LAND DEVELOPMENT REGULATIONS
CHESTER COUNTY, SOUTH CAROLINA

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ARTICLE 1: GENERAL PROVISIONS

1-1 Purpose

The public health, safety, economy, good order, appearance, convenience, morals, and general welfare require the harmonious, orderly and progressive development of land within Chester County. In furtherance of this general intent, the regulation of land development by Chester County is adopted for the following purposes, among others:

A. To encourage the development of an economically sound and stable community;

B. To assure the timely provision of required streets, utilities, other facilities and services to new land developments;

C. To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments;

D. To assure 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

E. To assure, in general, the wise and timely development of new areas or redevelopment of areas in harmony with the adopted Chester County Comprehensive Plan.

ARTICLE 1: GENERAL PROVISIONS

1-2 Short Title

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

ARTICLE 1: GENERAL PROVISIONS

1-3 Authority

These regulations are adopted under authority granted by the General Assembly of South Carolina, pursuant to authority conferred by the 1994 "South Carolina Local Government Comprehensive Planning Enabling Act", S.C. Code §§ 6-29-310 through 6-29-1200.

ARTICLE 1: GENERAL PROVISIONS

1-4 Jurisdiction

These land development regulations shall apply to all development of land within the unincorporated area of Chester County.

ARTICLE 1: GENERAL PROVISIONS

1-5 Types of Development

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

A. Traditional Subdivisions

B. Group Developments

C. Planned Developments

D. Conservation Subdivisions

ARTICLE 1: GENERAL PROVISIONS

1-6 Fees

Fees for processing an application for plat approval and recording shall be paid with the application pursuant to a fee schedule established by resolution of County Council.

ARTICLE 2: DEFINITIONS

2-1 Usage

A. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense: words used in the plural number include the singular: the word "herein" means “in these regulations"; the word “regulations" means "these regulations".

B. Words used in the singular number include the plural and words used in the plural include the singular.

C. A "person" includes a corporation, a partnership, and an incorporated association of persons such as a club; "shall" is always mandatory; "may" is discretionary; a "building" includes a structure: a "building" or “structure" includes any part thereof "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

ARTICLE 2: DEFINITIONS

2-2 Words and Terms Defined

For the purpose of these regulations, the following words and terms are defined as follows:

Administrative Official: The staff person duly designated to act on behalf of the Planning Commission in administration of this ordinance.

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

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

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

Bond: Any form of security including a cash deposit, surety bond, collateral property, or instrument of credit in an amount and form satisfactory to the County Council. A bond can be a performance bond, surety bond, or an irrevocable letter of credit. See Article 10 for requirements.

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

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

Construction Plan: The maps or drawings accompanying a subdivision plat or plan and showing specific location and design of improvements to be installed in the subdivision in accordance with the requirements of this ordinance as a condition of the approval of the plat or plan.

ARTICLE 2: DEFINITIONS

Crosswalk: A right-of-way within a block dedicated to public use, intended primarily for pedestrian use designed to provide access to adjacent roads or properties.

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

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

Extraordinary Developments: Any artificial impoundment, such as a lake, created through the use of dams or other means.

Final Plat or Plan: The final map of all or a portion of a subdivision that is presented for final approval.

Flood: A general and temporary condition of partial or complete water coverage of normally dry land area by the accumulation or runoff of surface waters from any source.

Floodplain: Land area adjoining a river, stream or water course which is subject to a one percent or greater chance of flooding in any given year, which area is more specifically established by the Federal Emergency Management Agency in its Flood Insurance Study for Chester County dated July 5, 1982.

Floodway: The channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point.

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

ARTICLE 2: DEFINITIONS

Grade: The slope of a road, street, or other public way, sewer line or storm drain specified in percentage (%) terms from the horizontal.

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

Health Department: The public health department having jurisdiction over the land area in which the proposed subdivision is located, or the South Carolina Department of Health and Environmental Control (DHEC).

Individual Sewage Disposal System: A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device.

Land Development: A change in land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, manufactured home parks or similar developments for sale, lease or any combination of owner and rental characteristics.

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

Lot Area: Means the total area of the lot including easements.

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

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

ARTICLE 2: DEFINITIONS

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

Lot, Flag: A lot with access provided to the bulk of the lot by means of a narrow corridor connected to a public road.

