

- BERKELEY COUNTY CODE OF ORDINANCES -
CHAPTER 59 SUBDIVISION AND LAND DEVELOPMENT REGULATIONS ORDINANCE

BILL NO. 24-83
ADOPTED VERSION

CHAPTER 59 - SUBDIVISIONS AND LAND DEVELOPMENT

ARTICLE I. IN GENERAL

Sec. 59-1. Title.

This chapter shall officially be known, cited, and referred to as the "Land Development and Subdivision Regulations of Berkeley County, South Carolina."

Sec. 59-2. Authority and jurisdiction.

This chapter was prepared in pursuance of authority conferred by the S.C. Code tit. 6, chs. 7 and 29. The provisions set forth in this chapter shall apply throughout the unincorporated area of the county.

Sec. 59-3. Purpose.

The purpose of this chapter is to encourage the development of an economically sound and stable county; to ensure the timely provision of required streets, utilities, and other facilities and services to new land developments; to ensure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments; to ensure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, transportation, and other public purposes; and to ensure, in general, the wise and timely development of new areas, and redevelopment of previously developed areas in harmony with the comprehensive plan of the county.

Sec. 59-4. Applicability.

- (a) No land development plan, including subdivision plats, preliminary plans, and site development plans, will be approved unless all land intended for use as building sites can be used safely for building purposes, without danger from flood or other inundation or from other menaces to health, safety, or public welfare.
- (b) No land shall be subdivided, nor shall a plat of land be recorded for any purpose, nor shall any parcel resulting from the subdivision of land be developed, sold, shown, or offered for sale or lease, unless the requirements of this chapter are fully complied with.

Sec. 59-5. Rules of language and interpretation.

- (a) The word "shall" is mandatory; the word "may" is permissive.
- (b) The particular shall control the general.
- (c) Words used in the present tense shall include the future, and words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (d) All public officials, bodies and agencies to which reference is made are those of Berkeley County, unless otherwise indicated.

Sec. 59-6. Relationship with other laws, regulations and ordinances.

The standards and provisions of these regulations will be interpreted as being the minimum requirements necessary to uphold the purpose of these regulations. When the conditions imposed by any provision of these regulations are either more restrictive or less restrictive than the provisions of other county ordinances, laws, resolutions, rules or regulations of any kind, the regulations that are more restrictive and impose higher standards or requirements shall govern.

Sec. 59-7. Authority of the planning commission.

- (a) *Applications for waiver or/and appeals to the planning commission.* Applications for waivers and/or appeals and payment of applicable fees shall be submitted to the planning and zoning department. The planning and zoning department staff shall compile materials regarding an application for appeal and/or waiver and present to the planning commission within 45 days of receipt of a completed application by an applicant.
- (1) *Planning commission waivers.* Whenever, upon review of factual evidence, the strict application of the requirements contained in this chapter would result in extreme practical difficulties or undue misuse of property, the planning commission may modify such requirements as necessary so that the applicant is allowed to develop his or her property in a reasonable manner, providing that public interests are protected and the general intent and spirit of this chapter are preserved. The planning commission shall grant such waiver only upon a determination that:
- a. The waiver will not be detrimental to the public health, safety, and general welfare of the county;
 - b. The waiver will not adversely affect the reasonable development of adjacent property;
 - c. The waiver is justified because of topography or other special conditions unique to the property involved, and the waiver is not requested due to mere inconvenience or financial disadvantage; and
 - d. The waiver is consistent with the objectives and requirements set forth in this chapter and will not have the effect of nullifying the intent or purpose of this chapter or any other pertinent county or state regulations.
- (2) *Appeals.* An action of the administrative officer or designee to approve or disapprove a land development plan or a subdivision plan or plat may be appealed to the planning commission by any party in interest. The planning commission shall act on the appeal within 60 days of receipt of an appeal, containing the following information:
- a. The appeal shall be in writing and shall contain whatever additional information the aggrieved party believes is pertinent. If the aggrieved party believes that one or more provisions of this chapter have been violated, then it should be so stated.
 - b. It is expressly understood that the planning commission shall not act to override the requirements of other agencies or county departments. It may, however, seek to bring agreement in case of conflicts between the various reviewing agencies, or a reviewing agency and the subdivider.
- (3) *Evaluate petitions to change an existing road name.* The planning commission may evaluate and approve petitions to change an existing road name in accordance with the requirements and processes established in chapter 56 and upon payment of the fees established in chapter 47.
- (b) *Circuit court.* An appeal from a decision of the planning commission may be taken to circuit court within 30 days after actual notice of the decision.

Sec. 59-8. Amendments.

- (a) Amendments to this chapter shall be initiated by the planning commission or shall be submitted for approval, disapproval, or suggestions by the planning commission before being enacted.
- (b) The county council may adopt amendments to this chapter, provided that a public hearing shall be held, notice of which is given 30 days in advance in a newspaper of general circulation in the county.
- (c) Text amendments shall be initiated, processed, reviewed, and adopted in accordance with article 22 of the zoning and development standards ordinance.

(Ord. No. 20-12-49)

Sec. 59-9. Penalties.

Any violation of this chapter shall be a misdemeanor. The offender, upon conviction, shall be punished in accordance with section 1-8.

(Ord. No. 20-12-49)

Sec. 59-10. Severability and validity.

The provisions of these regulations are severable. If a section, sentence, clause, or phrase of these regulations is judged by a court of competent jurisdiction to be invalid, the decision shall not affect the remaining portions of these regulations.

(Ord. No. 20-12-49)

Sec. 59-11. Definitions.

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

Administrative officer is the member of the Berkeley County Planning and Zoning Department staff who is designated by the county to be responsible for administering this chapter.

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

Applicant means the owner or the authorized agent of the owner of any land within the county for which an application and/or submittal has been made to the Berkeley County Planning and Zoning Department for site or subdivision plan, plat, waiver, or other approval or authorization required by this chapter. The term "applicant" is synonymous with the terms "developer" and "subdivider" for the purpose of this chapter.

Arterial roadway means primary roadways designed to move large volumes of traffic, provide for the movement of through traffic, and include the following roadways: I-26 and I-26 Frontage Roads, Volvo Car Drive, Autonomous Drive, I-526 and I-526 Frontage Roads, US Hwy. 17A, US Hwy. 52, US Hwy. 176, SC Hwy. 6, SC Hwy. 27, SC Hwy. 41, SC Hwy. 45, SC Hwy. 311, SC Hwy. 402, SC Hwy. 78, Cane Bay Boulevard and Extensions, Nexton Parkway and Extensions, College Park Road, Clements Ferry Road (S-8-33), Henry Brown Boulevard (Hwy. 136), Jedburg Road (S-8-16), Liberty Hall Road (Hwy. 529), Old Hwy. 52, Red Bank Road, Rembert C. Dennis Boulevard, and Sangaree Parkway.

Block means a parcel of land entirely surrounded by streets or highways or by a combination of streets, highways, parks, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

Certificate of occupancy (CO) means an authorization issued by the building and codes department certifying a building's compliance with applicable building codes and other laws and indicating it to be in a condition suitable for occupancy. CO is not eligible to be issued until applicable accompanying on and off-site improvements are constructed to the county's satisfaction as set forth herein.

Collector street means a street used to collect and distribute medium traffic volumes between origin and destination points, which may include secondary roadways.

Community/Shared Individual Onsite Wastewater (Septic) Facility refers to a wastewater collection and treatment system/facility that provides shared collection, treatment, and disposal of wastewater from more than one parcel or unit of individually deeded real property and is prohibited in unincorporated Berkeley County. This definition includes Community (Cluster) Systems as defined by SCDES.

Comprehensive plan means the comprehensive plan adopted by the county council pursuant to S.C. Code 1976, §§ 6-29-310—6-29-1200.

Contiguous. Lots are contiguous when at least one boundary line of one lot touches a boundary line of another lot.

Coordinated departmental review refers to the internal coordinated technical review process for qualifying plans and plats submittals among the departments of planning and zoning, engineering and stormwater, roads and bridges, and water and sanitation, when applicable.

Cul-de-sac means a local street with only one outlet that terminates in a vehicular turnaround and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Department of Environmental Services (SCDES) is a South Carolina state cabinet agency established by SC State Law on July 1, 2024, with specific roles and responsibilities for overseeing the protection and preservation of South Carolina's environment and natural resources. SCDES is comprised of five environmental bureaus: Bureau of Air Quality, Bureau of Land and Waste Management, Bureau of Water, Bureau of Coastal Management, and Bureau of Regional and Laboratory Services. This definition will include any successors of SCDES tasked with the same/similar authorities.

Design criteria means standards that set forth specific improvement requirements.

Developer means the owner of land proposed to be subdivided or his representative who is responsible for any undertaking that requires review and/or approval under this chapter. See "subdivider."

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

Ditch means a manmade channel constructed to convey stormwater runoff.

Easement means a grant by the property owner of the use, for a specific purpose, of a strip of land.

Engineer means a licensed professional engineer in good standing with the South Carolina State Board of Registration for Professional Engineers and Land Surveyors.

Exempt plat means plat applications that conform to the criteria listed in section 59-23(a)(1) that are eligible to be submitted directly to the planning and zoning department for administrative review and exempted from the preliminary plan review process, but shall meet the other requirements of this chapter.

Family subdivision means subdivision plat applications that are eligible for exemption from private roadway construction requirements, provided that they conform to the criteria established in section 59-45(a)(5) and the property is being transferred to the owners' family members, including, but not limited to, transfers by will, intestate

succession, or forced division decreed by appropriate judicial authority. This exemption shall apply only to initial division of property, not to subsequent sale to members outside of the family. Further subdivision by the heirs, devisees, or transferees may be authorized upon submission of a revised plat that demonstrates conformance to the standards contained in section 59-45(a)(5).

Fees means review, impact, inspections, and other administrative fees required by each of the departments engaged in review, as adopted, either by ordinance or resolution, by county council and remitted in accordance with the submittal procedures set forth by the department, to the qualifying department or representative upon submittal or resubmittal of a preliminary plan, minor subdivision, family subdivision, exempt plat, single-site development (site plan), land disturbance plan; application for waiver, appeal, road name change, or text amendment; and request for site or other inspection(s).

Final plat refers to the graphical description of real property showing the boundaries and location of lots of record and intended to be subdivided, rights-of-way, easements, flood zone, and other pertinent information, as applicable. The final plat shall conform to the associated approved preliminary plan and meet the standards and requirements as set forth in this chapter and in the laws of the state.

Fire chief means the chief officer of the local fire department serving the subject parcel(s), or a duly authorized representative.

Floodplain and flood hazard area means the land area within a community subject to a one percent chance of flooding in any given year, as delineated on the Federal Emergency Management Agency's (FEMA) official flood hazard boundary maps, and/or the land area within the Santee Dam break hazard area.

Governing body means the county council.

Grade means the slope, specified in percentage terms, of a road, street, or other infrastructure or appurtenances.

Improvements means streets, accesses, utilities, drainage facilities, parking areas, and other physical infrastructural or facilities improvements, including early site preparations, necessary to support an intended development or subdivision.

Individual onsite wastewater (septic) system refers to a privately maintained wastewater treatment system that serves no more than one parcel or unit of individually deeded real property, is comprised of a collection system, septic tank(s), repair area, subsurface wastewater infiltration area, and other required components necessary for its operation, is designed to treat and dispose of wastewater and greywater through a combination of natural processes that ultimately result in effluent being transmitted through the soil, renovated, and ultimately discharged to groundwater, and permitted through SCDES.

Infrastructure construction plans means detailed construction plans for the construction of or improvement to streets, drainage conveyances, public water or sewer mains, or other public facilities and/or infrastructure systems that is necessitated by a single-site development or subdivision plan and are not associated with a programmed publicly maintained capital improvement project. Infrastructure construction plans are processed and reviewed as a preliminary plan concurrent and/or integrated with single-site development (site) plan or preliminary subdivision plan review.

Joint plan review (JPR) means a voluntary and informal meeting comprised of representatives of varying county departments available to applicants seeking preliminary information about an intended plat or plan submittal on a first-come, first-serve basis and for a nominal fee. This may also be referred to as a pre-application conference.

Larger common plan of development is a term defined by 63 Federal Register No. 128, July 6, 1998, p. 36491. Generally, any land-disturbing activities, including clearing, grading or excavating, on any site considered part of a larger common plan, based on the above-referenced definition, and required to obtain coverage under the NPDES Construction General Permit if certain thresholds of land disturbance are met or exceeded.

Level of service (LOS) is a quality measure describing operational conditions of the roadway network, generally in terms of such service measures as speed and travel time, freedom to maneuver, traffic interruptions, and comfort and convenience. As part of a Tier 2 Traffic Impact Assessment (TIA), the applicant will extrapolate existing and post-development LOS, per the requirements established herein, in a range of "A" to "F," with LOS A representing the best operating conditions and LOS F the worst.

Local street means the lowest order or classification of street. Provides frontage for direct access to lots and carries traffic having destination or origin on the street itself. Designed to carry lesser volumes of traffic at slow speeds. This definition includes, "low volume road."

Local fire official means the fire chief, chief building official or designee, or other designated authority charged with the administration and enforcement of the International Fire Code, or a duly authorized representative.

Lot means a portion of a subdivision or any other parcel of land that is intended as or may become a unit for transfer of ownership or for development or both. The word "lot" includes the words "plot," "tract," and "parcel."

Major subdivision is a division of land that does not meet the eligibility requirements for a minor subdivision or exempt plat and held to the preliminary plan process and requirements established in section 59-24. Infrastructure and utilities, to include, but not limited to, streets, engineered drainage systems, water and/or sewer utilities, and similar improvements, are required to be constructed or bonded in accordance with section 59-91 prior to final plat approval.

Mobile/manufactured home park means a parcel of land containing five or more mobile/manufactured home sites per acre, where such sites are available for rent or lease.

Minor street means a roadway that carries a mix of local and through traffic. It links collectors, and sometimes local streets, with arterial roadways.

Minor subdivision is a division of any tract of land into ten or fewer lots that are directly served by access from an adjoining publicly maintained roadway, a shared travelway, or a single-site development shared access, as defined herein, is a bona fide family subdivision that conforms to the requirements found in section 59-45(a)(5), meets all of the criteria established in section 59-23(a)(2) for a minor subdivision, and cannot be processed as an "exempt" plat submittal.

Perimeter street means any existing street to which the parcel of land to be subdivided abuts on only one side.

Plan means spatial depiction, drawn to scale, of an intended residential, non-residential, or subdivision development or supportive physical improvement. This definition includes "residential plot plan," "single-site development (site) plan," and "preliminary plan."

Plat means a graphical description of real property prepared by a licensed land surveyor and showing the boundaries and location of lots of record and intended to be subdivided, rights-of-way, easements, flood zone, and other pertinent information, as applicable. This definition includes exempt, final, minor subdivision, and family subdivision plat applications.

Preliminary plan means a plan set, prepared by a South Carolina Licensed Professional Engineer or other acceptable qualified professional, that includes scaled construction drawings and preliminary plat, depicting the proposed subdivision, rights-of-way, and/or easements as well as the accompanying improvements, and meeting the requirements set forth in this chapter, the Berkeley County Zoning and Development Standards Ordinance, and other applicable regulations. A preliminary plan set typically includes, but is not limited to, a preliminary subdivision, right-of-way, and/or easement plat, existing physical conditions exhibit, zoning and site data information, roadway, drainage, water, and sanitary sewer plans, profiles, and details, required landscaping, bufferyards and open space, bicycle and pedestrian facilities, and other required on and off-site improvements. Preliminary plan approval authorizes the applicant to commence grading activities and construction of supporting infrastructure and utilities. Preliminary plan approval does not authorize the applicant to sell or commence vertical construction upon proposed lots. This definition includes both preliminary subdivision plans and infrastructure construction plans.

