to remove trees, bushes, undergrowth, crops and/or other obstructions interfering with the operation, construction and/or maintenance of said sewer lines and appurtenances. The grantor hereby agrees that no construction (including, but not limited to, buildings, paving, pipe lines or other utilities) will be allowed within the limits of this easement without the prior approval of Kershaw County.

_____	_____
Date	Owner (Grantor)
_____	_____
Date	Owner (Grantor)

5:2.4-7 Final Plat Approval Procedure

The Planning Official shall review the final plat for compliance with the final plat submittal requirements of this Ordinance. The Planning Official may stamp a final plat approved for recording upon receiving the following:

A. Performance Financial Guarantee

The developer/owner shall deposit with the County a performance financial guarantee in the amount of fifteen (15) percent of the total cost of improvements to cover any expenses associated with correcting and repairing any defects which may surface during the warranty period. The County Engineer shall review and approve documentation of the total cost of improvement. In the event defects do surface and the developer does not correct said defects, the County may take action to do so using the deposited funds. In the absence of any defects or where the cost of any needed repairs is less than the amount deposited, the balance shall be returned to the developer/owner. At the conclusion of the warranty period, the County may accept said dedicated streets and other improvements into the County maintenance system. The warranty period shall be the one (1) year period commencing on the date the final plat is recorded with the Register of Deeds. The performance financial guarantee shall be one (1) of the following approved by the Finance Director:

1. Surety bond made out to Kershaw County from a surety bonding company authorized to do business in South Carolina.
2. Irrevocable letter of credit from a bank or other reputable institution.
3. Escrow account where applicant may deposit cash or other instruments readily convertible into cash at face value with the County or to the County in escrow with a bank.
4. Prepayment to the County with any unexpended funds to be returned to the applicant.
5. Other Financial Assurances - Such other financial assurances that the Finance Director finds will reasonably guarantee the availability of fifteen (15) percent of the total cost of improvements to cover any expenses associated with correcting and repairing any defects which may surface during the warranty period.

Any document providing such financial guarantee required under this section shall be in such form and substance as specified by and satisfactory to the County. The required performance financial guarantee (completed and fully executed) shall be a condition of final plat approval and shall be delivered to and approved by the Finance Director prior to the recordation of the final plat and/or the subdivision of the affected property by plat, deed, or otherwise.

- B. Written approval from the County Engineer that shall mean the final plat accurately depicts as-built conditions as approved and inspected by County Engineer, Public Works Department, and/or other applicable departments. Refer to as-built engineering plan requirements in the Stormwater Management Standards and Street Standards of this Article.
- C. Written confirmation from Kershaw County Mapping Official that a digital submission which is an exact depiction of the hard copy to be approved for recording has been received.
- D. Digital submission requirements for final plats:
 1. Digital copy of plat in dwg or dxf format.
 2. GPS centerline of all new roads using an adequate amount of multiple GPS points to ensure an accurate depiction of the roads.
 3. Use of NAD 1983 US State Plane Coordinate System when collecting centerline data.

- E. Written confirmation for Kershaw County E-911 Addressing that all road names have been approved and recorded.

5:2.4-8 Appeal to Planning and Zoning Commission

A decision of the Planning Official and/or County Engineer may be appealed to the Planning and Zoning Commission. The appeal must be filed within sixty (60) days of the administrative decision, and shall be heard at the next regular Planning and Zoning Commission meeting scheduled at least fifteen (15) days after the appeal is filed.

5:2.5 Large Acreage Single Family Residential Developments on Private Roads

5:2.5-1 Large Acreage Single-Family Residential Development Criteria

Large acreage developments are permitted only if the following criteria are met:

- A. No flag lots or access easements are allowed.
- B. Minimum lot size of ten (10) acres with an approximate depth to width ratio of six to one (6:1) or less.
- C. Creates no public roads for maintenance by Kershaw County. Any road shall be perpetually maintained by the homeowners' association and will not be accepted for maintenance by Kershaw County. The homeowners' association shall be a legally chartered entity that is registered with the SC Secretary of State. All property owners shall sign and legally record an approved road maintenance agreement. This agreement shall be binding and transfer with the property, and shall be referenced in the deed covering the property that the road is private. The subdivision plat and each individual parcel plat shall depict the roadway as privately maintained.
- D. The privately maintained road shall:
 1. Terminate in a cul-de-sac within the property.
 2. Not connect two or more roads.
 3. Have a minimum right-of-way of fifty (50) feet.
- E. The privately maintained road shall meet Kershaw County engineering specifications for private dirt roads. The Planning Official and County Engineer may consider alternate design standards in consideration of factors such as:
 1. Limited use.
 2. Site topographic or geophysical conditions.
 3. Stormwater management.
 4. The preservation of any natural features on the site.
 5. The avoidance of areas of environmental sensitivity.
 6. The minimizing of negative impacts and alteration of natural features.
 7. The avoidance of adversely affecting ground water and aquifer recharge.
 8. The reduction of cut and fill.
 9. The avoidance of unnecessary impervious cover.
 10. The prevention of flooding.
 11. The taking into account of other site-specific design considerations.

5:2.5-2 Preliminary Plans

A. Submittal Requirements

Due to the low density and limited use nature of such developments, it is the intent of this Article that the submittal process be streamlined to the extent practicable to insure orderly development in keeping with the intent of the design standards of this Article. The applicant is encouraged to request a pre-application conference with the Planning Official, County Engineer, and other County personnel. The objective is to aid the applicant in submitting a preliminary plan. Once the Planning Official and County Engineer have approved the preliminary plan, the applicant may begin construction.

The preliminary plan for large acreage developments on private roads serves as both the preliminary plat and constructions plans. The applicant shall submit five (5) sets of a preliminary plan to include the following as applicable:

1. General Information

- a. Proposed name of development which shall not duplicate or approximate the name of any other development in the County.
- b. Name, address, and telephone number of developer/applicant and/or owner/applicant.
- c. Name, address, and telephone number of the professional person(s) responsible for the subdivision's design, and for the surveys.
- d. North arrow, scale, and date, including revision dates.
- e. Tract boundaries and acreage.
- f. Phase boundaries and acreage.
- g. Tax Map Survey Number(s).
- h. Vicinity map.

2. Site Information

- a. The location of topographical lines, at two (2) foot intervals (survey verified) extending at least 100 feet outside the subdivision, wetlands, floodplain areas, and storm drainage ditches.
- b. Current zoning and land use (e.g. residential, commercial, timberland, etc.) of subject site.
- c. Political lines, if applicable, and identification of all surrounding land use and zoning. Any adjoining subdivision shall be identified by name.
- d. Location, size, elevation, easements, and other appropriate description of any existing facilities or utilities, including, but not limited to existing streets, sewers, drains, water mains, water bodies, streams, and other pertinent features such as swamps, railroads, and 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.

3. Planned Improvements

- a. Layout of streets, alleys, sidewalks, paths, and/or greenways.
- b. Layout of all blocks and lots, scaled dimensions of lots, consecutive lot and block numbers, and total number of lots.
- c. Layout of easements and rights-of-way, indicating width and use.
- d. The location, dimensions, and acreage of all common open space property proposed to be set aside for the common use of property owners in the proposed development with designation of the purpose thereof.
- e. Staking plan showing proposed cut and fill, and borrow areas, etc.
- f. 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 100 feet of their intersection with new roads. Approximate radii of all curves, lengths of tangents, and central angles on all streets.
- g. Copies of all applicable encroachment permits.
- h. All elevations shall be referred to most recent vertical datum where public water and/or public sewers are to be installed.
- i. Erosion prevention, sediment control, and stormwater drainage plans showing the acreage of each drainage area affecting the proposed subdivision, both on-site and

off-site, to include, but not limited to location, size, and invert elevations of proposed stormwater drains, stormwater detention/retention pond details, and any other applicable structural and non-structural stormwater best management practices details and notes.

- j. All details, notes, and references required by the construction standards and specifications of Kershaw County, any other local government or organization providing any utility, and the SCDHEC.