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

Lot, Interior: A lot other than a corner lot.

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

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

Off-Site: Any premises not located within the area of the property to be subdivided whether or not in the same ownership of the applicant for development approval.

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

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

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

ARTICLE 2: DEFINITIONS

Planning Commission: The Chester County Planning Commission.

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

Private Road: A road is private unless its right-of-way has been dedicated to and accepted by the state or the governing authority of Chester County. See § 5-2.8 for design standards.

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

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

Registered Land Surveyor: A land surveyor properly licensed and registered in the State of South Carolina.

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

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

Right-of-Way: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for any other special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the

ARTICLE 2: DEFINITIONS

dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

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

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

Screening: Shrubs, trees, an opaque wall, barrier or fence as required by the Zoning Ordinance.

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

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

Street Classifications: Streets may be classified as follows:

> **Alley**: a public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.
>
> **Arterial (Major Thoroughfare)**: A freeway, expressway, road or highway which is used or intended to be used for moving either heavy vehicular traffic volumes or high-speed traffic, or both, or which was designated as a major thoroughfare in the Comprehensive Plan.

ARTICLE 2: DEFINITIONS

Collector: A road which is used or intended to be used for moving traffic from minor streets to major thoroughfares, including the principal entrance and circulation street or streets of a development. Types of collector roads include:

1. *Commercial or Industrial* - collector road that serves a minor commercial or industrial road.

2. *Rural residential* - collector road which serves only minor rural residential lots which meet the lot size requirements of a minor residential road.

3. *Urban residential* - collector road which serves minor urban residential roads.

Local (Minor Street): A road that is used or intended to be used to provide access to other roads from individual properties. Types of minor roads include:

1. *Commercial or Industrial* - Minor Street serving commercial or industrial uses;

2. *Cul-de-sac* – minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

3. *Marginal Access* - minor street located parallel and adjacent to a limited access street or highway which provide access to abutting properties and protection from through traffic;

4. *Rural Residential* – minor street serving residential lots;

5. *Private Rural Community Driveway* - A roadway which is not dedicated to or maintained by the County; serving a subdivision of land from one original tract containing five (5) or fewer interior lots one (1) acre or more in area restricted to use by related owners. See Section 5-2.7 for minimum standards.

ARTICLE 2: DEFINITIONS

Private Street: A private street is not dedicated to or accepted by the County for maintenance, and is improved to the same standards as are required for a public street. See Section 5-2.8 for minimum standards.

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

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

Subdivision: The division of a tract or parcel of land into two (2) or more recordable building lots. The land is subdivided for sale, lease or building development, whether immediately or in the future. The definition includes all land divisions involving a new road or change in existing roads. It includes re-subdivisions involving the further division or relocation of lot lines of any lot or lots within a previously approved or recorded subdivision. The definition covers the alteration of any streets or the establishment of any new roads within any previously approved or recorded subdivision as well as combinations of lots of record. The following exceptions are included within this definition only for the purpose of requiring that the local planning agency be informed and have a record of the subdivisions.

a. Combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the zoning ordinance standards.

b. Dividing land into parcels of five acres or more where no new street is involved.

ARTICLE 2: DEFINITIONS

c. Combining or recombining entire lots of record where no new street or change in existing streets is involved.

Subdivision: (Cont'd)

d. A division of nine (9) or less recordable building lots, along an existing road which is owned and maintained by the County, or a private road which meets the design and improvement standards of this ordinance, may be exempted from the Review and Approval of Preliminary and Final Plat Approval by the Planning Commission: but instead may be approved by the Zoning Official or his/her designee when no new or additional street or road is shown on the plat, and no new installation of utilities or storm drainage is required, and all lots meet the requirements of the zoning district in which they are located. **Eff. 7/17/17)**

The planning commission must receive plats of these exceptions as information and indicate that fact on the plats. **Eff. 7/17/17)**

Subdivision Types:

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

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

C. Conservation Subdivision: A residential development where fifty percent or more of the developable land area is designated as undivided,

ARTICLE 2: DEFINITIONS

permanent open space; thereby permanently protecting agricultural, environmentally, or historically significant areas within the parcel. The remaining developable land is subdivided into buildable lots.

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

Zoning Ordinance: The Zoning Ordinance of Chester County, South Carolina.