Preliminary plat means a plat, not intended for recordation, prepared by a licensed land surveyor and submitted within a preliminary plan set that depicts the subdivision, rights-of-way, and/or easements intended to be created and other pertinent plat information in conformance with the requirements of this chapter.

Preliminary traffic assessment (PTA) means a voluntary application, containing an overview of a proposed development, location or tax-map number(s) for the parcel(s) in question, estimated number of employees and/or trip generation, existing or historic land use, concept plan, and other information deemed necessary by the administrative officer or designee, that is used to determine the type, scope, and process for traffic impact analysis that is required.

Private street means a vehicular right-of-way held in private or corporate ownership, and one which is ineligible for public expenditures and/or public maintenance.

Public street means a vehicular right-of-way dedicated for the use of the public forever. Public rights-of-way may be eligible for and accepted by a governing authority for perpetual maintenance if constructed, inspected, and warrantied in accordance to the requirements established by the governing authority.

Residential plot plan means a site-specific plan that accompanies a residential building or mobile home setup permit seeking to establish a single-family or duplex/two-family dwelling and/or a residential accessory structure or use on an individual lot of record, provided that the subject property is located within a development that is held under a larger common plan of development or the total disturbance associated with the proposed residential building or use does not exceed the thresholds established in the Berkeley County Stormwater Design Standards Manual requiring stormwater management plan/construction activity application approval (regulated MS4 Area only) or SCDES, if the property is located outside of the regulated MS4 area. Plot plans are typically prepared by a licensed professional, drawn to scale, and depict the boundaries of subject property, location and square footages of existing and proposed structures and site improvements (including impervious coverage metrics), utilities, drainage facilities, potable water and sanitary sewer facilities, easements, physical accesses, rights-of-way, and, in applicable communities, sidewalks/pedestrian facilities, and street trees, and, when required by the administrative officer, individual lot grading and drainage plans.

Right-of-way. See "easement."

Road. See "Street."

Secondary roadway means publicly maintained paved roads that have one or more lanes of travel in each direction, may or may not be divided, and usually have at-grade intersections with many other roads and physical accesses. These roadways typically have a local name and a route number, are often classified by SCDOT as "secondary," typically provide connectivity to the Arterial Roadway network, and may serve as collector roadways. For purposes of this chapter, this definition does not include those roadways that are designated as arterial roadways as defined herein.

Shared travelway means a private residential access that is constructed and maintained in accordance with the International Fire Code (IFC), as adopted by county council, contained within 30-foot wide ingress/egress easement and general utility easement, and serves no more than ten residential lots within single-family residential zoning districts, which include: Single-Family Residential (R-1), Multisection-Manufactured Residential (R1-MM), Manufactured Residential (R-2), Agricultural (Flex-1) District, Preservation Residential (R-15), Mobile Home Rural Farm Residential (R2-R(F)), Rural Manufactured Residential (R2-R), and Rural Single-Family Residential (R1-R).

Single-site development means redevelopment, construction, and/or development activities for residential or non-residential uses and supportive physical improvements located on one or more existing lot(s) of record. Single-site development activities are contemplated in a single-site development (site) plan or residential plot plan, as applicable and defined herein.

Single-site development (site) plan means a plan, drawn to-scale, typically multi-page, and typically prepared by a South Carolina Licensed Professional Engineer, depicting existing and proposed single-site development improvements, including, but not limited to, required drainage, sediment and erosion control, grading, accesses and

transportation improvements, parking, bufferyards, landscaping, lighting, utilities, property boundaries, details of project phasing, and similar improvements for one or more existing lot(s) of record and compliant with the standards found herein. A single-site development (site) plan also includes land disturbance plans for early site preparations.

Single-site development shared access means a privately-maintained access that serves subdivisions of three or fewer lots that contain non-residential, mobile home park, townhome, or multi-family residential primary uses and/or zoning districts (R-3, R-4, R-5, RNC, GC, OI, LI, HI, PD-MU, PD-RC, and PD-OP/IP), is constructed to the requirements found in article 15, Parking, and/or article 10.3, Arterial Road Overlay District, of the Berkeley County Zoning and Development Standards Ordinance, as applicable, and contained in an ingress/egress easement and general utility easement that is of a sufficient width to contain the physical access that is constructed in accordance with the standards found herein, sidewalks, and associated drainage, meet the projected traffic needs of the properties/uses that it serves, utilities, and/or other improvements, but no less than 30 feet. The physical access shall be no less than 22 feet in width, comport with International Fire Code requirements, be contemplated in a single-site development (site) or preliminary plan, as applicable, and constructed and verified for compliance prior to issuance of certificate of occupancy (CO) or otherwise applicable authorizations for occupancy or operations for any use and/or structure for which it serves.

Sketch plan means a preliminary drawing or concept showing a proposed subdivision or single-site development that is submitted to the department with a request for joint plan review, rezoning, or other meeting or initial request. Such plan is intended for discussion, and it is neither binding to the county or applicant.

South Carolina Department of Transportation (SCDOT). The South Carolina Department of Transportation, referred to herein as the "SCDOT," is the roadway maintenance authority for state-maintained roadways.

Special protection area means designated areas within the county within which more stringent stormwater management design standards have been established to address an existing problem, such as flooding or water quality. Construction activities occurring within these areas will be required to comply with the additional or more stringent stormwater management design criteria as detailed in the Berkeley County Stormwater Management Program—Stormwater Design Standards Manual.

Special exception means an exception issued by the board of zoning appeals (BZA) authorizing a particular use, as prescribed in the Berkeley County Zoning and Development Standards Ordinance, in a specified location within a zoning district, upon demonstrating that such use complied with all the conditions and standards specified by the ordinance.

Street means a physical access that does not qualify as a shared travelway or a single-site development shared access, is constructed to the standards established herein, is typically contained within an ingress/egress easement or right-of-way, and either publicly or privately maintained. This definition typically includes the following street classifications: public, private, local, minor, collector, and/or perimeter streets, alleys, and arterial and secondary roadways.

Street hierarchy means a hierarchical approach to street design that classifies streets according to their function, from high-traffic arterial roadways down to local streets that maintain low traffic volumes at slower travel speeds. Systematizing street design into a road hierarchy promotes safety, efficient land use, and environmental quality.

Subdivider refers to the owner or the agent of the owner of any land to be subdivided within the county. The term "subdivider" is synonymous with the terms "developer" and "applicant" for the purpose of this chapter.

Subdivision means any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, sites, units, plots, condominiums, tracts, or interests for the purpose of offer, sale, lease, or development whether immediate or future, either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of residentially and non-residentially zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. Subdivision includes re-subdivision and condominium creation or conversion.

Subdivision plat means the final map or drawing, described in this chapter, on which the subdivider's plan of subdivision is presented to the administrative officer or designee for approval and which, if approved, may be submitted to the county register of deeds for filing.

Subject property refers to the parcel(s) for which a subdivision, development, or any other physical improvement is proposed.

Surveyor means a licensed land surveyor who is in good standing with the South Carolina State Board of Registration for Professional Engineers And Land Surveyors.

Swale means a privately maintained ditch having side slopes of 4:1 or flatter.

Third-Party Plans Review refers to review services conducted by a qualified third-party consulting firm that is hired and managed by the County in accordance with typical Procurement processes. Third-Party Plans Review services are available for Single-Site Development (Site) Plan, Preliminary Plan, and Final Plat submittals in which the applicant remits payment of necessary review fee costs in accordance with the requirements established herein. In the case of Third-Party Plans Review, the Reviewing Departments retain approval authorities.

Traffic impact analysis (TIA) is a study, prepared by an engineer licensed in the state of South Carolina, that quantifies the impacts generated by a proposed development or redevelopment to the transportation network, assesses existing roadway and intersection traffic volumes, and identifies transportation system improvements necessary to maintain level of service standards identified in this chapter. There are two types of TIAs, a Tier 1 and a Tier 2, which are applicable based on established thresholds for trips generation and existing roadway traffic volumes.

Traffic service standards are the standards for traffic service that shall be used to evaluate the findings of traffic impact analyses.

Waiver means a grant of relief from certain requirements of this chapter by the planning commission. Such relief may only be granted where expressly permitted by this chapter and upon demonstration of conformance to the criteria stated herein.

Wetland means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Utilities. Utilities consist of any or all utility services to a subdivision or development, including water, electricity, telephone, cable television, gas, and sanitary sewerage, whether such utilities are supplied by a private individual or company or a governmental entity.

Variance means relief of the strict terms of the Berkeley County Zoning and Development Standards Ordinance granted by the board of zoning appeals (BZA) pursuant to section 21.3 of the same ordinance, where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not as the result of action on the part of the property owner or developer, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

Sec. 59-12. Fees.

Review, inspections, and administrative fees. The applicant shall remit payment of the applicable review, impact, inspections, and other administrative fees required by each of the departments engaged in review, as adopted, either by ordinance or resolution, by county council and in accordance with the submittal procedures set forth by the department, to the qualifying department or representative upon submittal or resubmittal of a preliminary plan, minor subdivision, family subdivision, exempt plat, single-site development (site plan), land disturbance plan; application for waiver, appeal, road name change, or text amendment; request for joint plan review (JPR); and request for site or other inspection(s).

Secs. 59-13—59-20. Reserved.

ARTICLE II. LAND DEVELOPMENT APPLICATION, REVIEW, AND APPROVAL PROCESSES

Sec. 59-21. Application processes, expiry, and vesting.

One or more of the following types of approvals shall be required for all land development and/or subdivision activities in Berkeley County. Submittal and review procedures are set forth below.

- (1) *Joint-plan review/pre-application conference.* A voluntary meeting with representatives from the planning and zoning department and other departments engaged in coordinated departmental review to offer preliminary feedback on a development or subdivision sketch/concept plan with an applicant. Applicants may sign up for joint plan review upon payment of qualifying fees as established by county council and in accordance with the procedures set forth by the department.
- (2) *Application submittal and expiry.*
 - a. In order for a plan or plat to be submitted for review, it shall be in the quantity and format required for review, accompany the completed applicable submittal application(s), any required supporting documentation, and payment of applicable fees in accordance with the procedures set forth by the department and as stated herein. Upon receipt of a complete submittal and payment of applicable review fees, the materials will be processed and distributed to the applicable county departments for review.
 - b. Plan or plat submittals that, following review by the qualifying departments, become inactive for a period of six months following the date of the last correspondence issued by any of the departments engaged in the review will be discarded unless the applicant demonstrates a good faith effort to progress the submittal prior to the expiry deadline and/or an extension is granted. Should a plan or plat submittal be discarded, submittal of a new application and payment of review fees applicable to a new submittal will be required in order to proceed with review.
- (3) *Issuance and expiration of approvals.*
 - a. *Plan approval.* Approval of a plan is valid for a period of up to 24 months, provided that the requirements for vesting of each applicable department involved in coordinated plan approval are met. Plan approval shall become void within 24 months of the date of said approval unless one or more of the following deliverables have been met:
 1. Installation of improvements is substantially begun as determined by the administrative officer or designee (i.e. more than 50 percent of the installation of improvements has completed).
 2. In the case of a preliminary plan, a final plat of all or a portion of the contemplated subdivision is submitted for approval, unless a phasing plan has been submitted and accepted by the administrative officer through coordination with the departments engaged in coordinated departmental review. If the subdivider is proposing to develop the preliminary plan in phases, a phasing plan shall be included. Proposed changes in the phasing plan shall be subject to approval by the administrative officer or designee through coordination with the departments engaged in coordinated departmental review. The subdivider must begin the construction of all approved phases of the preliminary plan within 24 months or such plan must be resubmitted to the administrative officer or designee for further approval in accordance with the current ordinance requirements.

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3. The administrative officer or designee, through coordination with the county engineer or designee, may waive this requirement and consent to extension(s) in six month increments of said time period upon finding that the applicant made a good faith effort to advance construction or installation of improvements contemplated in the approved plan.
- b. *Plat approval.* No plat submittal shall be recorded unless it bears the stamp, indicating exemption or approval, together with the date of action and signature of the administrative officer or designee. Upon action by the administrative officer or designee, plats shall be recorded within 24 months or the action of the administrative officer or designee shall be null and void. The applicant shall be responsible for filing and paying the appropriate filing fee to the register of deeds office.

Sec. 59-22. Single-site development.

- (a) Single-site development (site) plans, including land disturbance plans for early site preparations, shall be reviewed and approved through coordinated departmental review prior to commencement of any land disturbance and construction activities, modification to site improvements (including any increases in impervious coverage), alterations to bufferyards or other required landscaping, the issuance of a building permit for new vertical construction, and/or the authorization of a change in use to a more intensive use, as determined by the administrative officer or designee.
- (b) *Single-site development (site) plans submittal.* Applicants shall submit for review the applicable application, payment of required review, inspections, and administrative fees, the quantity and size of plans, and any necessary supporting documentation in accordance with the requirements established herein and procedures set forth by the department, which shall be received before the plans are processed and distributed for coordinated departmental review. The submittal shall include the following, but not limited to, exhibits/information:
 - (1) Names of applicant, owner(s) of the property proposed for development, developer(s), the surveyor(s) or engineer(s) responsible for execution of the survey, and the design professional(s) responsible for planning and design.
 - (2) The ten-digit Berkeley County TMS number for the subject property, its acreage to the nearest tenth of an acre, physical address, and current zoning, and other cartographic elements.
 - (3) An inset containing a vicinity map, depicting the subject property in the context of surrounding streets, railroads, and watercourses with appropriate labels.
 - (4) The names of all owners of adjacent land with parcel identification numbers in ten-digit format, notation of existing land use, street addresses, if applicable, zoning districts, and jurisdiction noted.
 - (5) Footprints of existing and proposed structure(s) and any other physical improvements with applicable dimensions, square footage, height, impervious coverage, and setbacks from property lines noted.
 - (6) Conceptual building elevations and floor plan(s), depicting building height, size, and square footages, for each structure proposed and shown in the respective site development plan.
 - (7) Unless otherwise exempted by the county engineer or designee through coordination with the administrative officer or designee, delineation of jurisdictional and non-jurisdictional wetlands as well as the centerline of any watercourses with delineation of critical areas, buffer areas, and/or setbacks as required by the United States Army Corps or South Carolina Department of Environmental Services – Bureau of Coastal Management.
 - (8) Flood hazard areas as obtained from FEMA FIRM flood hazard maps and all known flood area boundaries and flood map panel number(s) in accordance with chapter 26 of the Berkeley County Code of Ordinances, Flood Damage Prevention.