5:2.5-3 Preliminary Plan Approval Procedure

The Planning Official and County Engineer shall review the preliminary plan for compliance with the requirements of this Ordinance. Within twenty (20) working days of receipt of the preliminary plan, the Planning Official and County Engineer shall approve, approve conditionally, or disapprove the preliminary plan. If the preliminary plan is disapproved or approved conditionally, the reasons for such action shall be conveyed to the applicant. The reasons for disapproval shall refer specifically to those parts of the Comprehensive Plan, ordinance, or regulation with which the preliminary plan does not conform. On conditional approval, the Planning Official and/or County Engineer may require the applicant to resubmit the preliminary plan with all recommended changes before approving said plan. A decision of the Planning Official and/or County Engineer may be appealed to the Planning and Zoning Commission. The appeal must be filed within sixty (60) days of the administrative decision, and shall be heard at the next regular Planning and Zoning Commission meeting scheduled at least fifteen (15) days after the appeal is filed. If the preliminary plan is found to conform to all requirements of the Ordinance, the Planning Official shall notify the applicant.

Upon final approval of the preliminary plan, and upon receipt of written final approval of the plan from Kershaw County Engineer, the Planning Official shall note approval in writing on at least two (2) copies of the preliminary plan. One (1) copy shall be retained by the Planning and Zoning Office and one (1) copy given to the applicant. Written approval on the preliminary plan shall state that the approval is to proceed under supervision of the County with the installation of site improvements; and to proceed with the preparation of the final plat. The County Engineer/ Public Works Director shall develop guidelines and schedules for inspections during site construction. The approval must further state that preliminary plan approval does not authorize the applicant to sell or otherwise transfer lots or parcels within the platted subdivision. The Planning Official shall sign and date this written statement.

Where applicable, a phased clearing plan per the provisions of this Ordinance shall be submitted and approved before site development activities are permitted.

5:2.5-4 Final Plat

A. Submittal Requirements

Prior to recording the final plat with the Register of Deeds, thus creating individual lots of record that can be sold or transferred, the final plat must be submitted to the Planning and Zoning Office for review and approval for recording. The final plat must contain the following:

B. Plat Information

1. General Information

- a. Title "FINAL PLAT FOR: _____ (name of land development)." The name of the development shall not duplicate or approximate the name of any other development in the County.
- b. Name, address, and telephone number of developer/applicant and/or owner/applicant.
- c. Name, address, and telephone number(s) of the professional person(s) responsible for the subdivision's design, or for the design of any public improvements, and for the surveys.
- d. North arrow, scale, and date.
- e. Tract boundaries and acreage.
- f. Tax map survey (TMS) number(s).
- g. Vicinity map.

2. Site Information

- a. Location, names, and right-of-way widths of streets, alleys, sidewalks, paths, and/or greenways within the tract.
- b. Location and dimensions of all existing rights-of-way and easements either on or adjacent to the property to be subdivided. Specifics must be given as to whether utilities are located within the easements or rights-of-way, and the location of poles and/or towers must be shown.
- c. Size and location of 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.
- d. Layout of other easements, indicating width and use.
- e. Layout of all blocks and lots, including building setback lines; scaled dimensions of lots, consecutive lot and block numbers, and total number of lots.
- f. The location, dimensions, and acreage of all common open space property to be set aside for the common use of property owners in the subdivision with designation of the purpose thereof and conditions, if any, of the dedication or reservation.

3. Surveyor Certification

The signature, seal, and certification of a Registered Professional Land Surveyor to the effect that the final plat accurately reflects a survey made by him/her, that any change from the description appearing in the last recorded transfer of land contained in the final plat is so indicated, that all monuments shown thereon actually exist and their position is accurately shown, and that all dimensional and geodetic details are correct.

4. Certificate of Approval for Recording

(To be recorded with the approved final plat.)

The subdivision plat shown hereon has been found to comply with the Zoning and Land Development Regulations of Kershaw County and has been approved for recording in the office of the Register of Deeds of Kershaw County, South Carolina.

Date

Planning Official

Note: This certificate is an acknowledgment by the County that all required

improvements have been installed and inspected for compliance, or financial guarantees ensuring installation of required improvements have been received as required by this Ordinance.

5. Certification for Private Roads and Facilities

All private roads and facilities must be marked as private on the final plat, and all subsequent plats of individual lots must also be marked with the following notation:

Any streets, walks, parks, and other sites as specifically noted hereon shall be perpetually maintained by a homeowners' association and will not be accepted for maintenance by Kershaw County. The homeowners' association shall be a legally chartered entity that is registered with the SC Secretary of State.

_____	_____
Date	Owner
_____	_____
Date	Owner

Note: All property owners shall sign and legally record an approved road maintenance and/or other facility agreement. This agreement shall be binding and transfer with the property, and it shall be referenced in the deed covering the property that the road and/or other facility is private. The subdivision final plat and each individual parcel plat shall depict the roadway and/or other facilities as privately maintained.

6. Sewer Easement Certification - The following certification, as applicable, shall be included on all construction plans and final plats submitted for approval:

The Party of the First Part, hereinafter called "Grantor," does hereby grant, bargain, sell, release and convey unto Kershaw County, hereinafter called "Grantee," its successors and assigns, sewer lines and appurtenances incidental thereto including but not limited to pipes, manholes and fittings and other components comprising the sewer system as shown on hereon, in fee simple, together with an exclusive easement, twenty (20) feet in width together with the right during the course of operation, construction, and/or maintenance to use such additional width as may be necessary on either side of the aforesaid right-of-way herein granted, for the purpose of operation, construction, and/or maintenance of said sewer lines and appurtenances through and under the lands hereon described, together with the right of ingress and egress across said property at all times, and the right to excavate and refill ditches and/or trenches, and the further right to remove trees, bushes, undergrowth, crops and/or other obstructions interfering with the operation, construction and/or maintenance of said sewer lines and appurtenances. The grantor hereby agrees that no construction (including, but not limited to, buildings, paving, pipe lines or other utilities) will be allowed within the limits of this easement without the prior approval of Kershaw County.

Date

Owner (Grantor)

Date

Owner (Grantor)

5:2.5-5 Final Plat Approval Procedure

The Planning Official shall review the final plat for compliance with the final plat submittal requirements of this Ordinance. The Planning Official may stamp a final plat approved for recording upon receiving the following:

- A. Written approval from the County Engineer/Public Works Director that shall mean the final plat accurately depicts as-built conditions as approved and inspected by County Engineer/Public Works Department. Refer to as-built engineering plan requirements in the stormwater management standards and street standards sections of this Article.
- B. Written confirmation from Kershaw County Mapping Official that a digital submission which is an exact depiction of the hard copy to be approved for recording has been received.
- C. Digital submission requirements for final plats:
 1. Digital copy of plat in dwg or dxf format.
 2. GPS centerline of all new roads using an adequate amount of multiple GPS points to ensure an accurate depiction of the roads.
 3. Use of NAD 1983 US State Plane Coordinate System when collecting centerline data.
- D. Written confirmation from Kershaw County E-911 Addressing that all road names have been approved and recorded.
- E. The Planning Official shall review the final plat for compliance with the final plan submittal requirements for large acre developments on private roads.

5:2.5-6 Appeal to Planning and Zoning Commission

A decision of the Planning Official, Public Works Director, and/or County Engineer may be appealed to the Planning and Zoning Commission. The appeal must be filed within sixty (60) days of the administrative decision, and shall be heard at the next regular Planning and Zoning Commission meeting scheduled at least fifteen (15) days after the appeal is filed.

5:2.6 Group Developments

A group development is a development of a single tract of land or adjacent tracts of land under the same ownership or control. Group developments include commercial, retail, industrial, institutional, multi-family residential, and manufactured home parks.

5:2.6-1 Major and Minor Group Developments Defined

A. Major Group Developments

Major group developments are as follows:

1. **Commercial, Industrial, Institutional** - A group commercial, industrial, or institutional development consists of a multiple use or multiple occupant commercial, industrial, or institutional complex of a combined 25,000 square feet or greater of gross floor area, or a single-use, single-occupant commercial or industrial building of 25,000 square feet or greater of gross floor area. Examples are shopping centers and malls; commercial business or industrial parks; and “big box” retail.
2. **Housing** - A group housing development consists of:
 - a. Multi-family apartment buildings, duplexes, triplexes, quadruplexes, and townhouses on a single tract of land or adjacent tracts of land under the same ownership or control containing a combined total of more than ten (10) dwelling units.
 - b. **Manufactured Home Parks** - All manufactured home parks are classified as major group developments.

B. Minor Group Developments

Minor group developments are as follows:

1. Commercial, industrial, or institutional developments that consist of a multiple use or multiple occupant commercial, industrial, or institutional complex of a combined square footage of less than 25,000 square feet of gross floor area, or a single-use, single-occupant commercial or industrial building of less than 25,000 square feet of gross floor area.
2. Multi-family apartment buildings, duplexes, triplexes, quadruplexes, and townhouses on a single tract of land or adjacent tracts of land under the same ownership or control containing a combined total of more than two (2) or no more than ten (10) dwelling units.

