EXEMPT SUBDIVISIONS

Kershaw County
Planning & Development Services

www.kershaw.sc.gov

EXEMPT SUBDIVISION DEVELOPMENT

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.

Exempt Subdivision Development Submittal Checklist: PLAT

This checklist must be completed, signed, and submitted with application.

Project Name: _____ **Applicant:** _____

Check all that apply. Leave item unchecked if not applicable

Applicant Checklist

- ☐ Applicable Review Fees
- ☐ Restricted Covenants Form, signed and dated
- ☐ Copies of any and all paperwork regarding Special Exception, Variances, or Map Amendments must be included

N/A *(Provide short explanation for any items that are not applicable)*

Designer checklist

PLAT REQUIREMENTS

- ☐ Deed for supporting family exemption
- ☐ Exemption notation
- ☐ Correct Kershaw County Tax Map Survey (TMS) number(s) and shall be drawn to the requirements of the *Minimum Standards for the Practice of Land Surveying in South Carolina*
- ☐ Indicate purpose for plat (i.e. closing/mortgage/loan survey, subdivision of property, change of owner-ship, combination or recombination of previously recorded platted lots, re-survey/boundary survey, etc)
- ☐ Plat sheets size 11” x 17” or greater
- ☐ If new parcel is created from a parent parcel, previous survey must be referenced on the plat
- ☐ Entire parent parcel and the proposed division(s) must be shown on the plat
- ☐ Any existing buildings on the parcel to be subdivided (parent parcel) on the parcel being created shall be located on the plat with setback distances from the new property lines
- ☐ Size and location of existing sewers, water mains, drains, culverts, or other underground facilities within the area of interest
- ☐ Minimum lot sizing for rural zoning districts is one (1) acre
- ☐ Prepare a draft plat of the proposed subdivisions for submission to Planning and Zoning for preliminary approval
- ☐ Water quality buffer plat if the subject parcel contains an intermittent or perennial stream and/or water body (per section 5:3.6 of the ZLDR)

N/A *(Provide short explanation for any items that are not applicable)*

** See Planning Official’s prepared ‘Land Development Application-Exempt Subdivision Plat Submittal Guidelines and Checklist’ and **Section 5:2.2** of the ZLDR for detailed plat requirements.*

Applicant: _____ **Date:** _____