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- (9) Lot grading and drainage plans and details.
 - (10) A tree survey and landscape plans and details, where applicable and in compliance with articles 10.3, 15, and 17 of the Berkeley County Zoning Ordinance, including description of any existing wooded areas that will remain undisturbed with tree protection devices noted.
 - (11) A lighting plan and/or photometric survey, when requested by the administrative officer or designee or designee, to verify compliance to applicable lighting standards.
 - (12) Location, dimensions, and details (when applicable) of all existing and proposed vehicular accesses (temporary and permanent) and names thereof, parking areas with parking space calculations, signage, railroads, bridges, drainage facilities, water and sewer facilities, and bicycle and pedestrian facilities and any associated rights-of-way or easements thereof.
 - (13) Infrastructure construction plans, when required, prepared and submitted in accordance with section 59-24.
 - (14) A traffic impact analysis (TIA), when required, shall be prepared in accordance with section 59-72 and submitted for review either prior to or with the initial single-site development (site) plan submittal;
 - (15) Any additional supporting materials required herein or deemed necessary by the administrative officer or designee or the other reviewing departments to verify compliance to applicable county standards.
- (c) *Coordinated departmental review.* Upon receipt of a complete single-site development (site) plan submittal in accordance with the requirements contained herein, the planning and zoning department shall coordinate with the following departments in its review and, upon demonstrated conformance to all applicable standards, approval: Engineering and stormwater, roads and bridges, and water and sanitation, when applicable. If the plan is not approvable, the reasons for such action shall be provided to the applicant in writing by the administrative officer or designee and the other departments engaged in coordinated departmental review within a reasonable timeframe. No single-site development (site) plan shall bear the endorsement of the administrative officer or designee without receipt of concurrence from the applicable county departments, public water and/or sewer utility provider, and roadway maintenance authority.
- (1) *Optional third-party single-site development (site) plans review.* Single-site development (site) plans submittals that conform to the requirements listed below may be reviewed by a qualified third-party consultant.
 - a. Prior to making a submittal, attendance at a joint-plan review/pre-application conference to discuss the submittal requirements and process may be required.
 - b. Should the development intended by the plan necessitate or accompany installation, extension of, or improvement to streets and associated drainage conveyances, public water and sewer main lines, other public facilities and/or infrastructure systems and/or acquisition of easements and/or rights-of-way, the applicant shall dually submit for third-party review an *Infrastructure Construction Plan* in accordance with section 59-24; and
 - c. The applicant has submitted a complete application and remitted payment for applicable review services fees as adopted by county council, either by ordinance or resolution, for each department engaged in coordinated review.
 - d. Expectations for third-party review service delivery.
 1. Once a submittal is received for third-party review, the third-party review consultant shall have three (3) business days to develop a proposal that contains review turnaround and cost expectations.
 2. The third-party review consultant will coordinate with the assigned Project Manager within each department engaged in Coordinated Plans Review. The assigned County Project

Manager(s) shall provide oversight, conduct any necessary reviews, and, upon demonstrated conformance, issue concurrence.

3. Third-party review consultants and County Project Manager(s) review timelines shall be based upon project acreage as detailed in the table below; provided, however, that, if due to extenuating circumstances, site characteristics, and/or complexities, the third-party reviewer may request additional time to conduct the review in the initial proposal for the applicant’s consideration. The applicant can then determine whether to proceed with third-party review.

Project Acreage					
Less than or equal to 9.99 Acres		10 – 199.99 Acres		200+ Acres	
Third-Party Consultant	County Project Manager	Third-Party Consultant	County Project Manager	Third-Party Consultant	County Project Manager
15 business days	5 business days	20 business days	10 business days	30 Business Days	15 Business Days

4. If, following review of the third resubmittal, comments have not been substantially satisfied, the County Project Manager(s), together with the Third-Party Reviewer, reserve the right to require a meeting with the Applicant/Engineer of Record to discuss the review comments and potential remedies at the sole expense of the Applicant.
 5. *Payment of fees.* Fees will be invoiced to and payment shall be received from the applicant prior to issuance of comment letters for each iteration of the plan submitted for review and/or approval, as applicable.
 6. *Final approval.* Once the requirements for approval have been met, the applicant may submit the single-site development (site) plan intended for formal approval. Upon receipt, the departments engaged in coordinated review shall have within three (3) business days to formally-issue approval.
- (d) Site improvements contemplated in a single-site development (site) plan shall be inspected, upon payment of any applicable inspection fees, and verified for substantial compliance prior to issuance of certificate of occupancy (CO) for any vertical construction activities contemplated therein or otherwise applicable authorization(s) for occupancy or operations.
- (e) If the single-site development (site) plan requires the installation, extension of, or improvement to streets and/or associated drainage facilities, public water and/or sewer main lines, and/or other public facilities and/or infrastructure systems that are not associated with a programmed publicly maintained capital improvement project, an infrastructure construction plan shall be submitted in accordance with the preliminary plan procedures set forth in section 59-24. The infrastructure construction plan may be reviewed and approved concurrent with the single-site development (site) plan. In such case, certificate of occupancy (CO) of any vertical construction activities contemplated in the single-site development (site) plan or otherwise applicable authorization(s) for occupancy or operations shall be contingent upon the completion and verification to the county's satisfaction of any required on/off-site infrastructure improvements as well as approval and recordation of any accompanying final plat.
- (f) The following individual lot single-family residential construction activities shall be exempt from the single-site development plan coordinated departmental review process and, instead, reviewed internally by the planning and zoning department:

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- (1) *Residential plot plans.* Residential plot plans that accompany a residential building or mobile home setup permit that seek to establish a single-family or duplex/two-family dwelling and/or a residential accessory structure or use on an individual lot of record, provided that the following criteria have been met:
 - a. The subject property is located within a development that is held under a larger common plan of development; or
 - b. The total disturbance associated with the proposed residential building or use does not exceed the thresholds established in the Berkeley County Stormwater Design Standards Manual requiring stormwater management plan/construction activity application approval, if the property is located within the regulated MS4 Area of the county, or SCDES, if the property is located outside of the regulated MS4 area.
 - c. At the discretion of the administrative officer or designee, he/she may require individual lot grading and drainage plans, prepared by a South Carolina Licensed Engineer or similar licensed design professional, to be submitted with residential plot plan submittals.
 - d. The plot plan is submitted in accordance with procedures established by the department, and the proposed building or mobile home setup activity conforms to the dimensional, density, and other standards of the Berkeley County Zoning and Development Standards Ordinance, unless one or more variances are issued by the board of zoning appeals (BZA).

Sec. 59-23. Exempt and minor plats.

- (a) *Administrative review.* Upon submittal of the plat intended for review, payment of applicable review fees, any required supporting materials, and a completed applicable application, the following plat types are eligible to be submitted directly to the planning and zoning department for review and exempted from the preliminary plan review process, but shall meet the other requirements of this chapter. These applications shall not be used in any manner to evade the general purpose of this article. Piecemealing a development will not be allowed.
- (1) *Exempt plat applications.* Upon review, the administrative officer or designee shall note the applicable exemption(s) on the plat, which, upon approval, is permitted to be recorded at the Berkeley County Register of Deeds. Exemptions shall apply in the following situations:
 - a. In the case of a combination or recombination of portions of previously platted lots where the number of lots, as shown on an approved plat, is not increased and the resultant lots are equal to the standards of this chapter and other relevant county ordinances.
 - b. In the case of any proposed subdivision where no new street, either public or private, is involved and no parcels are created which are smaller than five acres.
 - c. In the case of property transferred by will or intestate succession or forced division decreed by appropriate judicial authority or by tax sale as authorized by state law.
 - d. In the case where a proposed subdivision results in one new lot, is located on an existing conforming access, complies with SCDES rules and regulations pertaining to the availability of potable water and sanitary sewer facilities, and the proposed new lot and the residual portion meets minimum lot size.
 - e. In the case of a property existing as a lot of record prior to April 26, 1999, but not by recorded plat, a subsequent plat of the property, prepared after April 26, 1999, shall be exempt and the plat will be stamped "Received for information." Any subdivision of the property subsequent to the plat shall comply with all current regulations.

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- f. The acquisition of land for right-of-way, ingress/egress, drainage, and/or general utility or similar easements, by a public entity or public utility that are not associated with a preliminary plan reviewed by the planning and zoning department.
- (2) *Minor subdivision applications.* Applications for minor subdivision shall meet all the following criteria:
- a. The subdivision proposal (1) seeks to divide property into ten or fewer lots and does not qualify as an "exempt plat" or (2) qualifies as a bona fide family subdivision that conforms to the requirements outlined in section 59-45(a)(5) and the criteria established in this section.
 - b. No street, either public or private as defined herein, will be required to be improved, extended, and/or constructed as part of the subdivision proposal and any proposed access shall be provided by a driveway, shared travelway as defined in section 59-45(a)(1), an existing single-site development shared access as defined in 59-45(a)(2), or exempted from roadway construction requirements per section 59-45(a)(5).
 - c. No public water or sewer facilities or utility lines will be required to be improved, extended, or established as part of the subdivision proposal and no private community water or sewer facilities will be established. The installation of service line connections or taps from existing main lines or the installation of individual onsite septic and private well facilities is not included in this criterion.
 - d. No drainage facility or conveyance, either public or private, is required to be improved, extended, or created as part of the subdivision proposal as determined by the county engineer or designee. If the county engineer or designee determines that drainage facilities or conveyances, either public or private, are required to be improved, extended, or created, the subdivision proposal shall be processed as "major."
 - e. The subdivision proposal shall conform to applicable SCDES or MS4 requirements, where applicable, for land disturbance as well as chapter 11, Buildings and Building Regulations, of the Berkeley County Code of Ordinances.
 - f. The subdivision proposal shall not be an application for cluster subdivision as defined in article 13 of the Berkeley County Zoning Ordinance.
 - g. At the request of the administrative officer or designee, the Berkeley County Engineer, or designee, and/or the applicable water and sewer agency, may review and concur with the subdivision proposal prior to administrative approval by the administrative officer or designee.
 - hi. With the exception of bona fide family subdivision submittals that conform to the requirements found in section 59-45(a)(5), the following note shall be provided on the minor subdivision plat and all subsequent re-surveys/re-subdivision of lots created therein:

The [insert name of] Subdivision [or Lot, as applicable] was created as a Minor Subdivision per section 59-23(A)(2) of the Berkeley County Land Development and Subdivision Regulations. No more than 10 Lots shall be created out of the parent TMS [xxx-xx-xx-xxx] without bringing the entire Subdivision into full compliance to the standards established for a Major Subdivision per section 59-24 and a new Plan/Plat is submitted to the Department, unless a Waiver is issued by the Planning Commission and, if applicable, the property owners' association or similar entity.
 - i. The proposed subdivision shall meet the other requirements of this chapter and application for a minor subdivision shall include the following:
 - 1. Submittal of the minor subdivision application and payment of applicable fees.
 - 2. Letter of determination of water/sewer availability from the applicable water and sewer agency. Where public water and sewer are not available, permits from SCDES shall be

provided for individual onsite septic and/or private well facilities when required in accordance with section 59-51 of this chapter.

3. Any additional supporting documentation deemed necessary by the administrative officer or designee to demonstrate conformance to the standards found herein.
 4. It is recommended that the applicant convene in a joint plan review (JPR) meeting with the administrative officer or designee, and/or the county engineer or designee, and a representative of Berkeley County Water and Sanitation (where applicable) to discuss requirements for access, drainage, and water and sanitary sewer to verify that the application can be submitted as a minor subdivision.
- (b) *Approval.* Upon demonstrated conformance to the requirements found herein, the administrative officer or designee shall approve the plat and such approval shall be properly noted on each copy of the plat. At a minimum, the applicant shall provide the number of copies of the final plat that are required for internal archival and recordation at the register of deeds.

Sec. 59-24. Preliminary plan process.

- (a) *Preliminary plan review process.* All major subdivision proposals and infrastructure construction plans shall conform to the preliminary plan requirements of this chapter and be submitted, reviewed, and approved in accordance with the procedures contained herein.
- (1) The following types of applications shall require submittal of a preliminary plan for coordinated departmental review:
 - a. *Major subdivision.* Applications for major subdivision shall include those subdivision proposals that do not meet the eligibility requirements for exempt plat or minor subdivision applications per section 59-23.
 - b. *Infrastructure construction plans.* Applications for single-site development that necessitate requirements for installation, extension of, or improvement to streets and/or associated drainage facilities, public water and/or sewer main lines, and/or other public facilities and/or infrastructure systems that are not associated with a programmed publicly-maintained capital improvement project.
 - (2) *Filing of application.* Applicants shall submit for review the applicable application, payment of required review, inspections, and administrative fees, plans, and any necessary supporting documentation in accordance with the requirements found herein and procedures established by the department, which shall be received before the plans are processed and distributed for coordinated departmental review. The preliminary plan and/or infrastructure construction plan shall include the following, but not limited to, information:
 - a. A cover page that lists names of and contact information for applicant(s), owner(s) of the property proposed for development, developer(s), the surveyor(s) or engineer(s) responsible for execution of plats, zoning district and site data information, the design professional(s) responsible for planning and design, the contractor(s) and/or builder(s) responsible for construction, and applicable staff contacts.
 - b. The preliminary plan shall contain a preliminary plat that conforms to the standards established in section 59-41.
 - c. All proposed streets, street rights-of-way, pavement widths, and street names. All proposed easements, including location, dimension, purpose, and intended maintenance authority.

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- d. Indication of the overall densities and intensities proposed, including the number of dwelling units and/or square footages of non-residential development, as well as zoning district and site data information.
 - e. Construction plans, including details, cross-sections, and profiles, for all proposed sanitary sewer, water, and stormwater facilities, roadway infrastructure, pedestrian and bicycle facilities, and other improvements required by Berkeley County.
 - f. Individual lot driveway plan, designed in accordance with the parking standards found in article 15, Parking, and/or article 10.3, Arterial Road Overlay District, of the Berkeley County Zoning and Development Standards Ordinance, as applicable, to the standards found herein, and depicting utilities, drainage, sidewalk, and roadway infrastructure, and other infrastructure. This requirement is applicable to residential subdivisions that seek to create lots that are less than a half-acre in size and all non-residential or multi-family residential development.
 - g. A description/depiction of powerlines and other utilities.
 - h. A lighting plan and/or photometric survey, when requested by the administrative officer or designee or designee, to verify compliance to applicable lighting standards.
 - i. Landscape buffer and other applicable required landscaping plans and details.
 - j. Subdivision grading and drainage plans and details, including a description of all proposed erosion and sedimentation control measures.
 - k. A topographic survey plat conforming with the requirements of chapter 49, article 4, R.400-490 of the Code of Laws of South Carolina, 1976, as amended, showing topography by contours at vertical intervals of not more than one foot, and all proposed contour changes in areas where cut or fill is to be done. Exception: A topographic survey plat is not required when the preliminary plan calls for the subdivision of a tract of land into ten lots or less, unless required by the county engineer.
 - l. The qualifying professional shall certify the accuracy of the plan by affixing his or her seal on the face of the preliminary plan pursuant to the standards and requirements set forth in chapter 49, article 4, R400-490 of the Code of Laws of South Carolina, 1976, as amended.
 - m. A traffic impact analysis (TIA), when required, shall be prepared in accordance with section 59-72 and submitted for review either prior to or with the initial preliminary plan submittal;
 - n. Any additional supporting materials required herein or deemed necessary by the administrative officer or designee or the other reviewing departments to verify compliance to applicable county standards.
- (b) *Coordinated departmental review.* Upon a complete preliminary plan submittal, the administrative officer or designee shall review the preliminary plan through coordination with the departments engaged in coordinated departmental review. If the plan does not qualify for approval, the administrative officer or designee and the other departments engaged in coordinated departmental review shall provide to the applicant comprehensive written comments within a reasonable timeframe.
- (1) *Optional third-party preliminary plans review.* Preliminary plan submittals that conform to the requirements listed below may be submitted, processed, and reviewed by a qualified third-party consultant.
- a. Prior to making a submittal, attendance at a joint-plan review/pre-application conference to discuss the submittal requirements and process may be required.
 - b. The applicant has submitted a complete application and remitted payment for the applicable review services fees as adopted by County Council, either by ordinance or resolution, for each department engaged in coordinated review.

c. Expectations for third-party review service delivery.

1. Once a submittal is received for third-party review, the third-party review consultant shall have three (3) business days to develop a proposal that contains review turnaround and cost expectations.
2. The third-party review consultant will coordinate with the assigned Project Manager within each department engaged in Coordinated Plans Review. The assigned County Project Manager(s) shall provide oversight, conduct any necessary reviews, and, upon demonstrated conformance, issue concurrence.
3. Third-party review consultants and County Project Manager(s) review timelines shall be based upon project acreage as detailed in the table below; provided, however, that, if due to extenuating circumstances, site characteristics, and/or complexities, the third-party reviewer may request additional time to conduct the review in the initial proposal for the applicant's consideration. The applicant can then determine whether to proceed with third-party review.