5:2.6-2 Minor Group Development Approval Process

Minor group developments do not require Planning and Zoning Commission review prior to approval with the exception that both minor and major group developments within the Lake Wateree Overlay District (LWOD) require Planning and Zoning Commission approval per the special LWOD development standards. The applicant shall complete an application for a group development that shall be prepared by the Planning Official. The applicant must submit two (2) sets of zoning and land development site plans addressing off-street parking; buffering, screening, and landscaping requirements; resource conservation; and other provisions of this Ordinance as determined by the Planning Official. The Planning Official shall prepare site plan guidance documents to aid the applicant in preparing the site plans. Within ten (10) working days of submission of zoning and land development site plan, the Planning Official shall approve, approve with changes, or reject the plan. If rejected, changes, additional analysis, or

other information necessary to make an approval determination shall be identified and transmitted to the applicant. Zoning and land development site plans shall be approved prior to the issuance of the building permit. Site construction landscaping per the approved zoning and land development site plan shall be completed and approved prior to the issuance of a certificate of occupancy.

The applicant must submit two (2) sets of engineering (civil) plans and calculations that shall be in compliance with the applicable engineering specifications and standards of this Ordinance. The County Engineer shall prepare guidance documents to aid the applicant in preparing the engineering plans. Engineering site plans shall be approved prior to the issuance of the building permit. Site construction per the approved engineering site plan shall be completed and approved prior to the issuance of a certificate of occupancy. Within twenty (20) working days of receipt of the engineering plans, the County Engineer shall approve, approve conditionally, or disapprove the engineering plans. If the engineering plans are disapproved or approved conditionally, the reasons for such action shall be conveyed in writing to the applicant and copied to the Planning Official. The reasons for disapproval shall refer specifically to those parts of the Ordinance or regulation with which the plans do not conform. On conditional approval, the County Engineer may require the applicant to resubmit the engineering plans with all recommended changes before approving said plans.

A decision of the Planning Official and/or County Engineer may be appealed to the Planning and Zoning Commission. The appeal must be filed within sixty (60) days of the administrative decision, and shall be heard at the next regular Planning and Zoning Commission meeting scheduled at least fifteen (15) days after the appeal is filed. If the preliminary plan is found to conform to all requirements of the Ordinance, the Planning Official shall notify the applicant.

5:2.6-3 Major Group Development Approval Process

A. Submittal Requirements

The applicant shall complete an application for a major group development that shall be prepared by the Planning Official.

1. Zoning and Land Development Site Plan for Major Group Developments

The applicant shall submit to the Planning Official ten (10) copies of the site plan drawn per the requirements of as stipulated below.

2. General Site Plan Information

- a. Tax Map Survey (TMS) number(s) for the subject parcel(s).
- b. Contact information for the responsible party
- c. The site plan must be of sufficient scale to show the entire subject parcel, adjacent boundary lines of adjoining properties, and abutting roads.
- d. TMS number, owner information, and land use (commercial, residential, vacant, etc.) of adjoining properties.
- e. Right-of-way of abutting road(s).
- f. Existing and proposed encroachments (curb cuts).
- g. All existing and proposed structures, their size, height, elevation, and their setbacks from property lines.
- h. Flood zone and wetlands verification and base flood elevation as applicable.
- i. Total acreage in the tract proposed for group development and a statement of total contiguous acreage owned by the developer(s).

- j. The location and size of all proposed utilities and storm drainage easements.
- k. The location of topographical lines (closest available contour intervals - United States Geological Survey, USGS contours acceptable).
- l. The intended use of each building and number of units (if multiple use) the building is designed to accommodate.
- m. Vicinity map.

3. Landscaping

A landscape plan including all required buffers, screening, landscaping, open space, and Tree Protection provisions of this Ordinance. The landscape plan shall:

- a. Designate areas to be reserved for landscaping. The specific design of landscaping shall be sensitive to the physical and design characteristics of the site.
- b. Indicate the location and dimensions of landscaped areas (including required buffers, screening, interior parking, and other landscaping), plant materials (planting schedule), decorative features, etc.
- c. Identify all existing healthy pine trees of twenty (20) inches or greater diameter at breast height (DBH) and all other tree species of eight (8) inches or greater DBH.

4. Parking

The site plan must include an off-street parking facilities plan designed in accordance with the off-street parking regulations of this Ordinance. The plan must include:

- a. The required number of parking spaces per the zoning district regulations of this Ordinance.
- b. The required number of handicapped parking spaces and their locations.
- c. Parking slip and aisle dimensions.
- d. Off-street loading.
- e. Parking area landscaping per the landscaping provisions of this Ordinance.
- f. Site parking, aisles, vehicular and pedestrian ingress and egress, loading zones, etc. shall be laid out to facilitate safe and efficient internal traffic circulation.

5. Signage

The applicant is not required to submit sign permit applications at the time of group development application submittal. The developer may, however, opt to include the signage plan per the signage regulations of this Ordinance. Final certification (certificate of occupancy or use permit) shall not be granted until any required sign permits have been applied for and approved per the provisions of this Ordinance.

B. Approval Process

1. Planning and Zoning Commission Review

The Planning Official shall review the zoning and land development site plan for completeness. A site plan deemed complete by the Planning Official will be placed on the agenda for the next regular Planning and Zoning Commission meeting scheduled at least forty-five (45) days after the site plan is filed. The Planning Official shall distribute copies of the site plan to all affected County agencies for review and comment. The Planning Official shall present the application to the Planning and Zoning Commission in a staff report with the Planning and Zoning Department's analysis and recommendations and any other County agency's comments that have been received by the Planning Official. For residential major group developments, the Planning and Zoning Department's analysis and recommendations shall include any impact assessment reports received from commenting agencies per the adequate public facilities provisions of this

section. The Planning and Zoning Commission shall consider the prevention of traffic hazards and the provisions of off-street parking and required utilities. In addition, the Commission will consider compliance of the proposed group development with the applicable design standards and required improvements per this Ordinance and with the goals and objectives of the Comprehensive Plan.

The Planning and Zoning Commission shall approve, approve conditionally, or disapprove the site plan. If the site plan is disapproved or approved conditionally, the reasons for such action shall be conveyed to the applicant. The reasons for disapproval shall refer specifically to those parts of the Comprehensive Plan, ordinance, or regulation with which the plan does not conform. On conditional approval, the Planning and Zoning Commission may require the applicant to resubmit the site plan with all recommended changes before approving said plat. The Planning and Zoning Commission may direct the Planning Official to review the resubmitted site plan and to make a determination of approval, or it may require that the resubmitted plan be brought before the Planning and Zoning Commission for review at the next regular Planning and Zoning Commission meeting scheduled at least fifteen (15) days after the resubmitted site plan is filed.

If the site plan is found to conform to all requirements of the Ordinance, approval subject to traffic management plan provisions of this Ordinance shall be given by the Planning and Zoning Commission or Planning Official as directed by the Planning and Zoning Commission.

2. Engineering Plans

The applicant may submit engineering plans to the County Engineer subject to final approval of the zoning and land development site plans by the Planning and Zoning Commission or the applicant may submit the engineering plans upon receipt of final approval of the zoning and land development site plans by the Planning and Zoning Commission. Engineering plan submittal requirements shall be as follows:

- a. Staking plan showing proposed cut and fill, borrow areas, etc.
- b. Profiles showing existing and proposed elevations along the center lines of all internal roads, including drives and lanes. The elevation along the center lines of existing roads shall be shown within 100 feet of their intersection with new roads. Approximate radii of all curves, lengths of tangents, and central angles on all streets.
- c. Plans and profiles showing the locations and typical cross-section of street pavements including curbs and gutters, sidewalks, storm drainage easements, rights-of-ways, manholes, catch basins, and other storm drainage structures.
- d. The locations of street trees, street lighting, and street signs.
- e. The location, size, invert elevations, and easements (as applicable) for sanitary sewers, potable water lines, gas lines, underground cable and electric lines, fire hydrants, and other utilities and structures; showing connection to and exact location and size of all existing water, gas, or other underground utilities or structures.
- f. Copies of all applicable encroachment permits.
- g. Location, size, elevation, easements, and other appropriate description of any existing facilities or utilities, including, but not limited to existing streets, sewers, drains, water mains, water bodies, streams, and other pertinent features such as swamps, railroads, and buildings at the point of connection to proposed facilities and utilities within the development. 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.