ARTICLE 3: PROCEDURE FOR PLAT APPROVAL

3-1 General Procedure

(1) **(Eff. 7/17/17)** Whenever any subdivision of land is proposed consisting of nine (9) or less recordable building lots, along an existing road which is owned and maintained by the County, or a private road which meets the design and improvement standards of this ordinance, may be exempted from the Review and Approval of Preliminary and Final Plat Approval by the Planning Commission; but instead may be approved by the Zoning Official, or his/her designee when:

a. No new or additional street or road is shown on the plat, and

b. No new installation of utilities or storm drainage is required, and

c. All lots meet the requirements of the zoning district in which they are located.

(2) (**Eff. 7/17/17)** Whenever any subdivision of land is proposed consisting of ten (10) or more recordable building lots, it shall go before the Planning Commission for review before any deed transfer of any part thereof and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision in accordance with the following procedure:

(a) Review of Sketch Plan;

(b) Review and approval of Preliminary Plat.
Adjacent landowners must be notified 15 days prior to Preliminary meeting with Planning Commission (Effective 6/3/09).

(c) Review and approval of Final Plat.

Steps (a) and (b) shall be completed prior to making any street improvements and installing any utilities. Step (c) shall be completed prior to sale of any lots, recording any portion of the plat of the proposed subdivision, or issuance of a building permit for construction of buildings, except as provided for model homes in these regulations.

ARTICLE 3: PROCEDURE FOR PLAT APPROVAL

3-1 General Procedure (Cont'd)

A subdivision of lots along an existing road which is owned and maintained by the County or a private road which meets the design and improvement standards of this ordinance may be exempted from the Review and Approval of Preliminary Plat procedure when:

a. No new or additional street or road is shown on the plat, and

b. No new installation of utilities or storm drainage is required, and

c. All lots meet the requirements of the zoning district in which they are located.

In such cases, the developer may be authorized by the Planning Commission to move from Sketch Plan Approval to Review and Approval of Final Plat.

3-2 Procedures

The following procedures shall be followed in the submission, review, and action upon all subdivision plats:

3-2.1 Sketch Plan:

A. Discussion of Requirements. Before preparing the sketch plan for a subdivision, the applicant shall discuss with the Administrative Official the procedure for approval of a subdivision plat and the requirements as to general layout of streets and for reservations of land, street improvements, drainage, sewerage, fire protection, and other similar matters, as well as the availability of existing services. The Administrative Official shall also advise the applicant, where appropriate, to discuss the proposed subdivision with those officials who must eventually approve these aspects of the subdivision plat coming within their jurisdiction.

B. Application Procedure and Requirements. Prior to subdividing land, an owner of the land, or his representative, shall file an application for approval of a sketch plan. The application shall:

ARTICLE 3: PROCEDURE FOR PLAT APPROVAL

1. Be made on forms available at the office of the Administrative Official.

2. Include all contiguous holdings of the owner including land in the same ownership, as defined herein, with an indication of the portion that is proposed to be subdivided, accompanied by an affidavit of ownership.

3. Be accompanied by a minimum of three (3) bound copies, and an electronic copy (disk or flash drive) of the Sketch Plan as described in these regulations and complying in all respects with these regulations. (5-7-17)

C. Approval of Sketch Plan. After reviewing the Sketch Plan, the Administrative Official will advise the applicant within thirty (30) days after application that the Sketch Plan is approved, disapproved, or approved with certain modifications. If approved, said approval shall constitute authorization to prepare and submit a Preliminary Plat. Approval *does not* authorize the developer to begin the proposed construction or improvements. If the Administrative Official or the Planning Commission fails to act on the Sketch Plan within thirty (30) days after application, the Sketch Plan shall be deemed approved and a certificate to that effect shall be issued by the Planning Commission upon demand; provided, however, that the subdivider may waive this requirement and consent in writing to extension of such period.

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

E. Distribution of Sketch Plan. Sketch Plans shall be distributed as follows:

1. Administrative Official (file copy);

ARTICLE 3: PROCEDURE FOR PLAT APPROVAL

2. County Supervisor's Office

3. One copy shall be returned to the applicant showing any modifications needed.

3-2.2 Preliminary Plat.