Project Acreage					
Less than or equal to 9.99 Acres		10 – 199.99 Acres		200+ Acres	
Third-Party Consultant	County Project Manager	Third-Party Consultant	County Project Manager	Third-Party Consultant	County Project Manager
15 business days	5 business days	20 business days	10 business days	30 Business Days	15 Business Days

4. If, following review of the third resubmittal, comments have not been substantially satisfied, the County Project Manager(s), together with the Third-Party Reviewer, reserve the right to require a meeting with the Applicant/Engineer of Record to discuss the review comments and potential remedies at the sole expense of the Applicant.
5. *Payment of fees.* Fees will be invoiced to and payment shall be received from the applicant prior to issuance of comment letters for each iteration or phase of the plans submitted for review and/or approval, as applicable.
6. *Final approval.* Once the requirements for approval per Sec. 59-24(c) have been met, the applicant may submit the preliminary plan intended for formal approval. Upon receipt, the departments engaged in coordinated review shall have within three (3) business days to formally-issue approval.

- (c) *Approval.* If the preliminary plan is found to conform to all of the requirements of this chapter and concurrence is provided by the departments engaged in coordinated departmental review, the applicable public water and/or sewer utility provider, and the applicable roadway maintenance authority, the administrative officer or designee shall request the final plans for approval. Approval of the preliminary plan shall be noted on the plan and certified and dated by the administrative officer or designee. The approved plan shall be archived and distributed among the departments engaged in coordinated departmental review as needed.
- (d) *Revision.* Any major revisions to a previously-reviewed or approved preliminary plan will require coordinated departmental review and subject to the submittal requirements of this chapter.
- (e) *Authorization granted by preliminary plan approval and vesting.* Preliminary plan approval shall authorize the applicant to proceed with the installation of subdivision and infrastructure improvements and to proceed with preparation of the final plat but shall not authorize the sale or transfer of lots or vertical construction. An

approved preliminary plan shall be vested in accordance with section 59-21. Approval of a preliminary plan shall not constitute approval of the final plat. Application for approval of the final plat, intended for recording, will be considered only after the requirements for final plat approval, as specified herein, have been fulfilled and after all other specified conditions have been met.

- (f) *Installation of improvements prior to approval of plan.* There shall be no construction or installation of permanent improvements prior to the issuance of preliminary plan approval by the administrative officer or designee.

Sec. 59-25. Final plat submittal and review process.

- (a) *Submission and review of final plat.*

- (1) *Filing of application.* Application for approval of a final plat of a proposed subdivision shall be made to the administrative officer or designee. In making application, the applicant shall include the completed applicable application, payment of applicable review, inspections, and other administrative fees, the draft final plat, required construction completion certification and/or financial documentation for subdivision improvements, including, but not limited to, statements of value, financial securities, and maintenance assurances, as well as other supporting materials deemed necessary by the administrative officer or designee or the other reviewing departments to verify compliance to applicable county standards. Upon a submittal of a complete application, the plat and required supporting documentation will be distributed to the departments engaged in coordinated departmental review.
- (2) The final plat shall meet all standards and requirements set forth in S.C. Code Reg. 49-400—49-490, and shall meet all standards and requirements set forth in this chapter.
- (3) *Conformance with preliminary plan.* The final plat shall conform in all respects to the preliminary plan as previously approved by the administrative officer or designee. If minor changes have occurred following preliminary plan approval, the administrative officer or designee may request that a revised preliminary plan, reflecting any modifications, be submitted to the department for coordinated departmental review and upon demonstrated compliance, approval by the administrative officer or designee, prior to approval of the associated final plat. Major changes to an approved preliminary plan shall be processed and reviewed in accordance with section 59-24.
- (4) *Installation of required improvements.* Prior to approving a final plat, all required subdivision and infrastructure improvements shall be installed to the county's satisfaction, or financial guarantee(s), naming the county as payee in accordance with the requirements set forth in section 59-91, shall have been posted to secure the actual construction and installation of required improvements.
- (5) *Coordinated departmental review.* Upon receipt of a complete submittal, the administrative officer or designee shall review the final plat in coordination with the departments engaged in coordinated departmental review. If the plat fails to comply with the standards for final plat approval, the reasons for such action shall be provided to the applicant in writing by the administrative officer or designee and the other departments engaged in coordinated departmental review within a reasonable timeframe.
- (6) *Optional third-party final plat review.* Final Plat submittals that conform to the requirements listed below may be submitted, processed, and reviewed by a qualified third-party consultant.
 - a. Prior to making a submittal, attendance at a joint-plan review/pre-application conference to discuss the submittal requirements and process may be required.
 - b. The applicant has submitted a complete application and remitted payment for the applicable review services fees as adopted by County Council, either by ordinance or resolution, for each department engaged in coordinated review.
 - c. Expectations for third-party review service delivery.

1. Once a submittal is received for third-party review, the third-party review consultant shall have three (3) business days to develop a proposal that contains review turnaround and cost expectations.
2. The third-party review consultant will coordinate with the assigned Project Manager within each department engaged in Coordinated Plans Review. The assigned County Project Manager(s) shall provide oversight, conduct any necessary reviews, and, upon demonstrated conformance, issue concurrence.
3. Third-party review consultants and County Project Manager(s) review timelines shall be based upon project acreage as detailed in the table below; provided, however, that, if due to extenuating circumstances, site characteristics, and/or complexities, the third-party reviewer may request additional time to conduct the review in the initial proposal for the applicant's consideration. The applicant can then determine whether to proceed with third-party review.

Project Acreage					
Less than or equal to 9.99 Acres		10 – 199.99 Acres		200+ Acres	
Third-Party Consultant	County Project Manager	Third-Party Consultant	County Project Manager	Third-Party Consultant	County Project Manager
15 business days	5 business days	20 business days	10 business days	30 Business Days	15 Business Days

4. If, following review of the third resubmittal, comments have not been substantially satisfied, the County Project Manager(s), together with the Third-Party Reviewer, reserve the right to require a meeting with the Applicant/Engineer of Record to discuss the review comments and potential remedies at the sole expense of the Applicant.
 5. *Payment of fees.* Fees will be invoiced to and payment shall be received from the applicant prior to issuance of comment letters for each iteration or phase of the plat submitted for review and/or approval, as applicable.
 6. *Final approval.* The Final Plat shall be approved pursuant to the process described in §59-25(b) below.
- (b) *Approval.* If the final plat and all supplemental materials comply with all applicable requirements of this article and concurrence is provided by the departments engaged in coordinated departmental review, the applicable public water and/or sewer utility provider, and the applicable roadway maintenance authority, the administrative officer or designee shall request the final plat for approval. At a minimum, the applicant shall provide the number of copies of the final plat that are required for internal archival and recordation at the register of deeds. Upon receipt, the administrative officer or designee shall approve said plat and such approval shall be noted on each copy of the final plat. Upon approval, the department shall archive and distribute the plats as needed.

ARTICLE III. SURVEY/PLAT REQUIREMENTS.

Sec. 59-41. General plat requirements.

- (a) *Conformance with state regulations.* All plats with the jurisdiction of this chapter shall conform to S.C. Code Reg. 49-400—49-490, and to the regulations set forth herein.
- (b) *Markers.* Markers shall be installed at the following locations:
 - (1) All points where lot lines intersect street or alley right-of-way lines.
 - (2) All points where curves begin and end.
 - (3) All angles formed by intersection of lot lines.
 - (4) All exterior corners of the subdivision.
 - (5) All points, as required by the county engineer or designee, to delineate the location or extent of reservations, easements, or dedications not otherwise defined.
- (c) *Plat requirements.* Plats shall conform to the requirements of this chapter and contain the following:
 - (1) A title block, including the proposed name or title of the plat, where applicable, as well as the name, signature, license number, embossed seal, address, and telephone number of the licensed surveyor, and firm thereof, involved in the preparation of the plat.
 - (2) Date that the original plat was prepared and all subsequent revision dates.
 - (3) Names of owner(s) and/or individual(s) who requested the plat.
 - (4) Vicinity map or location map that describes the proposed subdivision in relationship to the surrounding area.
 - (5) A graphic scale, a numerical scale, and a reference north arrow.
 - (6) Amount of acreage to be subdivided and total lots created.
 - (7) The names of adjacent landowners and the corresponding TMS numbers, and the lot and/or block numbers (if any) of such adjacent lands.
 - (8) The centerline and outer edges and names, as applicable, of existing and proposed rights-of-way, easements, highways, roads, streets, shared travelways, or other physical accesses, drainage ditches, and waterways and an indication as to whether or not these features are publicly or privately maintained.
 - (9) All existing political boundaries, property lines, railroads, utility transmission lines, culverts, bridges, and watercourses.
 - (10) Obvious and apparent physical features such as stormwater systems, sanitary sewer and water facilities, and power, gas, and telecommunications lines on the subject property shall be shown and plotted to scale.
 - (11) Visible indications of easements and rights-of-way on the site obvious, apparent, or known shall be shown with indication of their widths, if known.
 - (12) A description and location of existing structures, including mobile homes, on the subject property.

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- (13) Jurisdictional wetlands and critical areas when required by the county engineer or designee through coordination with the administrative officer or designee.
- (14) Zoning classification(s).
- (15) Lands known to be in a flood zone, or any area to be subject to flooding shall be clearly identified as such.
- (16) Any existing easements subject to abandonment shall be noted and abandoned through the proper legal processes.
- (17) All proposed easements and/or rights-of-way are delineated with indication of width, purpose, and location and properly-executed dedication statements written in accordance with the verbiage established in the following subsection:
- a. For all plats showing a right-of-way or easement(s) intended to be publicly-accessible and/or turned over to Berkeley County for maintenance in accordance to the standards and processes established in chapter 56:

"BY THE RECORDING OF THIS PLAT, I HEREBY DEDICATE THE EASEMENTS AND RIGHTS-OF-WAY SHOWN HEREON TO THE USE OF THE PUBLIC FOREVER AND I HEREBY DEDICATE THE GENERAL UTILITY EASEMENTS SHOWN HEREON TO THOSE ENTITIES WHICH PROVIDE SAID UTILITIES. NOTHING IN THIS DEDICATION SHALL BE CONSTRUED TO IMPLY AN ACCEPTANCE BY BERKELEY COUNTY OF ANY ROADWAY OR DRAINAGE FACILITY OR AS CREATING ANY DUTY BY BERKELEY COUNTY TO MAINTAIN ANY ROADWAY, RIGHT-OF-WAY OR DRAINAGE EASEMENT SHOWN HEREON."
 - b. For all plats showing a private (not city, county, state, or federal) ingress/egress or other easement or right-of-way:

"BY THE RECORDING OF THIS PLAT, I HEREBY DEDICATE THE EASEMENTS AND RIGHTS-OF-WAY SHOWN HEREON TO ALL PURCHASERS AND SUCCESSORS IN THE INTEREST OF THIS PROPERTY, AND I HEREBY DEDICATE THE GENERAL UTILITY EASEMENTS SHOWN HEREON TO THOSE ENTITIES WHICH PROVIDE SAID UTILITIES. NOTHING IN THIS DEDICATION SHALL BE CONSTRUED TO IMPLY AN ACCEPTANCE BY BERKELEY COUNTY OF ANY ROADWAYS OR DRAINAGE FACILITY OR AS CREATING ANY DUTY BY BERKELEY COUNTY TO MAINTAIN ANY ROADWAY, RIGHT-OF-WAY OR DRAINAGE EASEMENT SHOWN HEREON."
 - c. The administrative office or designee may authorize adaptations of this verbiage and/or concur with dedication of easements and/or rights-of-way through a separate instrument, provided that the intent of this section is met and such instrument is recorded prior to or concurrent with the plat for which the easements and/or rights-of-way are required or intended.
- (18) All proposed lot lines, lot dimensions, and lot and block numbers.
- (19) All proposed parks, school sites, and other areas designated for public use.
- (20) The final plat shall be accompanied by any other information deemed essential for plat approval by the administrative officer or designee.

ARTICLE IV. DESIGN STANDARDS AND IMPROVEMENTS

Sec. 59-42. Minimum requirements.

These standards and improvements shall be considered minimum requirements. Higher standards are encouraged in subdivision and site design and shall not be limited to these minimum requirements.

Sec. 59-43. Lots.

- (a) *Legal access.* Each lot shall be served by a legal means of access either by an ingress/egress easement granted to it or right-of-way.
- (b) *Physical access.* Each lot and site shall be accessible by a street, driveway, or shared travelway, unless exempted from this requirement by the administrative officer or designee in accordance with section 59-45(a)(5).
- (c) *Design generally.* The lot size, width, shape, grade, and orientation shall be in proper relation to street and block design, and to existing and proposed topographical and natural vegetative conditions, and appropriate for the type of development and use contemplated.
- (d) *Zoning requirements.* Where applicable, all lots shall meet the minimum area requirements for the zoning district within which they are located.
- (e) *Orientation of side lot lines.* Insofar as practical, side Lot lines shall be at right angles to straight street lines and radial to curved street lines.
- (f) *Depth.* Excessive lot depth in relation to lot width shall be avoided, and as a general rule, the depth of residential lots shall be not less than one nor more than two and one-half times their width; provided, however, that the administrative officer or designee may grant exceptions to this in order to overcome specific disadvantages of topography or other site conditions.
- (g) *Corner lots.* Corner lots shall be of sufficient size and shape to permit required building setback and orientation to both streets.
- (h) *Remnants.* Any remnants of land not meeting all requirements of this chapter for a lot shall be incorporated into an existing or proposed lot.
- (i) *Driveway and parking and loading space.* Each proposed lot shall be so designed as to allow the development of a private driveway serving said lot, and sufficient space for off-street parking and loading. In cases where a driveway connects to a state or county-maintained roadway with a speed limit of 35 miles per hour or greater along the frontage a turnaround driveway must be designed to prevent vehicles backing out onto the state or county road. If SCDOT or the county engineering department permits, a loop driveway with a minimum distance between driveway openings of 75 feet may be utilized. If a single access driveway is proposed the dimensions of the turnaround area must be a minimum needed to accommodate a three point turn on site.
- (j) *Driveways on corner lots.* Driveways on corner lots shall be located at least 40 feet from the point of intersection of the nearest street right-of-way lines. Minimum frontage for any corner lot shall be 40 feet.
- (k) *Minimum frontage.* Minimum frontage for any lot shall be 20 feet.
- (l) *Minimum size.* All lots shall meet the minimum size requirements as specified in the applicable zoning classification per Berkeley County Zoning and Development Standard Ordinance No. 01-8-35, as amended.

Sec. 59-44. Access management.