- h. All elevations shall be referred to most recent vertical datum where public water and/or public sewers are to be installed.
- i. Erosion prevention, sediment control, and stormwater drainage plans showing the acreage of each drainage area affecting the proposed development, both on-site and off-site, to include, but not limited to location, size, and invert elevations of proposed stormwater drains, stormwater detention/retention pond details, and any other applicable structural and non-structural stormwater best management practices (BMP) details and notes.
- j. Topography at a contour interval of two (2) feet (survey verified), referred to vertical datum currently required by FEMA when public water and/or public sewers are to be installed or portions(s) of the subdivision that would be inundated by a 100-year frequency flood.
- k. All details, notes, and references required by the construction standards and specifications of Kershaw County, any other local government or organization providing any utility, and SCDHEC.
- l. A construction sequence.
- m. Title, name, address, telephone, and signature of the South Carolina Registered Engineer and Surveyor responsible for the plans with plan preparation date, including revision dates.

Where applicable, a phased clearing plan per the provisions of this Ordinance shall be submitted and approved before site development activities are permitted.

3. Approval

- a. Within twenty (20) working days of receipt of the engineering plans, the County Engineer shall approve, approve conditionally, or disapprove the engineering plans. If the engineering plans are disapproved or approved conditionally, the reasons for such action shall be conveyed in writing to the applicant and copied to the Planning Official. The reasons for disapproval shall refer specifically to those parts of the Ordinance or regulation with which the plans do not conform. On conditional approval, the County Engineer may require the applicant to resubmit the plans with all recommended changes before approving said plans.

A decision of the County Engineer may be appealed to the Planning and Zoning Commission. The appeal must be filed within sixty (60) days of the administrative decision, and shall be heard at the next regular Planning and Zoning Commission meeting scheduled at least fifteen (15) days after the appeal is filed. If the preliminary plan is found to conform to all requirements of the Ordinance, the Planning Official shall notify the applicant.

The County Engineer shall submit written approval prior to the issuance of building permits per the buildings and building regulations provisions of this Ordinance.

- b. When sewer utility easements are granted or rights-of-way are dedicated to Kershaw County, a plat shall be prepared for recording showing said easements and rights-of-way. The plat shall contain the applicable certifications:
 - 1.) **Certification of Ownership and Dedication** - The following must be completed by the property owner:

5:2.7 Development of Planned Development Districts

These provisions apply to the development of planned development districts (PDD) after final PDD zoning designation has been received per the PDD zoning provisions of this Ordinance. The PDD site plans submitted for the PDD re-zoning application shall serve in lieu of a sketch plan. The PDD site plan requirements are repeated below.

5:2.7-1 Planned Development District Site Plan

- A. The proposed title of the project, project designer, and the developer(s).
- B. The boundaries of the property involved; the general location of all existing easements, property lines, existing streets, and buildings; and other existing physical features on the project site.
- C. The approximate location of existing and proposed sanitary and storm sewers, water mains, street lighting, and other service facilities in or near the project.
- D. The general location and dimensions of proposed streets.
- E. The conceptual land use plan:
 1. Area by land use (i.e. retail, single-family detached residential, multi-family, townhouses, office, park, green space etc.).
 2. Specific allowable uses for each area.
 3. A tabulation of the number of acres in each use area.
 4. Maximum densities expressed in dwelling units per gross acre for residential, and floor/area ratio for non-residential.
 5. Building setbacks.
 6. Maximum impervious surface ratio.
 7. Maximum building heights.
- F. The position of the proposed development in relation to its surroundings. Current land use and zoning of the subject site, adjacent property, and a site location (vicinity) map shall be provided.
- G. Alternate design standard plans, as applicable. Alternate design standards may include, but are not limited to:
 1. Parking and loading.
 2. Buffers, landscaping, and common open space.
 3. Street design.
 4. Signage plan.

5:2.7-2 Preliminary Plan

Upon final approval of the PDD site plans and final traffic management plan determination by the Planning and Zoning Commission, the applicant shall submit the preliminary plan.

The preliminary plans submittal shall be in compliance with the PDD site plan as approved by the Planning and Zoning Commission and County Council.

A. General Submittal Requirements

1. Plans sheets shall be of a convenient scale of not less than one (1) inch equals 100 feet, adjustable depending upon lot sizes and total acreage.
2. Plan sheets should be of standard size of not greater than 24"x36" and no smaller than 24"x18".

3. The number of items presented on any one (1) sheet should be limited such that each item is clearly defined and easily reviewed.
4. Sheets overcrowded with too much information such that they are difficult and/or confusing to review shall be avoided.
5. A line and object legend shall be located within the plans.

B. Submittal and Distribution

Preliminary plans shall consist of two (2) submittals: The preliminary plat and the construction plans.

1. The applicant shall submit six (6) copies of the preliminary plat and three (3) copies of the construction plans to the Planning and Zoning Department.
2. The Planning Official will route one (1) copy of the preliminary plat and (2) copies of the construction plans to the County Engineer.
3. The Planning Official and/or County Engineer will distribute relevant copies of the preliminary plats and/or construction plans to other affected County departments for review and comment.

C. The Preliminary Plat

Preliminary plats for planned development districts shall contain the following:

1. General Information

- a. Proposed name of the development which shall not duplicate or approximate the name of any other development in the County.
- b. Name, address, and telephone number(s) of the developer/applicant and/or the owner/applicant.
- c. Name, address, and telephone number(s) of the professional person(s) responsible for the PDD's design, or for the design of any public improvements, and for the surveys.
- d. North arrow, scale, and date, including revision dates.
- e. Tract boundaries and acreage.
- f. Phase boundaries and acreage.
- g. Tax Map Survey number(s).
- h. Vicinity map.

2. Site Information

- a. The location of topographical lines, at two (2) foot intervals (survey verified) extending at least 100 feet outside the PDD, wetlands, floodplain areas, and storm drainage ditches.
- b. Current zoning and land use (e.g. residential, commercial, timberland, etc.) of subject site.
- c. Political lines, if applicable, and identification of all surrounding land use and zoning. Any adjoining subdivision or development shall be identified by name.
- d. Location, names, and right-of-way widths of existing or platted streets within and in the vicinity of tract. In case of re-subdivisions, a copy of existing plat with proposed re-subdivisions superimposed shall be submitted on a separate sheet.
- e. Location and dimensions of all existing rights-of-way and easements either on or adjacent to the property to be developed. Specifics must be given as to whether utilities are located within the easements or rights-of-way, and the location of poles and/or towers must be shown.

- f. 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.
 - g. Elevations where public water and/or public sewers are to be installed referencing the most recent vertical datum (if applicable).
3. **Planned Improvements**
- a. Layout of streets, alleys, sidewalks, paths, and/or greenways.
 - b. Layout of all blocks and lots, including building setback lines, scaled dimensions of lots, consecutive lot and block numbers, and total number of lots.
 - c. Layout of all easements and rights-of-way, indicating width and use.
 - d. The location, dimensions, and acreage of all common open space property proposed to be set aside for the common use of property owners in the proposed PDD with designation of the purpose thereof and conditions, if any, of the dedication or reservation.
 - e. Indication of the use of all lots (single-family, two-family, multi-family, townhouse, offices, commercial, warehousing, industrial, etc.). Proposed uses shall not be contrary to those regulations stipulated in the approved PDD.

5:2.7-3 Construction Plans

The construction plans shall include the following if and as such improvements are applicable to the proposed development:

- A. Staking plan showing proposed cut and fill, borrow areas, etc.
- B. 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 100 feet of their intersection with new roads. Approximate radii of all curves, lengths of tangents, and central angles on all streets.
- C. Plans and profiles showing the locations and typical cross-section of street pavements including curbs and gutters, sidewalks, storm drainage easements, rights-of-ways, manholes, catch basins, and other storm drainage structures.
- D. The locations of street trees, street lighting, and street signs.
- E. The location, size, invert elevations, and easements (as applicable) for sanitary sewers, potable water lines, gas lines, underground cable and electric lines, fire hydrants, and other utilities and structures; showing connection to and exact location and size of all existing water, gas, or other underground utilities or structures.
- F. Copies of all applicable encroachment permits.
- G. Location, size, elevation, easements, and other appropriate description of any existing facilities or utilities, including, but not limited to existing streets, sewers, drains, water mains, water bodies, streams, and other pertinent features such as swamps, railroads, and buildings at the point of connection to proposed facilities and utilities within the PDD. 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.
- H. All elevations shall be referred to most recent vertical datum where public water and/or public sewers are to be installed.
- I. Erosion prevention, sediment control, and stormwater drainage plans showing the acreage of each drainage area affecting the proposed PDD, both on-site and off-site, to include, but not limited to location, size, and invert elevations of proposed stormwater drains, stormwater

detention/retention pond details, and any other applicable structural and non-structural stormwater best management practices details and notes.