A. Application Procedure and Requirements. Based upon the approval of the Sketch Plan, the applicant shall file with the Administrative Official an application for approval of a preliminary plat. The application shall:

1. Be made on forms available at the office of the Administrative Official to the Planning Commission together with any fee, which may be established by the County Council.

2. Be accompanied by a minimum of ten (10) copies, and an electronic copy (disk or flash drive) of the Preliminary Plat as described in these regulations. (5-7-18)

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

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

1. Administrative Official (file copy);

2. Public service or special purpose district, if affected;

3. Appropriate division of South Carolina Department of Health and Environmental Control (DHEC); and

4. USDA Natural Resources Conservation Service (NRCS) if appropriate.

ARTICLE 3: PROCEDURE FOR PLAT APPROVAL

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

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

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

Any appeal shall be made to the Circuit Court within thirty (30) days after the notice of the decision of the Planning Commission has been delivered to the subdivider.

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

ARTICLE 3: PROCEDURE FOR PLAT APPROVAL

approval of the preliminary subdivision plat by the Planning Commission the subdivider may proceed with compliance with the other requirements of these regulations, construction of proposed improvements and the preparation of the final subdivision plat.

C. Effective Period of Preliminary Approval. The approval of a Preliminary Plat shall be effective for a period of two (2) years. If at the end of which time final plat approval of all or part of the subdivision has not been obtained from the Planning Commission or substantial progress with the construction of required improvements has not been made, preliminary plat approval shall expire. Any such subdivision shall be required to resubmit a new plat for preliminary approval subject to all new land development regulations.

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

E. Building Permit. A building permit may be secured after preliminary plat approval, but prior to final plat approval. However, transfer of the title or connection to permanent utility services are prohibited until the final plat is approved.

3-2.4 Final Plat

A. Application Procedure and Requirements. Following the approval of the Preliminary Plat and completion of all required improvements, if the improvements are not going to be bonded, the applicant shall file with the Administrative Official an application for final approval of a subdivision plat. The application shall:

1. Be made on forms available at the Office of the Administrative Official.

ARTICLE 3: PROCEDURE FOR PLAT APPROVAL

2. Be accompanied by:

   a. A minimum of ten (10) prints and one reproducible copy of the Final Plat on sheets not exceeding twenty-four (24) inches by thirty-six (36) inches with a drawing size of twenty-two (22) inches by thirty-four (34) inches;

   b. Two (2) prints of as-built drawing of sanitary sewers (if applicable) with grade, pipe sizes, and points of discharge;

   c. Two (2) prints of as-built drawing of storm sewer system with grade, pipe sizes, and location of outlets; and

   d. Two (2) prints of as-built drawing of water system with pipe sizes and location of hydrants and valves.

ARTICLE 3: PROCEDURE FOR PLAT APPROVAL

e. Two (2) prints of as-built drawing of roads with grades and paving width.

f. Be accompanied by a minimum of six (6) copies of Construction Plans as described in these regulations. (5-7-18)

3. Comply in all respects with the Preliminary Plat as approved.

4. Be accompanied by all formal irrevocable offers of dedication to the public of all streets, local government uses, utilities, park, and easements, in a form approved by the local government attorney, and the Final Plat shall be marked with a notation indicating the formal offers of dedication as follows:

   The owner, or his representative, hereby irrevocably offers for dedication to the local government all the streets, local government uses, easements, parks and required utilities shown in the subdivision plat and construction plans in accordance with an irrevocable offer of dedication dated _____and recorded in the Clerk of Court's Office.
   By_____ Date_____
   (Owner or Representative)

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

5. Be accompanied by the performance bond, if required, in a form satisfactory to the local government attorney and in an amount established by the Planning Commission upon recommendation of the County Supervisor/Manager shall include a provision that the principal of the bond shall comply with all the terms of the resolution of Final Plat approval as determined by the Planning Commission and shall include, but not be limited to, the performance of all required subdivision and off-site improvements, and that all improvements and land included in the irrevocable offer of dedication shall be dedicated to the local government free and clear of all liens and encumbrances on the premises.

ARTICLE 3: PROCEDURE FOR PLAT APPROVAL

6. Be accompanied by the following certificate signed by a South Carolina Registered Engineer covering all required improvements that are not bonded:

ARTICLE 3: PROCEDURE FOR PLAT APPROVAL

I hereby certify that the streets, drainage system, sewer system, and water system in _____Subdivision as shown on the Record Drawings dated_____, prepared by _____ have been installed in accordance with the Preliminary Plat and Construction Plans approved by the Chester County Planning Commission on _____ (date).