- (a) *Coordination with existing street system.* Proposed streets shall be coordinated with the major street plan and existing street systems in the surrounding area, and where possible, shall provide for the continuation of existing streets abutting the subdivision.
- (b) *Dead-end streets.* Dead-end streets reduce efficiency in the transportation network, limit emergency access to lots on the street, and can promote higher vehicle speeds due to the lack of intersections. The purpose in limiting the length of dead-end streets is to ensure that new development is designed to be inherently safe, walkable, and efficient for the facilitation of traffic and pedestrian movement.
 - (1) To the extent practical, dead-end streets, designed to be so permanently, shall be no longer than 800 feet and serve exclusive access to no more than 30 lots, provided, however, that this length and lot count may be exceeded upon demonstration of no practicable alternative for interconnectivity, the access is constructed in accordance with International Fire Code standards, intermittent turnarounds are provided every 800 linear feet sufficient to allow a fire truck or emergency vehicle to turn in one motion, and written concurrence is received from the local fire official or designee. Length shall be measured from the center of the intersecting street to the center point of the turnaround.
 - (2) *Turnarounds.* Turnarounds shall be provided as set forth herein, and also at the closed end of the street and designed and maintained in accordance with International Fire Code.
- (c) *Access to property.* The arrangement of streets, driveways, or shared travelways shall be such as will not cause hardship to owners of adjoining property in providing convenient access.
- (d) *Parking lot cross-access.* To the extent practical and at the discretion of the administrative officer or designee, parking lot access aisles serving non-residential and multi-family single-site development shall be stubbed out at adjoining property lines and connect to any existing access stubs from adjacent properties to allow for and establish cross-connectivity.
- (e) *Shared accesses onto arterial roadway.* Full-access points onto an arterial roadway shall be separated at intervals of at least 100 feet or, where this separation cannot be met, shared.
- (f) *Continuation of adjoining street system.* Proposed streets shall be coordinated with the existing street system in the surrounding area and, where possible, shall provide for the continuation of existing streets abutting the subdivision. Streets and/or rights-of-way shall be stubbed to potential developments to promote vehicular connectivity. Adequate street connectivity shall be assessed by the departments engaged in coordinated departmental review based on the ability of the proposed alignments to accomplish the following objectives:
 - (1) Permit multiple routes between origin and destination points;
 - (2) Distribute traffic;
 - (3) Promote efficiency vehicle circulation and emergency access.
- (g) *Street stubs.* New developments shall connect to any existing street stubs from adjacent properties and shall stub to all adjacent properties. Stub streets extending to the boundary line of the subdivision shall be of the same construction as the streets in the subdivision. Street stubs at one or more locations shall not be required where the conditions listed below are found to prevent connection(s) as determined by the departments engaged in coordinated departmental review:
 - (1) Topographical, hydrological, or other environmental constraints;
 - (2) Parcel configuration or size; or
 - (3) Legal or physical accessibility constraints or other vehicular or use conflicts.
- (h) *Multiple points of access.*

- (1) *Residential development.* For subdivisions or developments that seek to create 351 or more residential lots or dwelling units, the collector street or, in the case of single-site development, the primary access aisle, shall provide additional paved points of access to every lot/unit within the development in accordance with Table 1 provided below. Each required additional means of access shall be paved, properly-platted and dedicated, contemplated in the preliminary or single-site development (site) plan, as applicable, and constructed before the final plat contemplating the qualifying residential lots is approved, unless financial guarantees are accepted in accordance with the procedures and requirements contained herein, or, in the case of single-site development, before the qualifying dwelling units are permitted for occupancy.

Table 1: Multiple Points of Access Requirements	
<i>Number of Dwelling Units</i>	<i>Minimum Number of Paved Public Access Points¹</i>
0—350	1
351—850	2
851—1,351	3
For every additional 500 units above the thresholds stated above, an additional paved point of access is required	
¹ Additional paved points of access may be required to meet <i>Traffic Service Standards</i> as determined by a Traffic Impact Analysis, prepared in accordance with Sec. 59-72.	

- (2) Through a request for waiver, the planning commission may authorize a reduction in the number of access points required to serve an intended residential subdivision or development upon demonstration of conformance to the criteria established in section 59-7. In evaluating the suitability of the request, the planning commission shall consider the configuration and physical characteristics of the subject property, available contiguous property and accesses, trips per day of existing road(s) being accessed, estimated trip generation for the use proposed, length of the primary entrance road, sight distances, and proposed features such as deceleration lanes, right turn lanes, emergency access, and fire suppression systems. In evaluating the request, the planning commission may request one or more of the following assurances to ensure that adequate access to each lot/unit is provided:
- a. Written concurrence on the design and configuration of intended accesses, dwellings, and other physical improvements is provided from the local fire official or designee.
 - b. Installation of a dedicated emergency access, constructed to International Fire Code specifications, and contained within an easement and/or right-of-way.
 - c. Adoption of a phasing plan, identifying triggers and timeframes for construction of additional points of paved public access, and submission of financial securities adequate to assure the completion of said point(s) of access.
- (i) *Number of streets at an intersection.* No more than two streets or any ingress/egress easement shall intersect at any one point. Intersections shall be designed in accordance with the following requirements:
- (1) *Angle of intersection.* All streets shall intersect as nearly at right angles as possible, subject to variations approved by the administrative officer or designee upon evidence of good cause; provided, however, no street shall intersect at an angle of less than 70 degrees.
 - (2) *Offset at intersections.* Streets intersecting other streets shall either intersect directly opposite to each other or shall be separated by at least a 150-foot offset between centerlines, measured along the centerline of the street being intersected.
 - (3) *Distance of intersections from railroads.* Street intersections shall be located at least 150 feet from the right-of-way of any railroad, measured from the center point of the intersection to the railroad right-of-way line nearest the intersection.

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- (j) *Blocks.* Blocks shall be designed in accordance with the following requirements:
- (1) *Design generally.* Block size and shape shall reflect the physical characteristics of the site regarding topography, applicable zoning requirements, natural growth and soil conditions, and shall permit access, circulation, control and safety of traffic.
 - (2) *Maximum length.* No block shall be more than 1,400 feet in length, measured along the roadway centerline to and from the center point(s) of the nearest intersection(s) or terminus.
 - (3) *Residential areas.* In general, blocks used for residential purposes shall be of sufficient width to allow for two tiers of lots of appropriate depth, except where reverse frontage lots are required along a major street, or where prevented by the size, topographical conditions or other inherent conditions of property, in which case the approval of the administrative officer or designee is required.
 - (4) *Commercial and industrial areas.* Blocks in commercial and industrial areas may vary from the elements of design detailed in this section if required by the nature of the use, subject to the approval of the administrative officer or designee.
- (k) *Street names.* Proposed streets which are obviously in alignment with other existing and named streets shall bear the assigned name of the existing streets. In no case shall the name of the proposed streets duplicate or be phonetically similar to existing street names within an established zip code area, irrespective of the use of suffix (e.g. street, avenue, boulevard, drive, place, court, etc.). It shall be unlawful for any person in laying out any new street to name such street on any recorded plat, by marking in any deed or instrument without first getting approval of the administrative officer or designee.
- (1) *Traffic control signs.* Traffic control signs shall be provided in conformance with the Manual on Uniform Traffic Control Devices (MUTCD), latest edition.
 - (2) *Street name signs.* The subdivider shall erect street name signs at all intersections of newly created roads. Signs shall consist of corrosion-resistant panels with a dark background and white reflective lettering affixed to breakaway, metal posts. Alternative signs and/or posts must be approved by the Director of Berkeley County Roads and Bridges.

Sec. 59-45. Physical and legal access requirements.

- (a) *Privately-maintained accesses.* When the administrative officer or designee has granted approval for the retention of a private access within a proposed subdivision, the following requirements are applicable, notwithstanding any other section of these regulations:
- (1) *Shared travelway.* Access serving residential subdivisions within single-family residential zoning districts, as defined herein, of not more than ten lots may be provided by a shared travelway having a minimum 30-foot wide ingress/egress easement and general utility easement and conform to the following standards:
 - a. Shared travelway shall not be used as a means of circumventing roadway construction requirements found herein and/or to piecemeal development.
 - b. Shared travelway shall not serve as a through access, providing connectivity to more than one street.
 - c. Shared travelway shall be constructed and maintained in accordance with the International Fire Code (IFC), as adopted by county council, which, upon payment of any applicable inspections fees, shall be verified in writing by the local fire official or designee before any dwelling unit of which it serves is permitted to be occupied.
 - d. Unless where permitted to tie into a street or otherwise acceptable access in accordance with the standards found herein, the shared travelway shall be terminated by a turnaround; should the

shared travelway exceed 800 linear feet in length, intermittent turnaround(s) shall be provided every 800 feet as sufficient to allow a fire truck or emergency vehicle to turn in one motion. Length shall be measured from the center of the intersecting street to the center point of the turnaround.

- e. The subdivider(s)/owner(s) of record or legal representative thereof shall execute and submit a hold harmless and indemnification agreement as required in section 59-45(a)(3)e.
- f. The shared travelway shall be named through coordination with the GIS-911 Addressing Department and indicated with street name and traffic control signage as required in section 59-44(k) at the expense of the property owner(s) or applicant, which shall be in place before any dwelling unit of which it serves is permitted to be occupied.
- g. The following certification statement shall be placed on the plat and signed by the property owner(s) or legal representative thereof:

"The property owner(s) of record hereby acknowledge(s) that physical access to serve the Lots shown hereon is not provided with recordation of this Plat, and it is not the responsibility of Berkeley County to construct and/or maintain said access. A physical access constructed and maintained in accordance with the International Fire Code (IFC), as adopted by County Council, shall be verified before any residential dwelling of which it serves is permitted to be occupied and any applicable authorizations for encroachment onto publicly-maintained rights-of-way or Easements shall be issued

prior to construction."
Signature(s) of Property Owner(s) or Legal Representative Thereof: _____

Date: _____

Lot Description: _____

- h. The administrative officer or designee retains the ability to request any additional supporting documentation deemed necessary to demonstrate conformance to the standards found herein.
- (2) *Single-site development shared access.* Accesses serving subdivisions of three or fewer lots that contain non-residential, mobile home park, townhome, or multi-family residential primary uses and/or zoning districts (R-3, R-4, R-5, RNC, GC, OI, LI, HI, PD-MU, PD-RC, and PD-OP/IP) may be provided by an access aisle constructed to the requirements found in article 15, Parking, and/or article 10.3, Arterial Road Overlay District, of the Berkeley County Zoning and Development Standards Ordinance, as applicable, and contained in an ingress/egress easement and general utility easement that is of a width that is sufficient to contain the physical access, sidewalks, and associated drainage, meet the projected traffic needs of the properties/uses that it serves, utilities, and/or other improvements, but no less than 30 feet. The physical access shall be no less than 22 feet in width, comport with International Fire Code requirements, be contemplated in a single-site development (site) or preliminary plan, as applicable, and constructed and verified for compliance prior to issuance of certificate of occupancy (CO) or otherwise applicable authorization(s) for occupancy or operations for any use and/or structure for which it serves.
- a. When required by and through coordination with the GIS-911 Addressing Department, the single-site development shared access shall be named and indicated with street name and traffic control signage as required in section 59-44(k) at the expense of the property owner(s) or applicant, which shall be in place prior to issuance of certificate of occupancy (CO) or other applicable authorizations for occupancy or operations for any use and/or structure for which it serves.
 - b. The subdivider(s)/owner(s) of record or legal representative thereof shall execute and submit a hold harmless and indemnification agreement as required in section 59-45(a)(3)e.
 - c. The following certification statement shall be placed on the plat and signed by the property owner(s) or legal representative thereof:

"The property owner(s) of record hereby acknowledge(s) that physical access to serve the Lots shown hereon is not provided with recordation of this Plat, and it is not the responsibility of Berkeley

County to construct and/or maintain said access. A physical access constructed and maintained in accordance with applicable County Standards and the International Fire Code (IFC), as adopted by County Council, shall be verified prior to issuance of Certificate of Occupancy (CO) or other applicable authorizations for occupancy or operations for any use and/or structure for which it serves.

Signature(s) of Property Owner(s) or Legal Representative Thereof: _____

Date: _____

Lot Description: _____

- d. The administrative officer or designee retains the ability to request any additional supporting documentation deemed necessary to demonstrate conformance to the standards found herein.
- (3) *Private streets.* Where access serving a subdivision does not qualify for a shared travelway or single-site development shared access, a private street is required and shall conform to the following standards:
- a. *Construction and certification.* private streets and roadside drainage facilities, when required, shall be constructed in accordance to the construction standards found herein and as shown in an approved preliminary subdivision or infrastructure construction plan and certified by the subdivider, or in the case of subdivisions that seek to create more than 15 lots, the subdivider's engineer, before the accompanying final plat can be approved or, in cases concerning non-conforming accesses, before certificate of occupancy or otherwise applicable authorization(s) for occupancy or operations is issued, when applicable per section 59-45(a)(4). The administrative officer or designee may require additional documentation, to include, but not limited to, as-built survey, written verification of compliance to the International Fire Code by the local fire official or designee, or similar assurance.
- b. *Legal and physical access requirements.* Private roadway and ingress/egress easements or rights-of-way shall be designed, constructed, and of a width sufficient to accommodate storm drainage, any required turn lanes and tapers, the projected traffic needs of the properties/uses that it serves, capacity, or other operational improvements, multi-use paths/sidewalks, street lighting, and/or street trees, where provided, and similar improvements. Private streets shall observe a dedicated right-of-way and/or ingress/egress easement and contain a roadway constructed of the material and in a width as prescribed in section 59-45(b).
- c. *Requirements for unpaved streets.* In the discretion of the administrative officer or designee, a private street may be developed as an unpaved street, provided that it serves no more than 15 lots and conforms to the requirements found herein. Any future subdivision of these lots and/or of the residual property in excess of 15 lots will require construction of paved roads serving the entire subdivision, including the original subdivided lots, unless a waiver is issued by the planning commission per section 59-7. Unpaved streets shall not be accepted by Berkeley County for maintenance. The construction requirements for private unpaved Streets are:
1. All unpaved streets constructed under this section must be designed and maintained to serve the expected traffic needs in all types of weather, from dry conditions to extremely wet conditions. Design material and specifications must be presented to establish compliance with this requirement.
 2. Streets shall be crowned to allow for proper drainage and constructed with a minimum four-inch aggregate surface course over the stabilized base course and contain adequate roadside drainage facilities.
 3. The applicant(s)/subdivider(s) may also be required to follow additional construction requirements or standards as determined by the administrative officer or designee and promulgated hereunder.