- J. Topography at a contour interval of two (2) feet (survey verified), referred to vertical datum currently required by FEMA when public water and/or public sewers are to be installed where there are portions(s) of the PDD that would be inundated by a 100-year frequency flood.
- K. All details, notes, and references required by the construction standards and specifications of Kershaw County, any other local government or organization providing any utility, and SCDHEC.
- L. A construction sequence.
- M. Title, name, address, telephone, and signature of the South Carolina Registered Engineer and Surveyor responsible for the plans with plan preparation date, including revision dates.
- N. When sewer utility easements are granted or rights-of-way are dedicated to Kershaw County, the construction plans shall contain the applicable certifications:

- 1. **Certification of Ownership and Dedication** - The following must be completed by the property owner:

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 said streets; walks; parks; rights-of-way; sewer lines to include manholes and manhole castings, fittings and other components, and service lines to the right-of-way boundaries; and other sites to public use as specifically noted hereon. It being understood that I (we) hereby warrant said facilities and agree to bear any costs associated with correcting any defects in said facilities for a period of one (1) year from the date of final plat approval.

_____	_____
Date	Owner
_____	_____
Date	Owner

- 2. **Sewer Easement Certification** - The following certification, as applicable, shall be included on all construction plans and final plats submitted for approval:

The Party of the First Part, hereinafter called "Grantor," does hereby grant, bargain, sell, release and convey unto Kershaw County, hereinafter called "Grantee," its successors and assigns, sewer lines and appurtenances incidental thereto including but not limited to pipes, manholes and fittings and other components comprising the sewer system as shown on hereon, in fee simple, together with an exclusive easement, twenty (20) feet in width together with the right during the course of operation, construction, and/or maintenance to use such additional width as may be necessary on either side of the aforesaid right-of-way herein granted, for the purpose of operation, construction, and/or maintenance of said sewer lines and appurtenances through and under the lands hereon described, together with the right of ingress and egress across said property at all times, and the right to excavate and refill ditches and/or trenches, and the further right to

remove trees, bushes, undergrowth, crops and/or other obstructions interfering with the operation, construction and/or maintenance of said sewer lines and appurtenances. The grantor hereby agrees that no construction (including, but not limited to, buildings, paving, pipe lines or other utilities) will be allowed within the limits of this easement without the prior approval of Kershaw County.

_____	_____
Date	Owner (Grantor)
_____	_____
Date	Owner (Grantor)

5:2.7-4 Preliminary Plan Approval Procedure

Within twenty (20) working days of receipt of the preliminary plat, the Planning Official shall review the preliminary plat for compliance with the requirements of this Ordinance and verify that the plat is in substantial conformance with the sketch plan as approved by the Planning and Zoning Commission. The Planning Official shall approve, approve conditionally, or disapprove the plat. If the preliminary plat is disapproved or approved conditionally, the reasons for such action shall be conveyed to the applicant. The reasons for disapproval shall refer specifically to those parts of the PDD site plan, the Comprehensive Plan, Ordinance, or regulation with which the preliminary plat does not conform. On conditional approval, the Planning Official may require the applicant to resubmit the preliminary plat with all recommended changes before approving said plat. A decision of the Planning Official may be appealed to the Planning and Zoning Commission. The appeal must be filed within sixty (60) days of the administrative decision, and shall be heard at the next regular Planning and Zoning Commission meeting scheduled at least fifteen (15) days after the appeal is filed. If the preliminary plat is found to conform to all requirements of the Ordinance, the Planning Official shall notify the applicant.

Within twenty (20) working days of receipt of the construction plans, the County Engineer shall review the construction plans for compliance with the requirements of this Ordinance. The County Engineer shall approve, approve conditionally, or disapprove the construction plans. If the construction plans are disapproved or approved conditionally, the reasons for such action shall be conveyed in writing to the applicant and copied to the Planning Official. The reasons for disapproval shall refer specifically to those parts of the Ordinance or regulation with which the plans do not conform. On conditional approval, the County Engineer may require the applicant to resubmit the construction plans with all recommended changes before approving said plans. A decision of the County Engineer may be appealed to the Planning and Zoning Commission. The appeal must be filed within sixty (60) days of the administrative decision, and shall be heard at the next regular Planning and Zoning Commission meeting scheduled at least 15 days after the appeal is filed. If the construction plans are found to conform to all requirements of the Ordinance, the County Engineer shall notify the applicant and the Planning Official in writing.

Upon final approval of the preliminary plat, and upon receipt of written final approval of the construction plans from the County Engineer, the Planning Official shall note approval in writing on at least two (2) copies of the preliminary plat. One (1) copy shall be retained by the Planning and Zoning office and one (1) copy given to the applicant. Written approval on the preliminary plat shall state that the approval is to proceed under supervision of the County with the

installation of site improvements; and to proceed with the preparation of the final plat. The approval must further state that preliminary plan approval does not authorize the applicant to sell or otherwise transfer lots or parcels within the platted subdivision. The Planning Official shall sign and date this written statement.

Where applicable, a phased clearing plan per the provisions of this Ordinance shall be submitted and approved before site development activities are permitted.

5:2.7-5 Final Plat

A. Submittal Requirements

Prior to recording the final plat with the Register of Deeds, thus creating individual lots of record that can be sold or transferred, the final plat must be submitted to the Planning and Zoning office for review and approval for recording. The final plat must contain the following:

B. Plat Information

1. General Information

- a. Title "FINAL PLAT FOR: _____ (name of the PDD)." The name of the PDD shall not duplicate or approximate the name of any other development in the County.
- b. Name, address, and telephone number of developer/applicant and/or owner/applicant.
- c. Name, address, and telephone number(s) of the professional person(s) responsible for the development's design, or for the design of any public improvements, and for the surveys.
- d. North arrow, scale, and date.
- e. Tract boundaries and acreage.
- f. Tax Map Survey (TMS) number(s).
- g. Vicinity map.

2. Site Information

- a. Location, names, and right-of-way widths of streets, alleys, sidewalks, paths, and/or greenways within the tract.
- b. Location and dimensions of all existing rights-of-way and easements either on or adjacent to the property to be redeveloped. Specifics must be given as to whether utilities are located within the easements or rights-of-way, and the location of poles and/or towers must be shown.
- c. Size and location of 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.
- d. Layout of other easements, indicating width and use.
- e. Layout of all blocks and lots, including building setback lines; scaled dimensions of lots, consecutive lot and block numbers, and total number of lots.
- f. The location, dimensions, and acreage of all common open space property to be set aside for the common use of property owners in the PDD with designation of the purpose thereof and conditions, if any, of the dedication or reservation.
- g. Indication of the use of all lots (single-family, two-family, multi-family, townhouse, offices, commercial, warehousing, industrial, etc.). Proposed uses shall not be

contrary to those stipulated in the approved PDD and as shown on the preliminary plat.

3. Surveyor Certification

The signature, seal, and certification of a Registered Professional Land Surveyor to the effect that the final plat accurately reflects a survey made by him/her, that any change from the description appearing in the last recorded transfer of land contained in the final plat is so indicated, that all monuments shown thereon actually exist and their position is accurately shown, and that all dimensional and geodetic details are correct.

4. Certificate of Approval for Recording

(To be recorded with the approved final plat.)

The plat shown hereon has been found to comply with the Zoning and Land Development Regulations of Kershaw County and has been approved for recording in the office of the Register of Deeds of Kershaw County, South Carolina.

Date

Planning Official

Note: This certificate is an acknowledgment by the County that all required improvements have been installed and inspected for compliance, or financial guarantees ensuring installation of required improvements have been received as required by this Ordinance.

5. Certificate of Ownership and Dedication - The following must be completed by the property owner:

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 said streets; walks; parks; rights-of-way; sewer lines to include manholes and manhole castings, fittings and other components, and service lines to the right-of-way boundaries; and other sites to public use as specifically noted hereon. It being understood that I (we) hereby warrant said facilities and agree to bear any costs associated with correcting any defects in said facilities for a period of one (1) year from the date of final plat approval.