SEAL _____
Registered Engineer

B. Final Plat Approval. Upon determination by the Administrative Official to the Planning Commission that the Final Plat is in conformity with the Preliminary Plat as approved, the Administrative Official shall submit an appropriate number of copies of the Final Plat and As-Built Drawings to the same agencies and County departments which reviewed and approved the Preliminary Plat.

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

Upon receipt of a report approved by the County Road Department or a registered professional engineer that all streets and drainage facilities have been properly installed in accordance with the Preliminary Plat, or upon approval of a bond for completion of improvements by the County Council, the Planning Commission shall give approval, approval with modifications, or disapproval of the Final Plat. When bond is used in lieu of completion of improvements, the bond shall stipulate the period of time within which all of the required improvements shall be installed and approved by the appropriate agencies. In no event shall this time be longer than two (2) years. *Final acceptance will be based on a satisfactory on-site inspection by the Administrative Official and reported in writing to the Planning Commission.*

In each case the Planning Commission shall act on a Final Plat within sixty (60) days after the date of application; otherwise, such plat shall be deemed to have been approved and a certificate to that effect shall be issued by the Planning Commission on demand; provided, however, that

ARTICLE 3: PROCEDURE FOR PLAT APPROVAL

the applicant may waive this requirement and consent in writing to the extension of such period. The grounds of disapproval of any plat shall be stated upon the records of the Planning Commission. No plat shall be acted upon by the Planning Commission without affording a hearing thereon, notice of time and place of which shall be sent by certified mail to the address provided by the applicant not less than five (5) days before the time of the hearing.

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

1. Meets the requirements of a Final Plat as set forth in the regulations, and

2. Conforms to an approved Preliminary Plat, and

3. Has all the required improvements installed and approved or a bond for such improvements approved by County Council.

C. Certificate of Approval for Recording. Upon approval of the Final Plat by the Planning Commission, the following statement will be placed on the Final Plat by the Administrative Official and one (1) copy of the plat returned to the subdivider:

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

_____ _____

Date *Title*

ARTICLE 3: PROCEDURE FOR PLAT APPROVAL

D. Recording of Final Plat. It shall be the responsibility of the County to file the plat with the Chester County Clerk of Court at the expense of the applicant.

E. Staging of Major Subdivisions. The Planning Commission may grant Final Plat approval to sections of a subdivision shown on an approved Preliminary Plat which meet all the previously mentioned requirements of this ordinance if such sections, in the opinion of the Planning Commission, are adequately served by all utilities, a storm drainage system and street system, even if no other sections of the subdivision are developed.

F. Final Plat Revision. If it should become necessary to revise a final plat due to a dimensional error, a revised plat shall be submitted to the County for final recording after the Planning Commission has approved and signed the revised plat.

G. Approval of Plan or Plat Not Acceptance of Dedication of Land. The approval of the land development plan or subdivision plat may not be deemed to automatically constitute or effect an acceptance by the County or the public of the dedication of any street, easement, or other ground shown upon the plat. Public acceptance of the lands must be by action of the governing body customary to these transactions.

ARTICLE 3: PROCEDURE FOR PLAT APPROVAL

3-3 South Carolina Department of Health & Environmental Control (DHEC) Approval

It shall be the developer's responsibility to obtain any required permits and approval from DHEC.

ARTICLE 3: PROCEDURE FOR PLAT APPROVAL

3-4 Federal Housing Administration or Farmers Home Administration Approval

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

ARTICLE 3: PROCEDURE FOR PLAT APPROVAL

3-5 Flood Plain Restrictions

Refer to the Flood Prevention Ordinance in the County Code.

ARTICLE 3: PROCEDURE FOR PLAT APPROVAL

3-6 Wetlands

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

ARTICLE 3: PROCEDURE FOR PLAT APPROVAL

3-7 Prohibition

No public official shall accept, file, or record any subdivision plat, plat of a group development, planned development, or any other type development unless such plat has been duly approved by the Chester County Planning Commission. Should any public official violate the provisions of this section he shall, in each instance, be subject to the penalties stated in Article 15 of these regulations.