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- d. *Requests for waiver to increase the number of lots served by an unpaved street.* When the requirements of subsection 59-45(a)(3)c.1—3. have been met, the planning commission may approve a waiver to increase the number of lots above the limit contained in section 59-45(a)(3)c. upon finding that an effective maintenance program has been in place, its continued operation is assured by recorded covenants or otherwise acceptable assurance, and the criteria established in section 59-7 have been met. The subdivider shall furnish to the planning commission evidence sufficient to demonstrate that the other property owner(s) served by the access in question have been appropriately notified of the waiver request and given the opportunity to submit comments.
 - e. *Hold harmless and indemnification agreement.* The subdivider(s)/owner(s) of record shall submit to the county a hold harmless and indemnification agreement, which shall be presented to and approved by the county attorney, or his designee, prior to plat approval and shall operate to relieve the county of any liability or responsibility arising from the construction and use of the private street or access and associated drainage facilities. This release shall be in favor of the county from any harm which may result from the use of the private street or access and associated drainage facilities by adjoining landowners, visitors, or any user of the road or access, including the public at large. Each signed agreement will be recorded with the plat and provide proper reference to the affected private road or access.
 - f. *Maintenance agreement.* A system or means shall be established to provide for the continued maintenance of the road and storm drainage system. This agreement must be approved and recorded at the register of deeds prior to final plat approval.
 - g. *Identification as private street.* Streets approved must be clearly distinguished as private streets and not a maintenance responsibility of the county. Plats, street signs, covenants, deed documents, and other references, as required, shall serve to put persons on notice as to the private nature of the street.
 - h. *Taxation requirements.* The developer must address provisions covering the taxing consequences of these private streets. Specifically, a scheme shall be established to ensure that proper taxation will occur.
- (4) *Non-conforming accesses within previously-platted rights-of-way/easements.* For rights-of-way or easements that were platted prior to April 26, 1999 and contain no physical access (presently unimproved) or a physical access that does not meet the construction standards stipulated herein (nonconforming), the following standards apply:
- a. Access shall be improved as a street, public or private, or shared travelway subject to conditions and requirements set forth herein for type of physical access as determined by the administrative officer or designee based on the number of platted lots served by the unimproved/non-conforming access before a certificate of occupancy (CO) or otherwise applicable authorization(s) for occupancy or operations is issued for any occupiable structure or use thereupon, or a subdivision plat is approved for, any lot(s) of which it serves.
 - b. If there is no formally-dedicated public right-of-way, and it is the intent that the roadways be dedicated to the county for maintenance, the roadway shall be constructed, inspected, and warrantied as well as a public right-of-way re-platted and dedicated in accordance to the requirements set forth herein and in chapter 56 of the Berkeley County Code of Ordinances.
- (5) *Family subdivision.* The administrative officer or designee may exempt subdivisions from the private street construction and maintenance requirements, as established in section 59-45(a)(3), if the property is being transferred to the owners' family members or is being transferred by will or intestate succession or forced division decreed by appropriate judicial authority. The subdivider must submit documentation satisfactory to the administrative officer or designee in order to establish eligibility for this exemption. This exemption shall apply only to initial division of property, not to subsequent sale to members outside

of the family. Further subdivision by the heirs, devisees, or transferees may be authorized upon submission of a subsequent plat that demonstrates conformance to the standards contained herein. Plats of subdivisions so exempted shall show an ingress/egress easement providing access to all parcels and are subject to the following requirements:

- a. Accesses shall be constructed and maintained in accordance with the International Fire Code (IFC), as adopted by county council, which, upon payment of any applicable inspection fees, shall be verified in writing by the local fire official or designee before any dwelling unit of which it serves is permitted to be occupied.
- b. The ingress/egress easement shall be named through coordination with the GIS-911 Addressing Department and indicated with street name and traffic control signage as required in section 59-44(k) at the expense of the property owner(s) or applicant, which shall be in place before any dwelling unit of which it serves is permitted to be occupied.
- c. The subdivider(s)/owner(s) of record or legal representative thereof shall execute and submit a hold harmless and indemnification agreement as required in section 59-45(a)(3)e.
- d. Plats of subdivisions so exempted shall contain the following information:
 1. Purpose of the subdivision; and
 2. The following certification statement shall be placed on the plat and signed by the property owner(s) or legal representative thereof:

"The property owner(s) of record hereby acknowledge(s) that physical access to serve the Lots shown hereon is not provided with recordation of this Plat, and it is not the responsibility of Berkeley County to construct and/or maintain said access. A physical access constructed and maintained in accordance with the International Fire Code (IFC), as adopted by County Council, shall be verified before any residential dwelling of which it serves is permitted to be occupied."

Signature(s) of Property Owner(s) or Legal Representative Thereof: _____

Date: _____

Lot Description: _____
 3. A note stating, "THESE LOTS/PARCELS MAY NOT BE TRANSFERRED, OR FURTHER SUBDIVIDED UNTIL ROAD ACCESS IS PROVIDED AND A REVISED PLAT IS APPROVED BY BERKELEY COUNTY."
- e. Should the administrative officer or designee exempt a proposed subdivision from the private street construction and maintenance requirements, the property shall also be exempt from delineation of jurisdictional and non-jurisdictional wetlands (for purposes of approving the plat for recordation only; this chapter shall not supersede any state and/or federal requirement for construction in, around or through a jurisdictional wetland or flood zone).
- f. In the situation that a property owner requests exemption from the private street construction and maintenance requirements, as outlined in this subsection, the property owner(s) shall sign a statement that he/she understands that the proposed subdivision of land shall not be exempted from any other minimum standard set forth by county council through ordinance including any and all review fees, minimum lot size, etc.

(b) *Minimum right-of-way and pavement width.*

- (1) Rights-of-way and ingress/egress easements shall be of a sufficient width to accommodate storm drainage, required turn lanes and tapers, capacity, or other operational improvements, multi-use paths/sidewalks, street lighting, and/or street trees, where provided, and similar roadway or right-of-way improvements. Roadways shall be constructed of a width and material that is adequate to meet the

projected traffic needs of the properties/uses that it serves. Street rights-of-way and pavement roadway widths must meet the requirements of chapter 56 and the prevailing road standards.

- (2) Privately maintained ingress/egress easements for exempt, minor, and family subdivision plat applications and private unpaved roads serving ten residential lots or less must have a minimum width of 30 feet. The width must be sufficient to accommodate maintenance of the roadway or shared travelway, as applicable, and any required drainage facilities.
- (3) Privately-maintained ingress/egress easements serving subdivisions of three or fewer lots that contain non-residential, mobile home park, townhome, or multi-family residential primary uses and/or zoning districts (R-3, R-4, R-5, RNC, GC, OI, LI, HI, PD-MU, PD-RC, and PD-OP/IP), shall be of a sufficient width to contain the single-site development shared access that is constructed in accordance to the standards found herein as well as any required sidewalks, associated drainage facilities, utilities, and/or other improvements, but no less than 30 feet.
- (4) Ingress/egress easements for family subdivisions and private unpaved roads serving more than ten lots must have a minimum width of 50 feet. The width must be sufficient to accommodate construction and maintenance of the roadway of at least 22 feet in width and associated drainage facilities.
- (5) When subdivision requires dedication of a right-of-way on an existing county-maintained road, the right-of-way must be at least 50 feet in width, provided however that the county engineer may approve alternative right-of-way widths where the roadway and drainage can be accommodated.
- (6) Local streets must have a minimum right-of-way width of 50 feet where curb and gutter is used. Local streets must have a minimum right of way of 66 feet where open roadside ditches are used unless the County Engineer authorizes an alternative width right-of-way of not less than 50 feet upon finding roadway, drainage, pedestrian facilities, and other improvements to be adequately accommodated. The paved travelway must include two 11-foot lanes.
- (7) Minor, collector, and arterial streets must have a right-of-way width sufficient to accommodate the roadway, shoulders, pedestrian facilities, drainage facilities, and other improvements. Pavement width and design must meet the requirements of the prevailing road standards.

Sec. 59-46. Publicly-maintained infrastructure.

(a) *Rights-of-way, easements, and encroachments.*

- (1) *Dedication of right-of-way or easement for prescriptively maintained infrastructure.* Applicants for any land subdivision submittal or a single-site development (site) plan that contemplates a land disturbance totaling one or more acres shall dedicate a public right-of-way or public easement of a width that is specified in section 59-45(b) along those county-maintained streets and drainageways which have only a prescriptive easement.
- (2) *Permit for encroachment on state right-of-way or easement.* Applicants shall obtain permits from the South Carolina Department of Transportation (SCDOT) for access points and/or any other proposed encroachments onto SCDOT rights-of-way or easements.
- (3) *Permit for encroachment on county right-of-way or easement.* Encroachments, including accesses, drainage, landscaping, fences, utilities, and other improvements, shall not be constructed within a county-maintained easement, right-of-way, facility, conveyance, or roadway, unless an encroachment permit is obtained in accordance with the standards and processes found in chapters 56 and 65 of the Berkeley County Code of Ordinances, as applicable.

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- (4) *Utility easements.* Adequate areas of suitable size and location shall be allocated for utility easements. The location and size of such easements shall be worked out with the public and private utilities involved. The easements shall center along or be adjacent to a common property line where practicable, and the easements shall be installed underground except where unusual circumstances prohibit such practice.
 - (5) *Maintenance.* The county shall maintain only those improvements specifically accepted for public maintenance. Other easements shall stipulate that contiguous owners shall be responsible for general maintenance of such easements. The governing authority and utility companies with lines in such easements shall have full right of access.
 - (6) *Clearance.* All trees, brush, stumps, debris, trash, fallen trees, and other obstructions within a publicly maintained easement or right-of-way shall be cleared and removed. Landscaping and other improvements may be allowed to remain under an encroachment permit or otherwise acceptable authorization for encroachment.

Sec. 59-47. Sidewalks.

- (a) The subdivider shall construct sidewalks within the right-of-way of new public streets in residential and commercial developments. The sidewalks must be constructed on at least one side, for the full length of all local streets, and both sides of major thoroughfares and commercial collector streets. Sidewalks on local streets must extend along the full perimeter of cul-de-sacs and terminate at a paved driveway. Sidewalks are required on both sides of residential collector streets where suitable pedestrian crossings are not provided. Industrial zoned property and uses shall be exempt from this section unless otherwise determined by the administrative officer or designee as a necessary connection to existing pedestrian facilities or where the street adjoins commercial or residential uses.
 - (1) Sidewalks shall be required to extend to and along adjoining public streets where needed to accommodate pedestrian traffic to schools, recreation sites, commercial areas, and adjoining neighborhoods.
 - (2) Sidewalks and ramps must accommodate the needs of disabled pedestrians, including compliance with prevailing regulations associated with those needs.
 - (3) Sidewalks shall be at least five feet in width and shall be constructed of asphalt or concrete.
 - (4) Prior to issuance of certificate of occupancy or otherwise applicable authorization(s) for use and/or occupancy for new or upfit structures, sidewalks shall be installed within the fronting right-of-way. Sidewalks fronting parcels designated for open space shall be constructed with roadway construction and may be bonded in accordance with the requirements set forth in chapter 56 of the Berkeley County Code of Ordinances.
 - (5) A multi-use path of at least ten feet in width may be installed in lieu of five-foot sidewalks where required herein, provided that the intent of this chapter is met and the same level of pedestrian connectivity is achieved, and the following requirements are met:
 - a. The proposed multi-use path is located outside of the publicly maintained roadway rights-of-way unless otherwise permitted to encroach within the public rights-of-way through encroachment permit; and
 - b. The multi-use path will be perpetually maintained by the property owners' or similar association; and
 - c. The proposed multi-use path provides connectivity to other existing and proposed pedestrian and bicycle facilities located along adjoining rights-of-way or trail networks; and

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- d. The county engineer, applicable water and sewer agency and the planning and zoning administrative officer or designee concur with the proposed placement of the multi-use path, construction materials, and design; and
 - e. The multi-use path and ramps must accommodate the needs of disabled pedestrians, including compliance with prevailing regulations associated with those needs; and
 - f. The multi-use path is constructed with adjoining roadway construction and/or may be bonded in accordance with the requirements set forth in chapter 56 or herein, as applicable.

Sec. 59-48. Stormwater management.

- (a) *Drainage easements.* Where a subdivision is traversed by a water course, drainage way, channel, or stream, adequate areas for stormwater drainage easements shall be reserved, conforming substantially with the lines of such water courses, and of sufficient width to convey stormwater and to provide for maintenance and improvement of such water courses. Drainage easements shall mesh with other drainage systems in the vicinity, and be integrated into the countywide drainage canal system, so that hazard to properties within the proposed subdivision are minimized, and hazard to other properties downgrade from the proposed subdivision will not be adversely affected by the increased run-off after development. Where practicable, drainage easements shall center along or be adjacent to a common property line. The minimum width for a piped easement is 20 feet the width increases with deeper and/or larger diameter pipe. The minimum easement width for an open channel shall be the width at the top of bank plus 15 feet on one side (maintenance shelf) and five feet on the opposite side. Because the width at the top of bank can vary along a particular ditch, the easement width should be as consistent as practicable. However, in the case of existing county-maintained drainageways which have only a prescriptive easement, the county engineer, at his/her discretion, may accept a reduced easement width provided that it is of sufficient width to provide for the adequate maintenance and function of as well as any improvements planned to the drainageway. The ditch will be offset in the easement to provide 15 feet on one side at the top of the ditch bank (the same side for the length of the easement) for the purposes of maintenance. Drainage improvements are maintained by the county for the conveyance of storm water. General maintenance of easements for appearance, etc., shall be the responsibility of the property owner(s).
- (b) *Required.* A drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of the surface water of the subdivision and the drainage area of which it is a part, to permit the unimpeded flow of natural watercourses, and to protect both residents of the proposed subdivision and upstream and downstream property owners from increased runoff resulting from development.
- (c) *Connection to existing system.* Where adequate existing public storm sewers or drainage that the system proposed for the land being subdivided be connected thereto.
- (d) *Street drainage.* Street drainage shall supplement the countywide drainage canal system. All streets shall be provided with an adequate storm drainage system, integrated into the countywide drainage system.
- (e) *Off-street drainage system.* The off-street system shall include the watershed affecting the subdivision and shall be extended to a natural watercourse or stormwater drainage system adequate to receive the storm drainage and shall be designed in accordance with the following requirements:
 - (1) When the drainage system is outside of the street right-of-way, the subdivider shall provide all required easements in accordance with the provisions of this chapter.
 - (2) Open ditch drainage may be used. However, when open ditches are used to meet these requirements, they shall be adequately protected from erosion with approved vegetation, riprap, concrete lining, or other approved method.

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- (3) As a minimum, the drainage system must be piped from the right-of-way to the rear property line on residential lots.
 - (4) Subdivisions shall be designed so that (1) stormwater ponds and their easements are contained within a separately platted parcel that is held in common ownership, unless the County Engineer authorizes a deviation, and (2) permanent primary structures meet the open drainage setback from open drainage easements (excluding swales) and stormwater pond easements where applicable.
 - (5) *Design and construction.* Stormwater drainage improvements must be designed and constructed in accordance with the Berkeley County Stormwater Design Standards Manual.
 - (f) *Additional requirements.* In addition to the requirements for storm drainage contained in this chapter, the developer and/or subdivider shall comply with all requirements of chapter 11, article III of the Berkeley County Code of Ordinances, the Berkeley County Stormwater Management Ordinance, and the Berkeley County Stormwater Design Standards Manual.
 - (g) *Approval of plans.* The storm drainage plan shall be reviewed and approved by the Berkeley County Engineer or designee prior to receiving preliminary plan, infrastructure construction plan, single-site development (site) plan, or final plat approval by the administrative officer or designee.

Sec. 59-49. Erosion and sedimentation control.

- (a) The developers shall take measures to ensure that erosion is minimized and that sedimentation does not adversely affect upstream or downstream property.
- (b) The preliminary, infrastructure construction, and single-site development (site) plan shall include a plan for erosion and sedimentation control consistent with current regulations.

Sec. 59-50. Areas subject to flooding.

- (a) If the area being subdivided, or any part thereof, is located within the boundary of a designated flood hazard area in the county, as delineated by the Federal Emergency Management Agency and/or by the state public service authority (Santee Cooper), adequate plans and specifications for protection from flooding shall be provided as required herein, per chapter 26, Flood Damage Protection, of the Berkeley County Code of Ordinances, and as may be specified by the administrative officer or designee, floodplain manager or designee, or county engineer or designee upon review.
 - (1) Any plat or plan that concerns land subject to flooding shall demonstrate compliance to the standards found in chapter 26 of the Berkeley County Code of Ordinances and be accompanied by evidence that no appreciable expansion of the area subject to flooding would result from the proposed development, improvement, and/or subdivision, and that the proposed development, improvement, and/or subdivision will be adequately protected from inundation without appreciable interference with the flow of any watercourse or into an impounding basin. All such evidence, including surveys and specifications, shall be submitted with the plan or plat, and no plan or plat shall be approved in the absence thereof.
 - (2) In no case shall any fill, levee, or other protective works be approved unless sufficient compensating adjustments of waterways, ditches, or impounding basins are made to prevent any appreciable expansion of flood hazard areas.
 - (3) The centerline elevation of all streets shall be equal to or above the ten-year flood elevation. Collector roads shall have a centerline elevation equal to or above the 25-year flood elevation.

Sec. 59-51. Sanitary sewage disposal and potable water systems.