Date

Owner

Date

Owner

6. Certification for Roads and Facilities

All private roads and facilities must be marked as private on the final plat and all subsequent plats of individual lots must also be marked with the following notation:

Any streets, walks, parks, and other sites as specifically noted hereon shall be perpetually maintained by a homeowners' association and will not be accepted for maintenance by Kershaw County. The homeowners' association shall be a legally chartered entity that is registered with the SC Secretary of State.

Date	Owner
Date	Owner

Note: All property owners shall sign and legally record an approved road maintenance and/or other facility agreement. This agreement shall be binding and transfer with the property, and shall be referenced in the deed covering the property that the road and/or other facility is private. The PDD final plat and each individual parcel plat shall depict the roadway and/or other facilities as privately maintained.

7. **Sewer Easement Certification** - The following certification, as applicable, shall be included on all construction plans and final plats submitted for approval:

The Party of the First Part, hereinafter called “Grantor,” does hereby grant, bargain, sell, release and convey unto Kershaw County, hereinafter called “Grantee,” its successors and assigns, sewer lines and appurtenances incidental thereto including but not limited to pipes, manholes and fittings and other components comprising the sewer system as shown on hereon, in fee simple, together with an exclusive easement, twenty (20) feet in width together with the right during the course of operation, construction, and/or maintenance to use such additional width as may be necessary on either side of the aforesaid right-of-way herein granted, for the purpose of operation, construction, and/or maintenance of said sewer lines and appurtenances through and under the lands hereon described, together with the right of ingress and egress across said property at all times, and the right to excavate and refill ditches and/or trenches, and the further right to remove trees, bushes, undergrowth, crops and/or other obstructions interfering with the operation, construction and/or maintenance of said sewer lines and appurtenances. The grantor hereby agrees that no construction (including, but not limited to, buildings, paving, pipe lines or other utilities) will be allowed within the limits of this easement without the prior approval of Kershaw County.

Date	Owner (Grantor)
Date	Owner (Grantor)

5:2.7-6 Final Plat Approval Procedure

The Planning Official shall review the final plat for compliance with the final plan submittal requirements of this Ordinance. The Planning Official may stamp a final plat approved for recording upon receiving the following:

A. Performance Financial Guarantee

The developer/owner shall deposit with the County a performance financial guarantee in the amount of fifteen (15) percent of the total cost of improvements to cover any expenses associated with correcting and repairing any defects which may surface during the warranty

period. The County Engineer shall review and approve documentation of total cost of improvement. In the event defects do surface and the developer does not correct said defects, the County may take action to do so using the deposited funds. In the absence of any defects or where the cost of any needed repairs is less than the amount deposited, the balance shall be returned to the developer/owner. At the conclusion of the warranty period, the County may accept said dedicated streets and other improvements into the County maintenance system. The warranty period shall be the one (1) year period commencing on the date the final plat is recorded with the Register of Deeds. The performance financial guarantee shall be one (1) of the following approved by the Finance Director:

1. Surety bond made out to Kershaw County from a surety bonding company authorized to do business in South Carolina.
2. Irrevocable letter of credit from a bank or other reputable institution.
3. Escrow account where applicant may deposit cash or other instruments readily convertible into cash at face value, with the County or to the County in escrow with a bank.
4. Prepayment to the County with any unexpended funds to be returned to the applicant.
5. Other Financial Assurances - Such other financial assurances that the Finance Director finds will reasonably guarantee the availability of fifteen (15) percent of the total cost of improvements to cover any expenses associated with correcting and repairing any defects which may surface during the warranty period.

Any document providing such financial guarantee required under this section shall be in such form and substance as specified by and satisfactory to the County. The required performance financial guarantee (completed and fully executed) shall be a condition of final plat approval and shall be delivered to and approved by the Finance Director prior to the recordation of the final plat and/or the subdivision of the affected property by plat, deed, or otherwise.

- B. Written approval from the County Engineer that shall mean the final plat accurately depicts as-built conditions as approved and inspected by County Engineer, Public Works Department, and/or other applicable departments. Refer to as-built engineering plan requirements in the Stormwater Management Standards and Street Standards sections of this Article.
- C. Written confirmation from Kershaw County Mapping Official that a digital submission which is an exact depiction of the hard copy to be approved for recording has been received.
- D. Digital submission requirements for final plats:
 1. Digital copy of plat in dwg or dxf format.
 2. GPS centerline of all new roads using an adequate amount of multiple GPS points to ensure an accurate depiction of the roads.
 3. Use of NAD 1983 US State Plane Coordinate System when collecting centerline data.
- E. Written confirmation for Kershaw County E-911 Addressing that all road names have been approved and recorded.

5:2.8 Traffic Management Plan

5:2.8-1 Purpose

A traffic management plan (TMP) is an evaluation of the effect of traffic generated by a development on the operation and safety of the adjacent public roads. Such analysis shall include an identification of traffic impact mitigation measures needed to improve the safety, operation, and flow of vehicular and pedestrian movement into and out of a development. A traffic management plan may be required in an application for:

- A. A major subdivision of forty (40) or more total lots in all phases and/or a major subdivision with public access to an unimproved public road without dedicated right-of-way.
- B. Major group developments which are:
 1. A commercial, industrial, or institutional major group development.
 2. A multi-family apartment building containing forty (40) or more units.
 3. Multiple multi-family apartment buildings on a single tract of land or adjacent tracts of land under the same ownership or control containing a combined total of forty (40) or more units.
 4. Multiple structures on a single tract of land or adjacent tracts of land under the same ownership or control containing two or more dwelling units (duplexes, triplexes, quadruplexes) containing a combined total of forty (40) or more units.
 5. Manufactured home parks containing more than forty (40) units.
- C. Planned development districts.

5:2.8-2 Determination of Need for Requiring a Traffic Management Plan

A. Conference

At the time of submittal of the sketch plan or site plan, as applicable, to the Planning and Zoning Department, the applicant shall schedule a conference with Planning Staff and other interested and affected County agencies to discuss the project and its potential traffic impacts. In preparation for the conference, the applicant shall prepare, at minimum, the current level of service (LOS) of the major road(s) impacted by the development for which data is available and the calculated LOS of the referenced impacted roads at build-out. The LOS shall be calculated utilizing the volume to capacity ratio method and utilize the following data:

1. **Calculation of LOS**
 - a. Number of average daily trips (ADT) per the most current edition of the *Institute of Transportation Engineers Trip Generation Manual* and the *ITE Trip Generation Handbook* that will be generated by the major subdivision, PDD, or group development.
 - b. The most current South Carolina Department of Transportation (SCDOT) traffic count data available in closest proximity to the site.
 - c. The capacity of the roads (vehicles per hour) which traffic count data is used per the current Transportation Research Board's *Highway Capacity Manual*.
2. **Alternative Method for Calculation of LOS** - The build-out LOS of the proposed project may be determined using the following data:
 - a. Number of average daily trips (ADT) per the most current edition of the *Institute of Transportation Engineers Trip Generation Manual* and the *ITE Trip Generation*

Handbook that will be generated by the major subdivision, PDD, or group development.

- b. The most current SCDOT traffic count data available in closest proximity to the site.
- c. The most recent SCDOT *Maximum ADT by Level of Service (LOS) for Urban Facilities for SCDOT Travel Demand Models* chart.

B. Evaluation

Planning Staff, in conference with the applicant, will evaluate the potential for traffic impact of the project considering the nature and size of the project and the cumulative impacts of the project in conjunction with existing and planned development in the vicinity of the project. The objective of the evaluation shall be to preliminarily assess the capacity of the affected road system to accommodate the traffic that will be generated by the project, and to make a recommendation to the Planning and Zoning Commission on the need for further assessment. Normally, a TMP will be recommended if the project is expected to increase the traffic count at the nearest count station by twenty (20) percent or greater. Any road improvements proposed by the developer to mitigate traffic impacts will be considered in the evaluation and recommendation.

5:2.8-3 Action by the Planning and Zoning Commission

Upon initial approval of the sketch plan, the Planning and Zoning Commission will evaluate Staff recommendations and comments, data, and presentations of the applicant and/or other interested parties in determining if the Planning and Zoning Commission will require a traffic management plan as a condition for final approval of the sketch plan.

The Planning and Zoning Commission may require additional information on the potential impact on traffic of the proposed project in lieu of requiring a full traffic management plan.

If the Planning and Zoning Commission determines that a traffic management plan will be required or is requiring additional information in lieu of a traffic management plan, the Planning and Zoning Commission may direct the Planning Official to review the required TMP or additional information and to make a determination of approval, or it may require that the required TMP or additional information be brought before the Planning and Zoning Commission for review at the next regular Planning and Zoning Commission meeting scheduled at least fifteen (15) days after the TPM or additional information is filed with the Planning and Zoning office.

