



Chapter 59, The Land Development and Subdivision Regulations

Key Terms

1. *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.
2. *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.
3. *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.
4. *Arterial Roadway*. 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.
5. *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.
6. *Certificate of Occupancy (CO)*: 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.
7. *Collector Street*. A Street used to collect and distribute medium traffic volumes between origin and destination points, which may include *Secondary Roadways*.
8. *Comprehensive Plan* means the Comprehensive Plan adopted by the County Council pursuant to S.C. Code 1976, §§ 6-29-310—6-29-1200.
9. *Concurrent Departmental Review*. Concurrent Departmental Review refers to the internal coordinated and simultaneous 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.
10. *Contiguous*. Lots are Contiguous when at least one boundary line of one Lot touches a boundary line of another Lot.



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11. *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.
12. *Design Criteria* means standards that set forth specific improvement requirements.
13. *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*.
14. *Development*. 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.
15. *Disturbed Area*. The total area, to the nearest tenth acre, of the site that is proposed to be cleared, graded, excavated, filled, transported, or subject to any other activity which results in a change in the natural cover or topography that may cause erosion, contribute to sediment, and alter the quality and quantity of stormwater runoff.
16. *Ditch* means a manmade channel constructed to convey stormwater runoff.
17. *Easement* means a grant by the property owner of the use, for a specific purpose, of a strip of land.
18. *Engineer* means a licensed professional Engineer in good standing with the *South Carolina State Board of Registration for Professional Engineers and Land Surveyors*.
19. *Exempt Plat*. Plat applications that conform to the criteria listed in Sec. 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, including review at the Technical Review Committee (TRC), but shall meet the other requirements of this chapter.
20. *Expedited Review Services Fees*. Fees established in [Chapter 47, Planning, of the Berkeley County Code of Ordinances](#) for expedited plans review services for qualifying submittals. Expedited Review Services Fees shall qualify for two rounds of review; unless approvable, the third resubmittal will be held to the standard review times. The fee shall be as set forth in Chapter 47 or, plus the standard administrative and review Fees (per submittal). If staff is unavailable to deliver the expectations of expedited review, as established herein, the applicant will be notified within two (2) days upon receipt of a completed application and given the option to proceed with 3rd Party Review Services. Unless an extension is agreed upon by the Applicant, should any of the Departments engaged in Plans review fail to meet the deadlines established herein, the Applicant will receive a full monetary refund of



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the Expedited Review Services Fees remitted; the standard administrative and review Fees will remain applicable.

21. *Family Subdivision*. Subdivision Plat applications that are eligible for exemption from private Roadway construction requirements, provided that they conform to the criteria established in Sec. 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 Sec. 59-45(A)(5).
22. *Fees*. 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).
23. *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.
24. *Fire Chief*. The Chief Officer of the local fire department serving the subject parcel(s), or a duly authorized representative.
25. *Floodplain and Flood Hazard Area*. 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.
26. *Governing Body* means the County Council.
27. *Grade* means the slope, specified in percentage terms, of a Road, Street, or other infrastructure or appurtenances.
28. *Health Department* means the agency designated by the South Carolina General Assembly to administer the health regulations of Berkeley County, currently the South Carolina Department of Health and Environmental Control, (SCDHEC).



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29. *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.
30. *Infrastructure Construction Plans*. 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.
31. *Joint Plan Review (JPR)*. 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*.
32. *Larger Common Plan of Development*. 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.
33. *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.
34. *Local Street*. 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*.
35. *Local Fire Official*. 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.
36. *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."
37. *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



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established in Sec. 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 Sec. 59-91 prior to Final Plat approval.

38. *Master Development Name*. The overarching project name assigned in a Development Agreement, Planned Development, or similar instrument that established a unified development plan.
39. *Mobile/Manufactured Home Park*. A parcel of land containing five or more mobile/manufactured home sites per acre, where such sites are available for rent or lease.
40. *Minor Street*. A Roadway that carries a mix of local and through traffic. It links Collectors, and sometimes Local Streets, with Arterial Roadways.
41. *Minor Subdivision* is a division of any tract of land into ten (10) or fewer Lots that are directly served by access from an adjoining publicly maintained Roadway or a Shared Travelway, as defined herein, is a bona fide Family Subdivision that conforms to the requirements found in Sec. 59-45(A)(5), meets all of the criteria established in Sec. 59-23(A)(2) for a Minor Subdivision, and cannot be processed as an "Exempt" Plat Submittal.
42. *Perimeter Street* means any existing Street to which the parcel of land to be subdivided abuts on only one side.
43. *Plan*. 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*.
44. *Plat*. 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.
45. *Preliminary Plan*. 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



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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.

46. *Preliminary Plat*. 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.
47. *Preliminary Traffic Assessment (PTA)*. An 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.
48. *Private Street*. A vehicular Right-of-Way held in private or corporate ownership, and one which is ineligible for public expenditures and/or public maintenance.
49. *Project Area*. The total area of the project site intended to be developed, redeveloped, or otherwise improved, inclusive of bufferyards and any open space set aside to satisfy Ordinance requirements.
50. *Public Street*. 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.
51. *Residential Plot Plan*. 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 SCDHEC, 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.



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52. *Right-of-Way*. See *Easement*.
53. *Road*. See *Street*.
54. *Secondary Roadway*. 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.
55. *Shared Travelway*. 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 (10) 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).
56. *Single-Site Development*. 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.
57. *Single-Site Development (Site) Plan*. 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.
58. *Single-Site Development Shared Access*. 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



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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'. 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.

59. *Sketch Plan*. 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.
60. *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.
61. *Special Protection Area*. 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*.
62. *Special Exception*. 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.
63. *Street*. 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.
64. *Street Hierarchy*. 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.



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65. *Subdivider*. The term, *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.
66. *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.
67. *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.
68. *Subject Property* refers to the parcel(s) for which a Subdivision, Development, or any other physical improvement is proposed.
69. *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*.
70. *Swale* means a privately maintained Ditch having side slopes of 4:1 or flatter.
71. *Technical Review Committee (TRC)*, an internal committee, consisting of the Administrative Officer or designee, the Berkeley County Engineer or designee, a representative from the Berkeley County Water and Sanitation Department, and an optional representative of the Planning Commission, that convenes at least one a month and is tasked with reviewing Preliminary Subdivision and Infrastructure Construction Plans submitted in accordance with the requirements established herein. Only initial Preliminary Subdivision or Infrastructure Construction Plan submittals or major revisions thereto require review at TRC.
72. *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 Ordinance. 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. Please refer to the [TIA Process Flow Chat](#) for additional information.
73. *Traffic Service Standards* are the standards for traffic service that shall be used to evaluate the findings of traffic impact analyses.



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74. *Waiver.* 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.
75. *Wetland.* 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.
76. *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.
77. *Variance.* 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.