ARTICLE 3: PROCEDURE FOR PLAT APPROVAL

3-8 Street Naming

The Chester County Planning Commission or its designated agent shall approve and authorize the name of any street or road laid out within the County on any subdivision plat or group development subject to review and approval by said Planning Commission. Streets that are extensions of, or obviously in alignment with existing streets, shall bear that name. The name of new streets shall not duplicate or be similar in sound to existing names in Chester County, irrespective of the use of the suffix street, avenue, circle, way, boulevard, drive, place, court or the like. It shall be unlawful for any person, in laying out any new street or road, to name such street or road on any plat, by any marking, or in any deed or instrument without first getting the approval of the Planning Commission. Any person violating this provision shall be guilty of a misdemeanor punishable by the terms of Article 12 of these regulations. Street names shall be coordinated with the County 911 office to insure that emergency plans are kept current and duplications are avoided.

ARTICLE 4: PLAT REQUIREMENTS

4-1 Sketch Plan

The Sketch Plan shall be prepared in accordance with the following requirements.

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

1. Name

a. Name of subdivision if property is within an existing subdivision.

b. Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded.

c. Name of property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known.)

2. Ownership

a. Name and address, including telephone number, of legal owner or agent of the property involved in the subdivision.

b. Name and address, including telephone number, of the professional person(s), if any, responsible for the subdivisions design, or for the design of any public improvements, and for the surveys.

3. Location

A vicinity map at a scale of not less than one inch equals one thousand feet (1":1,000') showing the relationship of the proposed subdivision to surrounding development. The scale of the vicinity map shall be shown, as well as a north arrow.

ARTICLE 4: PLAT REQUIREMENTS

4. Features

a. Total acreage in the tract to be subdivided.

b. Location of property lines, existing easements, railroad rights-of-way, watercourses and existing buildings.

c. Location of all existing or platted private and public streets or other public ways within or adjacent to the tract.

d. Names of any adjoining subdivision.

e. Approximate location, widths, and classification of proposed streets, including width of right-of-ways.

f. Approximate location, dimensions, and area of all proposed or existing lots.

g. Existing and proposed uses of land throughout the subdivision.

h. Existing uses of land surrounding the subdivision.

i. The approximate location and dimensions of any parcel of land proposed to be set aside for a park, playground, or other public use, or for the common use of property owners in the proposed subdivision with designation of the purpose thereof.

j. Location of water bodies, streams, lakes, swamps, and land subject to flood, based on a one hundred-year frequency flood.

k. Topography in terms of mean sea level by contours at vertical intervals of not more than five (5) feet (the Administrative Official may accept vertical intervals of not more than ten (10) feet or waive the requirement where existing topographic mapping is not available at five (5) feet contours and the terrain of the proposed subdivision is not of major significance), and extending at least one hundred (100) feet outside the subdivision.

ARTICLE 4: PLAT REQUIREMENTS

l. Location of City limit lines and County lines, if applicable.

m. Zoning district classification of the property and adjacent property.

n. Active or abandoned cemeteries.

ARTICLE 4: PLAT REQUIREMENTS

4-2 Preliminary Plat

The Preliminary Plat shall be prepared by a South Carolina Registered Land Surveyor at a convenient scale of not less than one inch equals 100 feet; adjustable depending upon lot sizes and total acreage. All dimensions shall be shown to the nearest one-tenth of a foot and angles to the nearest minute.

The Preliminary Plat shall meet the minimum standards of design set forth in these regulations and shall include the following information:

1. Name

a. Name of subdivision if property is within an existing subdivision.

b. Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded.

2. Ownership

a. Name and address, including telephone number of legal owner or agent of the property involved in the subdivision.

b. Name and address, including telephone number of the professional person(s) responsible for the subdivisions design, or for the design of any public improvements, and for the surveys.

3. Location

A vicinity map at a scale of not less than one inch equals one thousand feet (1":1,000') showing the relationship of the proposed subdivision to surrounding development. The scale of the vicinity map shall be shown as well as a north arrow.

4. Features

a. Total acreage in the tract to be subdivided.