The Planning and Zoning Commission shall approve, approve conditionally, or disapprove the sketch plan based on the approval of the submitted traffic management plan or additional information in lieu of a TMP. If the TMP is disapproved or approved conditionally, the reasons for such action shall be conveyed to the applicant. On conditional approval, the Planning and Zoning Commission may require the applicant to resubmit the TMP with all Planning and Zoning Commission requirements before approving said TMP. The Planning and Zoning Commission may direct the Planning Official to review the resubmitted TMP and to make a determination of approval, or it may require that the resubmitted TMP be brought before the Planning and Zoning Commission for review at the next regular Planning and Zoning Commission meeting scheduled at least fifteen (15) days after the resubmitted TMP is filed.

5:2.8-4 Planning and Zoning Commission Approval of Transportation Management Plan

Final approval of the sketch plan or site plan, as applicable, is contingent upon approval of the Planning and Zoning Commission of a required TMP, approval of additional information requested in lieu of a TMP, or determination that a TMP or additional information will not be required.

5:2.8-5 Coordination with South Carolina Department of Transportation (SCDOT)

It shall be the applicant's responsibility to establish contact with the SCDOT at the early planning stages of the development. The SCDOT may require the applicant to prepare a traffic impact study that meets the criteria of the Institute of Transportation Engineers. If the SCDOT requires a traffic impact study, the Kershaw County Planning and Zoning Commission shall accept the traffic impact study in lieu of the traffic management plan.

5:2.8-6 Transportation Management Plan Report

The traffic management plan report must be prepared by a qualified Professional Engineer, and must contain, at minimum, the following:

- A. The report must be prepared using the most current edition of the *Institute of Transportation Engineers Trip Generation Manual* and the *ITE Trip Generation Handbook*; and must employ the methodology detailed in the most current edition of the National Research Council's Transportation Research Board's (TRB) *Highway Capacity Manual*. The SCDOT *Maximum ADT by Level of Service (LOS) for Urban Facilities for SCDOT Travel Demand Models* may be also used. Equivalent trip generation and highway capacity methodologies may be accepted by the Planning and Zoning Department in a pre-application conference, if requested by the applicant.
- B. The report must contain an executive summary of major findings, conclusions, and recommendations presented in a clear and concise format. The summary should include a basic, brief description of the methodology employed. All executive summary supporting data, worksheets, intersection counts, etc. shall be contained in the body or appendices of the report.
- C. An introduction with the general description of the proposed project and the TMP objectives. Include a breakdown in acreage of the general land use types within the study area (residential, neighborhood commercial, general commercial, industrial, etc.) and density and/or intensity of non-residential land uses (gross square feet of leasable space).
- D. **Existing Conditions of the Study Area**
 1. Provide current traffic counts, conducted in accordance to acceptable professional standards, on all affected roadways.
 2. Identify all signalized and unsignalized road intersections and turning movements at major intersections.
 3. Include road classifications, number of lanes, lane widths, and speed limits.
 4. Provide maximum trip generation rates under current conditions.
 5. Provide current a.m. and p.m. peak hour trip assignments and LOS. If proposed project is a retail development, provide current Saturday/week-end a.m./p.m. peak hour trip assignments and LOS.

E. Proposed Project

1. Provide a site map showing proposed access points.
2. Show proposed land uses including density and/or intensity measurements.
3. Identify phased traffic impact including first year and at build-out that includes a comparison of a.m. and p.m. peak hour trip assignments and LOS of the proposed development to existing development conditions.

F. Analysis and Mitigation

1. Identify needed improvements for signalized intersections and unsignalized intersections.
2. Provide recommended storage lengths for required new or improved turn lanes, including consideration of overlapping transitions, competing storage, or other such restrictions using SCDOT standards at a minimum.
3. Analyze the safety and operational impacts of any proposed median breaks or relocations.
4. Identify all possible mitigation measures needed to ensure that an appropriate LOS for the area is met. Assume a LOS of C as the base.
5. Make a preliminary identification of the party(s) responsible to implement the proposed mitigation measures.

5:2.9 Adequate Public Facilities

5:2.9-1 Purpose

The policy of timing development with the availability of adequate public facilities to support the development is a recurrent theme of the Comprehensive Plan. It is the policy of the Comprehensive Plan to:

- A. Coordinate the expansion of development with information regarding potential impacts on schools, water and sewer systems, drainage, transportation systems, public safety, and other public services and infrastructure.
- B. Review land development and zoning regulations to strengthen provisions for discouraging development in those areas of the County where existing and/or planned facilities and infrastructure will not be adequate to support such development.
- C. Coordinate the planning efforts of the County, its municipalities, the school district, and the utility providers.

5:2.9-2 Applicability

In consideration of sketch plan approval of major subdivisions greater than forty (40) units, major group developments, and planned development districts, the Planning and Zoning Commission shall consider the adequacy of current public facilities and future facilities identified in the Capital Improvement Plan and funded by County Council to absorb the impact that such developments will place on these systems.

5:2.9-3 Impact Assessments

The traffic management plan provisions of this Ordinance shall inform the Planning and Zoning Commission of potential impacts of a proposed development on the transportation system. The Planning Official shall work with respective public service providers to develop impact assessment reporting forms to be submitted to the Planning and Zoning Department. The impact assessment reporting forms shall be approved by the Planning and Zoning Commission.

For proposed major subdivisions greater than forty (40) units, major group developments, and planned development districts, impact assessment reporting forms shall be submitted to, at minimum, the following agencies, as applicable:

- A. Kershaw County School District (for impact assessments of residential developments)
- B. Kershaw County Utilities (sewer)
- C. Kershaw County Engineer
- D. Kershaw County Environmental Services (solid waste and recycling)
- E. Kershaw County Public Works
- F. Kershaw County Fire Service
- G. Lugoff-Elgin Fire District
- H. Kershaw County Sheriff
- I. City of Camden Water and Sewer
- J. Lugoff-Elgin Water Authority
- K. Cassatt Water Company
- L. Bethune Rural Water
- M. KershawHealth (formerly Kershaw County Medical Center)/EMS
- N. United States Postal Service

5:2.9-4 Planning and Zoning Commission Consideration of Impact Assessments

Agencies shall have fifteen (15) days to submit impact assessment forms to the Planning and Zoning Department. All submitted impact assessments shall be included in a Planning and Zoning Department staff report and analysis on the proposed development prepared for the Planning and Zoning Commission. Any agency which has not submitted an assessment form after fifteen (15) days or at the time the staff report to the Planning and Zoning Commission is written, whichever is later, shall be noted as having not responded.

The Planning and Zoning Commission shall include the impact assessments submitted by the responding agencies in determining the approval of the project. The Planning and Zoning Commission shall consider any development agreements offered by the developer to mitigate negative impacts identified in the impact assessment reporting forms.

5:2.10 Environmental Impact Assessments

If an environmental impact assessments (EIA) for real estate transactions conducted under ASTM E1527 standards, and/or environmental site transaction screening (TS) conducted under ASTM E1528 standards has been completed on a site seeking approval of a land development project, a copy of the EIA and/or TS report(s) shall be submitted to the Planning Official for Staff and Planning and Zoning Commission review in evaluating the project for approval.

5:2.11 Development Agreements

As of the effective date of this Ordinance, Kershaw County may enter into a binding development agreement with the developer for long-term developments on large tracts of land. The development agreement shall meet all the requirements under SC Code of Law, Title 6, Chapter 31 § 6-31-10, et seq., *The South Carolina Local Government Development Agreement Act* (the Act). The development agreement gives the developer a vested right for the term of the agreement to proceed according to the provisions of the Ordinance in existence on the execution date of the agreement per §6-31-80 of the Act. Benefits to Kershaw County may include enhanced development design standards, on and off-site infrastructure, public facility and other improvements and funding, affordable housing, and other benefits negotiated with the developer in return for vesting of development rights for the term of the agreement.

5:2.11-1 Minimum Requirements

- A. The property must contain a minimum of twenty-five (25) acres of highland as defined as land above the 100-year floodplain as delineated on the official FEMA flood maps of Kershaw County.
- B. Development Time - The following table specifies the maximum term of a development agreement by the size of the project:

Table 5-5 MAXIMUM TERM OF DEVELOPMENT AGREEMENT BY SIZE OF PROJECT	
Size of Project	Maximum Term of Development Agreement
25-250 acres of highland	5 years
>250-1000 acres of highland	10 years
>1000-2000 acres of highland	20 years
>2000 acres of highland	As set by Kershaw County and the developer

The maximum term of a development agreement may be extended by a subsequent agreement.