- (a) All sanitary sewage disposal and potable water systems, whether public or individual, must conform to all South Carolina Department of Environmental Services (SCDES) rules, regulations, policies, and requirements governing the planning, installation, and operation of such systems, and conform with the plans and regulations of the applicable water and sanitation provider.
- (b) Where a public sewer and/or water system is available to serve the proposed subdivision or development, as determined by the applicable sewer and/or water authority, and a public sewer and/or water system is required to be constructed to serve the proposed subdivision or development, the sewer and/or water system shall be designed in accordance to the provider's specifications, included in a preliminary plan for review by the departments engaged in coordinated review, installed or bonded in accordance with the requirements set forth by the provider, and SCDES Permits to Operate issued prior to issuance of authorizations for occupancy of any structure located on any affected lot and served by said utility.
- (c) If public sewer and/or water is not available, SC DES authorization to install an individual onsite wastewater (septic) system and/or an individual onsite well system or otherwise acceptable assurance, respectively, for each new lot proposed shall be provided to the department before the plat can be approved, or, in the case of Single-Site Development, prior to issuance of plan approvals.
 - (1) Community/Shared Individual Onsite Wastewater (Septic) Facilities, to include Community (Cluster) Systems as defined by DES, serving more than one parcel or unit of individually-deeded real property are prohibited.
 - (2) The administrative officer or designee, at his/her discretion, reserves the right to request that the following but not limited to materials be submitted with subdivision plat or plan submittals in order to verify that the location of individual onsite wastewater (septic) systems will pose no conflict with driveways, building envelope, stormwater management, and other subdivision or site improvements: individual lot soils analyses, individual lot onsite wastewater (septic) layout plan, and septic details and profiles.
 - (3) To ensure the continued maintenance of individual onsite wastewater (septic) systems and mitigate risk to public health, safety, and wellbeing, the following assurances for perpetual maintenance, as described below, shall be recorded prior to or concurrent with the Final Plat upon approval or, in the case of Single-Site Development, prior to issuance of Certificate(s) of Occupancy:
 - a. Perpetual Maintenance Assurances. Documentation assuring a system for continuous maintenance that lists the HOA/POA [or other mutually-agreeable responsible third party] as the responsible party and describes an individual onsite wastewater (septic) management plan that includes a framework, dedicated funding source to conduct, and entity responsible for bi-annual inspections and regular maintenance activities.
 - b. Individual Onsite Wastewater (Septic) Affidavit/Release. The affidavit/release shall be presented to and approved by the County Attorney or his/her designee and include the acknowledgement that (1) the Builder/Developer is solely responsible for the installation of individual onsite wastewater (septic) systems, (2) the HOA/POA [or other mutually-agreeable responsible third party] is responsible for overseeing their ongoing maintenance, and (3) the County shall be relieved of any liability or responsibility arising from their installation, use, and maintenance. This release shall indemnify the County of any harm which may result from the installation, use, and maintenance of individual onsite wastewater (septic) systems by the HOA/POA, landowners, visitors, or any user of the system, including the public at large. Each signed agreement shall be recorded with the plat and provide proper reference to the affected subdivision.

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- c. Warranty Period. Proof of a minimum two-year warranty, which shall include operation and maintenance, by the Licensed Onsite Wastewater System Installer.
 - d. Surety Bond. A surety bond in an amount equivalent to the cost of regular maintenance, repair, and bi-annual inspections for each Individual Onsite Wastewater (Septic) Facility permitted within the subdivision/development for the first five years of operations and accounting for annual inflation, shall be submitted to and held by Berkeley County. Prior to submission of the bond, the Department shall review, and ultimately concur with, a schedule of values, prepared and certified by a licensed and approved Tier 3 Licensed Onsite Wastewater System Installer as defined by DES.
 - e. Inspection Reports. Individual Onsite Wastewater (Septic) inspection reports shall be available to the County upon request.
- (d) At the administrative officer or designee's discretion, the requirements established in (2) and (3) above may be waived for those subdivision proposals that contain lots that meet the requirements to be certified as "non-buildable" as listed below.
- (1) Those exempt, minor, or family subdivision submittals in which the lots proposed are not intended for development within a five-year horizon; and
 - (2) The following certification shall be placed on the subdivision plat and all subsequent re-surveys of lots created therein and signed by the property owner(s) or legal representative thereof:
"The Property owner(s) of record hereby acknowledge(s) that the Lots shown hereon are considered non-buildable until public water and/or sewer is made available to these Lots or SCDES approves an onsite septic system and/or individual well for each individual Lot."
Signature(s) of Property Owner(s) or legal representative _____
Date _____
- (e) At the administrative officer or designee's discretion, he/she may request a written letter of determination of water/sewer availability from the applicable utility provider to verify availability.

Sec. 59-52. Illumination of vehicular, bicyclist, and pedestrian facilities.

- (a) The applicant shall submit a plan for the adequate illumination of all vehicular, bicyclist, and pedestrian use areas with single-site development plan (site plan) or preliminary plan submittals, when applicable, in accordance with the standards as set forth below.
 - (1) Lighting fixtures shall be required to illuminate collector and local paved streets that contain adjoining sidewalks or similar pedestrian facilities and shall be spaced at appropriate intervals to provide adequate illumination.
 - (2) Lighting fixtures shall be integrated into the site design for non-residential and multi-family residential single-site development plans so that vehicle, bicycle, and pedestrian use areas are adequately illuminated at night.
 - (3) Lighting fixtures shall be arranged so (1) to avoid conflict with other improvements, and (2) light causes no interference with traffic, is shielded or directed away from adjoining residences, and produces no glare across residential property boundaries.
 - (4) Illumination of vehicular, bicyclist, and pedestrian facilities in all proposed land developments shall be provided by fixtures appropriate to the facility and surrounding land uses in size, height, scale, and on-center spacing.

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- (5) Lighting may be located within roadway rights-of-way and/or ingress/egress easements or contained in a separate utility easement, provided that it is positioned so to provide for the safety and clearance of the traveling public and the following criterion is met:
 - a. When lighting fixtures (and supportive facilities) are proposed to locate within a publicly-maintained right-of-way and/or easement, an encroachment permit, or otherwise acceptable authorization for encroachment, is required to be issued from the applicable entity responsible for right-of-way and/or easement maintenance before the single site or preliminary plan can be approved.
 - (6) The administrative officer or designee reserves the right to request the submittal of a photometric survey to verify adequate illumination of proposed lighting facilities.

Sec. 59-53. Open space.

Parcels set aside for open space, as required by the zoning and development standards ordinance, shall be perpetually maintained and permanently restricted from residential, commercial, or industrial development by the recording of various deeds and covenants; provided, however, the administrative officer or designee may authorize the utilization of open space parcels for easements for access and infrastructure purposes (roads, walkways, paths, utility easements, rights-of-way, etc.) that are found necessary, convenient, or desirable for intended development. The subdivider/applicant may convey all or portions of the open space parcels to one or more qualified organizations under 26 U.S.C Section 501(c)(3) in a form required by state or federal law or to a property owners or similar association.

Secs. 59-54—59-70. Reserved.

ARTICLE V. OVERSIZED AND OFF-SITE IMPROVEMENTS

Sec. 59-71. Generally.

- (a) Whenever existing infrastructure systems, to include, but not limited to, water and sewer systems, drainage systems, and roadway network, are required, by application of this chapter, to be expanded, extended, upsized, or improved to serve the demand generated by a preliminary or single-site development (site) plan submittal, the applicant shall be required to bear the costs for only that portion of the improvement(s) that would be equal and proportionate to the impacts generated by the proposed development, as determined by the administrative officer or designee.
- (b) Whenever the impacts generated by a preliminary or single-site development (site) plan necessitate improvements to the existing roadway network, water and/or sewer facilities, and/or drainage systems, the applicant is required to construct the upgrades concurrent with construction of the development proposal. The applicant may make a payment in lieu of the required upgrades if more extensive improvements to those facilities have been planned by the agency having jurisdiction. In such case, documentation of a cost-sharing agreement shall be provided to the administrative officer before the accompanying plat or plan, as applicable, is approved.

Sec. 59-72. Traffic impact analysis.

This section establishes requirements for the analysis and evaluation of traffic impacts associated with development. A traffic impact analysis (TIA) will be required with applications for rezoning, preliminary plans, single-site development (site) plans, and certain special exceptions in accordance with the process and criteria set forth below.

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- (1) *Third-party study preparation and/or review.* The traffic impact analysis (TIA) shall be prepared by an Engineer licensed in South Carolina that is experienced in the conduct of traffic analysis, whom is one of the consultants the county has previously-selected for on-call traffic impact analysis services, at the request of the county engineer or designee and at the sole expense of the applicant. On a case-by-case basis, the county engineer or designee, through coordination with the administrative officer or designee, may exempt an applicant from the requirement of third-party TIA preparation, accepting the submittal of a TIA prepared by an engineer, whom is licensed in South Carolina that is experienced in the conduct of traffic analysis, hired by the applicant. In which case, the county engineer or designee through coordination with the administrative officer or designee may require that the TIA be reviewed by an on-call, third-party consultant at the sole expense of the applicant. The process for third-party preparation and/or review is described as follows:
- a. The county engineer or designee shall coordinate with the administrative officer or designee to determine the scope of services.
 - b. After determination of the scope of services, the on-call, third-party consultant shall provide a cost estimate of such services to the county engineer or designee for review and concurrence through coordination with the administrative officer or designee. Upon concurrence, an invoice shall be sent to the applicant, who shall provide payment in an amount equal to the estimated cost to the county engineer or designee within the timeframe set forth in the procedures established by the department. Any funds not used shall be returned to the applicant in a timely manner without interest.
 - c. Additional fees for services may be required if the applicant substantially amends an application and/or the consultant's appearance is requested at meetings beyond what was anticipated in the initial scope of services. The applicant shall remit payment to the department for these costs before the services are provided.
- (2) *Determination of TIA type and process.* To determine the applicable type of TIA, scope, and process for preparation or review, the applicant is encouraged to first apply for preliminary traffic assessment (PTA) and schedule a joint plan review (JPR) meeting with staff to discuss project objectives, scope, and process for preparation, review, and submittal.
- a. This application for PTA shall include, at a minimum, the following:
 1. Total acreage for the project;
 2. Description of the type of use(s) proposed and existing use or last known use and date of last known use for structures that have been unoccupied for longer than six months;
 3. Concept or sketch plan showing total square footage for the buildings (existing and proposed), the number and type of dwelling units proposed, square footages of gross and leasable floor area, number of employees, point(s) of access, proposed roads, internal accesses, bike/pedestrian facilities, and any other transportation infrastructure or facilities, and parking areas; and
 4. Existing traffic counts data for roadways that serve the proposed development using the most-recently published SCDOT Average Annual Daily Traffic (AADT) Counts Data, where available.
 5. For a Tier 2 TIA, the proposed study area based on the criteria outlined in section 59-72(f).
 - b. The county engineer or designee will review the application for preliminary traffic assessment (PTA) based on the ITE Trip Generation Manual, latest addition, to determine if either a Tier 1 or Tier 2 study is required based on the criteria listed below or if no further study is required.

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- c. The county engineer or designee may request additional information pertaining to the proposed development in order to determine which type of traffic impact analysis is applicable, if any.
- (3) TIA applicability and type.
- a. A Tier 1 Traffic Impact Analysis (TIA) shall be utilized for proposed development or redevelopment (new, expansion of an existing use, or redevelopment of an existing use with a different use) that is (1) anticipated to generate between 500—1,000 additional average daily traffic and/or 50—100 additional peak hour trips based on the ITE Trip Generation Manual, latest addition, or (2) located in proximity to other development(s) generating a significant number of average daily trips and/or peak hour trips, has potential to contribute to cumulative impacts to the overall transportation network, and/or creates a public safety concern as determined by the county engineer or designee.
 - 1. Even if a proposed development is anticipated to generate between 500—1,000 additional average daily traffic and/or 50—100 additional peak hour trips, the county engineer or designee, upon consultation with the administrative officer or designee, may require a Tier 2 Traffic Impact Analysis (TIA), if it is located in proximity to other development generating a significant number of average daily trips and/or peak hour trips, has potential to contribute to cumulative impacts to the overall transportation network, and/or creates a public safety concern.
 - b. A Tier 2 Traffic Impact Analysis (TIA) is comprehensive in scope and shall be utilized for proposed development (new, expansion of existing use, or redevelopment of an existing use with a higher intensity use) that is (1) anticipated to generate more than 1,000 additional average daily traffic and/or 100 or more additional peak hour trips or (2) located in proximity to other development(s) generating a significant number of average daily trips and/or peak hour trips, has potential to contribute to cumulative impacts to the overall transportation network, and/or or creates a public safety concern.
- (4) *Traffic service standards.* The standards for traffic service that shall be used to evaluate the findings of traffic impact analyses are as follows:
- a. *Level of service.* The results of the Tier 1 and Tier 2 Traffic Impact Analyses shall inform and contemplate the traffic mitigation measures necessary to ensure that the minimum service standards established herein are met during the required planning horizon. The existing levels of service (LOS), measured using the Transportation Research Board's Highway Capacity Manual standards for LOS calculation, of intersections in the study area following build-out of the proposed development and each phase thereof shall be retained. If a reduction in the level of service is unavoidable, as determined by the county engineer or designee, required improvements shall be those necessary to most effectively and practically minimize the reduction in operational LOS. Unless a waiver is issued by the planning commission through the process established section 59—74, the post-development operational LOS shall not be reduced beyond the limits established below:
 - 1. Signalized public roadway intersections, approaches, and movements: D.
 - 2. Non-signalized public roadway intersections, approaches, and movements: E.
 - 3. Where the existing LOS is at or below the thresholds stated above, the traffic impact analysis shall identify those mitigation measures necessary to ensure that development-related traffic impacts result in no net reduction in LOS and the improvements needed to raise the LOS to the adopted LOS standard for the affected intersections and/or streets.
 - b. *Number of access points.* The number and spacing of access points shall comply with applicable standards set forth in section 59-44, SCDOT Access and Roadside Management Standards (ARMS)

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- Manual), and the American Association of State Highway Transportation Officials (AASHTO) standards.
- c. *Residential street impact.* No non-residential development shall increase the traffic on an existing residential subdivision street with at least 300 average daily trips by more than 25 percent unless mitigated as pursuant to this chapter.
 - d. *Internal circulation.* On-site vehicle circulation and parking patterns shall be designed so as not to interfere with the flow of traffic on any public street, including intersections, and shall accommodate all anticipated types of site traffic.
 - e. *Function and safety.* Access points shall be designed to provide for adequate sight distance, vehicular maneuverability and queuing, and functionality of multiple transportation modes, by incorporating auxiliary turn lanes, center medians, sidewalks and/or bicycle accommodations, modifications to ingress and egress points, roadside shoulders, pavement markings, traffic calming and other traffic control devices, or other mitigating measures as deemed appropriate by the county engineer or designee. The county engineer or designee may request at his/her discretion any supporting documentation necessary to evaluate proposed driveway locations.
 - f. *Auxiliary turn lane requirements.* Both Tier 1 and Tier 2 TIAs shall evaluate the need for right and left turn lanes. Right and left turn lanes shall be installed in accordance with the criteria and warrants contained in Appendix A and SCDOT's Access and Roadside Management Standards.
- (5) *Planning horizon.* Each Tier 1 TIA shall present an analysis of the traffic conditions with and without the proposed project at the short-term horizon. Each Tier 2 TIA shall present an analysis of the traffic conditions with and without the proposed project in two planning horizons: short-term and long-term.
- a. *Short-term planning horizon.* The intent of the short-term planning horizon is to investigate the early impact of the proposed project on the existing and proposed public roadway network. The short-term horizon year is defined as one year after full occupancy of the development or development phase and account for existing and committed trips and an appropriate growth factor based on historical traffic data and/or travel demand modeling. The baseline surface transportation network (without the proposed project improvements) assumed for the short term planning horizon shall reflect existing facilities plus any approved improvements by the county, state, other developments within the study area, existing and committed trips, and an appropriate growth factor based on historical traffic data and/or travel demand modeling. If the project is proposed to occur over multiple phases, the analysis shall include an evaluation of the estimated conditions one year after full occupancy of each phase of development.
 - b. *Long-term planning horizon.* The intent of the long-term planning horizon is to evaluate implications of the proposed project on the future planned transportation system at a minimum of five years beyond buildout unless determined by the county engineer or designee to study a longer term horizon based on the scale and intensity of the project. All future county, state, and BCDCOG surface transportation facilities proposed within the study area should be included in the baseline assumptions for the long-term planning horizon analysis.
- (6) *Tier 2 TIA requirements.* Each Tier 2 TIA shall meet the following requirements:
- a. *Study area.* The limits of the study area shall be based on the size and extent of the proposed development, and an understanding of existing and future land use and traffic conditions at and around the site. The Tier 2 TIA shall include a vicinity map that shows the site, the study area, the surrounding surface transportation network, and a detailed narrative justifying the how and why the limits of the study area were identified. At the minimum, the study area shall contain:

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1. All intersections, either current or future years, at the endpoints of roadway segments where project traffic has a five percent or greater impact of the two-way, peak-hour roadway segment capacity; and/or
 2. Any intersection(s) identified by the county engineer or designee.
- b. *Existing conditions.* Description of existing traffic conditions including existing peak-hour traffic volumes adjacent to the site and levels of service for intersections in the vicinity, which are expected to be impacted. Existing traffic signal timings should be used. A.m. and p.m. peak hour turning movement counts from 7:00 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:00 p.m. taken on a Tuesday, Wednesday, or Thursday should be gathered, but on occasion other peak periods may need to be counted as determined by the county engineer or designee. In some cases, pedestrian counts will be required. Data should be adjusted for seasonal variations. Existing counts may be used if taken within 12 months of the submittal of the TIA unless at the authorization of the county engineer or designee due to unforeseen or extenuating circumstances. In most cases, counts should be taken when school is in session unless otherwise determined by the county engineer or designee. Other information that may be required may include, but not limited to, crash data, stopping sight distances, and 50th and 85th percentile speeds.
 - c. *Proposed land use.* Description of the current and proposed land use including characteristics such as the number and type of dwelling units, gross and leasable floor area, number of employees, accompanied with a complete project site plan (with buildings identified as to proposed use). A schedule for construction of the development and proposed development stages should also be included.
 - d. *Estimate of trip generation.* The site forecasted trips should be based on the most recent edition of the ITE Trip Generation Manual and/or local trip generation studies conducted based upon ITE guidelines. A table should be provided in the report outlining the categories and quantities of land uses, with the corresponding trip generation rates or equations, and the resulting number of trips. The reason for using the rate or equation should be documented. For large Developments that will have multiple phases, the table should be divided based on the trip generation for each phase. Any reductions due to internal trip capture (to a maximum of 20 percent) and pass-by trips (to a maximum of ten percent of adjacent street traffic), transit use, and transportation demand management should be justified and documented. All trip generation and trip reduction calculations and supporting documentation shall be included in the report appendix.
 - e. *Trip distribution and traffic assignment.* The distribution (inbound versus outbound, left turn versus right turn) of the estimated trip generation to the adjacent street network and nearby intersections shall be included in the report and the basis should be explained. The distribution percentages with the corresponding volumes should be provided in a graphical format.
 - f. *Analysis and estimate of impact.* A capacity analysis should be performed at each of the study intersections and access intersection locations (signalized and unsignalized) in the study area. Intersection analysis shall include LOS determination for all approaches and movements in the no-build (without the development) and build (with the development) conditions at both the short-term and long-term planning horizons. The levels of service will be based on traffic service standards found herein. If the capacity analysis indicates that an intersection does not meet the LOS standard, a mitigation analysis will be conducted to identify Improvements needed to meet the LOS standard. If the capacity analysis indicates that an intersection does not meet the LOS standard for no-build conditions, a mitigation analysis for build conditions will be conducted to determine the improvements needed to be completed by the developer to get to no-build conditions or better. Coordination analysis will be required for the signal systems or portion of the signal systems analyzed.

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- g. *Access management standards.* The report shall include a map and description of the proposed access including any sight distance limitations, edge-to-edge distance to adjacent driveways and intersections, and a demonstration that the number of driveways proposed is the fewest necessary and that they provide safe and efficient traffic operations.
 - h. *Traffic signalization.* If a traffic signal is being proposed, a signal warrant analysis shall be included in the study. The approval of a traffic signal on projected volumes may be deferred until volumes meet warrants given in the MUTCD, in which the developer shall provide funds for the future signal(s) to the county to deposit into an escrow or special account set up for this purpose, if approved. The developer should make any laneage improvements during construction so that if in the horizon year a signal is warranted, one may be installed with little impact to the intersection. The developer is responsible for conducting the future traffic signal warrant studies at the direction of the county.
 - i. *Mitigation and alternatives.* The TIA should include proposed improvements or access management techniques as necessary to meet the traffic service standards established herein. The county engineer or designee will be responsible for final determination of mitigation improvements required to be constructed by the applicant.
 - j. *Function and safety improvements.* The county engineer or designee may require improvements to mitigate and improve the safety and function of multiple transportation modes the site traffic may impact. These improvements may not be identified in the TIA, but improvements to benefit the function and safety of the transportation system of the development site. These improvements may include, but are not limited to, center medians, sidewalks and/or bicycle accommodations, modifications/restrictions to ingress and egress points, roadside shoulders, pavement markings, traffic calming and other traffic control devices.
- (7) *Coordination with SCDOT or other roadway maintenance authority.* Before the administrative officer or designee can approve a traffic impact analysis, the applicant shall provide assurances from the applicable roadway authority demonstrating their concurrence with the findings of the traffic impact analysis and mitigation measures.
- (8) *Review and acceptance of traffic impact analysis.* The county engineer or designee shall review and approve, through the procedures set forth by the department, the Tier 1 or Tier 2 Traffic Impact Analysis, as applicable, before an accompanying site or subdivision plan is approved, or, in the case of rezoning or special exception applications, presented to the planning commission or board of zoning appeals (BZA), respectively, for consideration.
- (9) *Expiration of a Tier 1 or Tier 2 Traffic Impact Analysis.* The county engineer or designee shall be authorized to require an update to a previously approved traffic impact analysis if any of the following criteria are met:
- a. If a proposed development does not commence within 12-months of the approved Tier 1 or Tier 2 traffic impact analysis;
 - b. If the scale, intensity, or phasing of the proposed development that was contemplated in the approved traffic impact analysis is modified;
 - c. If the built environment dictates a change in land use or traffic distribution from what was contemplated within an approved traffic impact analysis;
 - d. If the proposed development is not completed within the proposed buildout date utilized in the TIA.

Sec. 59-73. Installation of off-site infrastructure service improvements.

- (a) Installation of off-site infrastructure improvements necessary to meet adopted traffic service standards to roadways and/or intersections, which include, but are not limited to, auxiliary turn lanes, new road construction, dedication of new rights-of-way, intersection improvements, and other off-site transportation improvements, shall be contemplated in a preliminary or infrastructure construction plan that is subject to coordinated departmental review and, upon approval, constructed, inspected, and verified for compliance to the county's satisfaction prior to final plat approval, unless financial securities are accepted in accordance with the requirements established herein, and/or, in the case of improvements necessitated by a single-site development (site) plan, issuance of certificate of occupancy or otherwise applicable authorization(s) for occupancy or operations.
- (b) The county may accept financial guarantees for off-site infrastructure service improvements, and construction may be phased, at the discretion of the administrative officer or designee through coordination with the other departments engaged in coordinated departmental review.

Sec. 59-74. Waiver of the traffic service standards.

If an applicant has applied mitigation strategies necessary to minimize vehicle conflicts and delays as well as improve operational conditions, but he/she is not able to meet the traffic service standards established in section 59-72(d), he/she may request a waiver from the planning commission per the process established in section 59-7. In evaluation of the request for waiver, the planning commission shall use the following criteria:

- (1) The request for waiver meets the requirements found in section 59-7.
- (2) The applicant has demonstrated that all practicable mitigation measures have been applied to the proposed development that effectively minimize adverse impacts to the public roadway network, improve operational conditions, and reduce delays and conflicts.
- (3) The request for waiver is not used in an attempt to the maximize development intensity that can be supported on the subject property, but rather to practicably manage the impacts of the proposed development.
- (4) Letter of no objection to the requested wavier is provided from the county engineer or designee.

Sec. 59-75. Road corridor preservation.

- (a) No building, structure, or facility shall be erected, constructed, reconstructed, moved, added to, or structurally altered so as to impact the minimum right-of-way needed to preserve a corridor for road widening and improvement projects established through the Berkeley County Transportation Sales Tax Program, the Berkeley County Capital Improvements Plan, the Charleston Regional Area Transportation Study Transportation Improvement Program, or any anticipated SCDOT and federal highway transportation project.
 - (1) When a future alignment for a road improvement has been established by the appropriate reviewing agency, the setback and bufferyard requirements shall be applied to the approved alignment. Where an alignment for expanding an existing road or highway has not been determined, no construction or development shall occur on properties within the limits of the projected corridor until a final alignment has been determined by the appropriate agency or until the Berkeley County Planning and Zoning Department and the Berkeley County Engineering Department has determined that the proposed construction or development will not have a negative impact on the future alignment or corridor.
 - (2) When a future alignment or improvement will require the acquisition of right-of-way from a parcel that will reduce the parcel's minimum lot size below the zoning district's minimum lot size requirement the plat may be approved for recordation without the need for a variance by the board of zoning appeals.

The future development of vacant lots or the redevelopment of parcels must meet all other appropriate development standards for the zoning district and the use of the property or variances granted by the board of zoning appeals.

Secs. 59-76—59-90. Reserved.

ARTICLE VI. FINANCIAL GUARANTEES AND MAINTENANCE

Sec. 59-91. Review and acceptance requirements for financial guarantees.

- (a) Upon completion of the construction and installation of required improvements, the subdivider or engineer, as applicable, shall file with the planning and zoning department written certification that the improvements have been completed according to the approved plan, design drawings, and specifications therewith and the requirements of this chapter.
- (1) The subdivider, engineer, or applicant, as applicable, may post a performance bond, cashier's check, letter of credit, or other acceptable security with the county guaranteeing the completion of said improvements in compliance with the requirements found herein or chapters 56 and 65 of the Berkeley County Code of Ordinances, as applicable. The security must be in a form acceptable to the county by an issuer licensed by the state of South Carolina and submitted to the planning and zoning department, or otherwise qualifying department, with the application for final plat approval.
- (2) With the exception of financial securities required under chapters 56 and 65 of the Berkeley County Code of Ordinances and in accordance with the standards established herein, the administrative officer shall have the right to refuse such security for any and/or required improvements and to require construction and installation thereof by the subdivider or applicant.
- a. Where accepted by the administrative officer, the security shall:
1. Empower the county or, if applicable, any other governmental unit having a legal responsibility for the construction and completion of the improvements to draw on funds on deposit in an institution of the developer's choice, or accept such funds for deposit to its own account.
 2. Be in an amount equal to 150 percent of the cost, as estimated by the developer's engineer and approved by the county engineer or designee, of any improvements which have not been constructed in compliance with the requirements of this chapter prior to the posting of such security and for which sufficient certification has been furnished.
- b. If any or all the required improvements are not completed within the time specified in the security, the county may complete the improvements using the posted security to defray the costs of such required improvements.

Sec. 59-92. Maintenance.

- (a) The subdivider shall make such adequate provisions to assure the perpetual maintenance of all sewer and water facilities, private streets, and private stormwater drainage systems in the subdivision until such obligations have been assumed by another entity.
- (b) The maintenance of all accesses, streets, stormwater drainage systems, and easements intended to be transferred to the county for maintenance, and properly identified on the plat as such, shall be the responsibility of the county only from and after acceptance of such improvements by the county into its maintenance program in accordance with chapter 56.

APPENDIX A: AUXILIARY TURN LANE CRITERIA

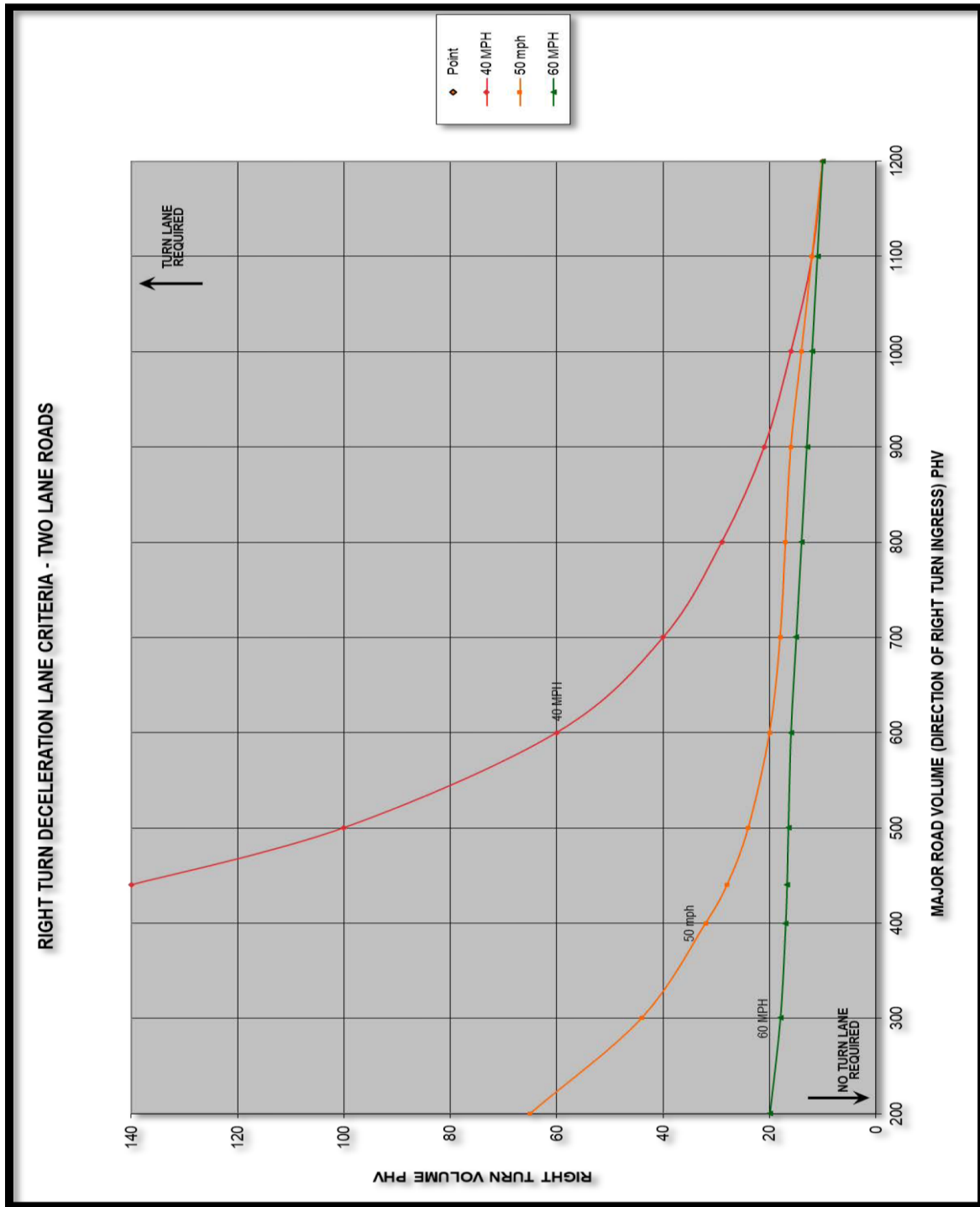


Exhibit 1: Right Turn Deceleration Lane Criteria for Two Lane Roads

*40, 50, and 60 MPH speed thresholds shown reflect operating speed, which is generally the posted speed limit, plus five (5) MPH.