5:2.11-2 Procedures for Adoption of Development Agreements

A. Drafting of Agreement

The developer shall consult with the Kershaw County Planning and Zoning Department, Administration, Engineering, Utilities, Public Works Department, County Attorney, and other applicable County Staff in drafting the terms and conditions of the development agreement. The development agreement shall include, but is not limited to, all elements as required by §6-31-60 of the Act.

B. Planning and Zoning Commission Public Hearing

The Planning and Zoning Commission shall hold a public hearing. A notice of intent to consider the development agreement shall be published in a newspaper of general circulation at least fifteen (15) days prior to the hearing. The notices shall include:

1. The specific location of the property.
2. The proposed uses of the development.
3. The location where a copy of the proposed agreement may be obtained.

The Planning and Zoning Commission chairman shall announce at the Planning and Zoning Commission's public hearing the date, time, and place that the County Council will hold a public hearing on the proposed development agreement which shall be held at least fifteen (15) days after the Planning and Zoning Commission public hearing

C. Planning and Zoning Commission Recommendation to County Council

The Planning and Zoning Commission shall review the development agreement and make a recommendation to the Kershaw County Council to:

1. Accept the development agreement as drafted;
2. accept the development agreement with amendments; or
3. deny the development agreement.

D. County Council Public Hearing

The County Council shall hold a public hearing. A notice of intent to consider the development agreement shall be published in a newspaper of general circulation at least fifteen (15) days prior to the hearing. The notices shall include:

1. The specific location of the property.
2. The proposed uses of the development.
3. The location where a copy of the proposed agreement may be obtained.

E. Development Agreement Ordinance

The proposed development agreement shall be approved by the County Council by adoption of an ordinance.

F. Recording of Development Agreement

The developer shall record the development agreement with the Kershaw County Register of Deeds within fourteen (14) days after the development agreement ordinance is executed.

5:2.11-3 Annual Review

The Planning Official shall conduct annual reviews to assess the progress of the development for the purposes of determining if the developer is demonstrating good faith compliance with the terms of the agreement. The Planning Official shall prepare a written report to the Planning and Zoning Commission, County Council, and the developer within thirty (30) days following the annual review. When the annual review reveals a material breach of the agreement the following steps shall be taken:

A. Notice of Breach

The Planning Official shall include in the report a notice of breach setting out the specific nature of the breach and the evidence supporting this determination.

B. Corrective Action Plan

The developer shall have thirty (30) days to respond with a corrective action plan with the time frame to cure the material breach. The developer should be given a reasonable time to correct the breach, commensurate with the nature of the breach. The Planning Official may approve the corrective action plan. A decision of the Planning Official may be appealed to County Council.

C. Termination of Agreement

Upon failure of the developer to respond to the notice of breach within thirty (30) days, or to correct the breach within the time given, the County Council may unilaterally terminate or modify the agreement. However, failure of the developer to meet a commencement or

completion date shall not, in and of itself, automatically constitute a material breach of the agreement, but must be judged based on the totality of the circumstances.

The developer shall have an opportunity to rebut the determination in executive session of County Council, or consent to amend the agreement to meet the concerns raised by the findings and determination of the breach.

5:2.12 Improvement Guarantees

5:2.12-1 Planning Staff

For purposes of this section, *Planning Staff* refers to the Planning and Zoning Director, Public Works Director, County Engineer, and County Administrator. The Planning and Zoning Director, Public Works Director, and County Engineer, as applicable, shall make recommendations to the County Administrator, who shall have final approval of improvement guarantees.

5:2.12-2 Policy

It shall be the general policy of Kershaw County that all improvements required by this Ordinance be completed prior to approval for recording of a final plat of a subdivision or development, the effect of which creates lots of record that may be sold or transferred. However, recognizing that completion of all required improvements prior to obtaining final plat approval may not in some cases be feasible, practical, or financially possible, this section provides a mechanism by which final approval may be granted, contingent upon certain required improvements being completed as and when specified by the Planning Staff and upon the applicant providing financial guarantees for the completion of such other required improvements.

Development projects must be substantially complete prior to final approval through the improvement guarantee process. In general, the development must be completed except for final road surfacing, minor grading, and minor stormwater management controls. Substantially complete includes, but is not limited to, the following site improvements:

- A. Utilities Installed
 - 1. Water, where applicable.
 - 2. Sewer, where applicable.
 - 3. Electricity and underground communications cables.
- B. All roads completed to all-weather construction.
- C. Major stormwater utilities (retention ponds, sedimentation basins, etc) completed.
- D. Approvals from all other applicable Federal, State, and local regulatory authorities secured.

5:2.12-3 Financial Guarantees

Where final plat approval is requested by the applicant/developer prior to the completion of all required improvements, the Planning and Zoning Director, Public Works Director, and County Engineer, as applicable, shall recommend to the County Administrator financial guarantees of such type and in such amounts (not less than 125 percent of cost of materials and installation) sufficient to guarantee with reasonable certainty that the required improvements will be completed as and when required by the Planning Staff. Said financial guarantees to be used for such purposes may include one (1) or more of the following types, if acceptable to the Planning Staff:

- A. Surety bond made out to Kershaw County from a surety bonding company authorized to do business in South Carolina.
- B. Irrevocable letter of credit from a bank or other reputable institution.
- C. Escrow account where applicant may deposit cash or other instruments readily convertible into cash at face value with the County or to the County in escrow with a bank.

- D. Prepayment to the County with any unexpended funds to be returned to the applicant.
- E. Contract for Completion - The applicant may deliver to the County a contract for completion of the required improvements executed by the applicant and a qualified responsible and duly licensed contractor together with an executed performance bond issued by such surety as the Planning Staff might approve. Along with said contract and performance bond, the applicant shall deliver to the County the right and option to enforce the terms and conditions of the contract and the performance bond.
- F. Other Financial Assurances - Such other financial assurances that the Planning Staff finds will reasonably guarantee the satisfactory completion of the required improvements as and when required.

Any document providing such financial guarantee required by the Planning Staff under this section shall be in such form and substance as specified by and satisfactory to the County. The required financial guarantee (completed and fully executed) shall be a condition of final plat approval and shall be delivered to and approved by the County Administrator prior to the recordation of the final plat and/or the subdivision of the affected property by plat, deed, or otherwise.

5:2.12-4 Option to Refuse Guarantee

The County shall have the right to refuse any of the optional financial guarantees and require construction and installation of all improvements by the developer, where:

- A. Past performance of the developer has been unsatisfactory;
- B. the selected option is unacceptable; or
- C. for other reasons so stated.

5:2.12-5 Default of Guarantee

In the event the developer fails to install or construct the required improvements during the specified time allotted and in conformity with these regulations, the improvement guarantee shall be forfeited to the County to be used for completion of the improvements.

5:2.12-6 Allocation of Guarantee

Any funds received from financial guarantees required by this Ordinance shall be used only for the purpose of making the improvements for which said guarantees are provided.

5:2.12-7 Extension of Guarantee

If it appears to the developer that he may not complete construction of required improvements before expiration of his improvement guarantee, it shall be his obligation, at least fifteen (15) days prior to the expiration period, to submit an extended guarantee request. Such extension, if approved, shall be for a period of six (6) months. A maximum of two (2) such extensions shall be allowed.

5:2.12-8 Acceptable Format for Improvement Guarantee

Any deviation from the acceptable format below may delay acceptance of this instrument:

Approved and accepted
this _____ day of
_____, _____

County Administrator
Kershaw County, South Carolina

Applicant/Developer
Principal

5:2.12-10 Approval for Recording

Any final plat that is approved for recording under an improvement guarantee must be annotated as such. Once the terms of the improvement guarantee have been completed and the financial guarantee has been retired, it shall be the developer's responsibility to record a final plat without the "Approved Under Improvement Guarantee" notation, and must be done as a condition for release of the performance guarantee upon termination of the warrantee period.

5:2.12-11 Release of Improvement Guarantee

When the developer notifies the County that the terms of the improvement guarantee have been satisfied, the Public Works Director and/or County Engineer shall inspect the project to verify that work has been satisfactorily completed as stipulated in the improvement guarantee and shall submit a written report to the Planning and Zoning Director. The County Administrator shall review the report and release the improvement guarantee. The Planning and Zoning Director shall notify the applicant and financial institutions and process any release of funds to the applicant/developer.