ARTICLE 4: PLAT REQUIREMENTS

b. Graphic scale, north point and date. The north point shall be identified as magnetic, true or grid north.

c. Boundaries of the tract to be subdivided with all bearings and distances indicated. The boundary survey shall be to such a degree of accuracy that the error of closure is no greater than 1:2,500.

d. The following conditions:

1. Topography by contours at vertical intervals of not more than five (5) feet and extending at least one hundred (100) feet outside the subdivision.

2. Deed record names of adjoining property owners.

3. Names of any adjoining subdivision.

4. Property lines within and adjoining the subdivision.

5. Location and right-of-way of all existing or platted private or public streets or other public ways, railroads, easements, water courses and buildings either on or adjacent to the property to be subdivided. Specify whether utility lines are in easements or right-of-ways and show location of poles or towers.

6. Location of City limits and County boundaries, if applicable.

7. Location of streams, lakes, swamps, and land subject to flood, based on a one hundred-year frequency flood. Those lots so affected shall be identified and noted on the plat.

8. Location of existing adjoining property lines.

9. In case of re-subdivisions, a copy of existing plat with proposed re-subdivisions superimposed thereon.

ARTICLE 4: PLAT REQUIREMENTS

10. Size and location of existing sewers, water mains, drains, culverts or other underground facilities within the street or within the right-of-way of streets or roads adjoining the tract.

11. The acreage of each drainage area affecting the proposed subdivision.

12. All elevations shall refer to Mean Sea Level Datum (if available) where public water and/or public sewers are to be installed.

13. Zoning district classification of the property and adjacent property, including property separated by streets or railroads.

14. Active or abandoned cemeteries.

15. Written statement from DHEC referencing the general suitability of all parcels for the use of individual wells and septic tanks where individual disposal systems are proposed.

ARTICLE 4: PLAT REQUIREMENTS

e. The following proposed conditions:

1. The location, width, classification and proposed name of all proposed streets, alleys, and other public ways. This shall include the width of both the paved surface and the right-of-way. (5-7-18)

2. The location and width of all utility and other types-of easements.

3. The location, dimensions and building setback lines of all proposed lots. The building setback lines shall not be less than those required by the Zoning Ordinance.

4. The location and dimensions of all property proposed to be set aside for a park, playground, or other public use, or for the common use of property owners in the proposed subdivision with designation of the purpose thereof and conditions, if any, of the dedication or reservation.

5. Sufficient data acceptable to the Administrative Official to determine readily the location, bearing and length of all lines, and

ARTICLE 4: PLAT REQUIREMENTS

to reproduce such lines upon the ground; the location of all proposed survey monuments. All lots shall be not less than the requirements of the Zoning Ordinance.

6. Indication of the use of all lots (single family, two family, multi-family, townhouse, offices, commercial warehousing, industrial, etc.). Proposed uses shall not be contrary to those permitted by the Zoning Ordinance.

7. Blocks shall be consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively throughout the several additions.

8. All lots in each block shall be consecutively numbered.

9. Total number of lots and total length of new streets.

10. Sidewalk locations.

ARTICLE 4: PLAT REQUIREMENTS

4-3 Reserve for future use. (5-7-18)

ARTICLE 4: PLAT REQUIREMENTS

4-4 Final Plat

The Final Plat shall be prepared by a South Carolina Registered Land Surveyor. The Final Plat shall be drawn to a scale of not less than one (1) inch equals one hundred (100) feet.

4-4.1 Required Information - All revision dates and the following information must be shown on the final plat:

1. Name of owner of record.

2. Name of subdivision, date, north point, and graphic scale. The north point shall be identified as magnetic, true or grid north.

3. Name, registration number, and seal of registered surveyor and/or civil engineer.

4. Name of County in which the subdivision is located and location map.

5. Sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street centerline, lot line, easement, and boundary line whether curved or straight. This shall include the radius, point of tangent, and other data for curved property lines and curved streets, to an appropriate accuracy and in conformance with good surveying practice. All areas subject to inundation by a 100 year flood shall be shown.

6. Names of owners of record of all adjoining land and all property boundaries, water courses, streets, easements, utilities and other such improvements, which cross or form any boundary line of the tract being subdivided.

7. Exact boundaries of the tract of land being subdivided shown with bearing and distances.

8. Streets, alleys, rights-of-way, and street names.

ARTICLE 4: PLAT REQUIREMENTS

9. Rights-of-way or easement: location, widths and purposes.

10. Lot lines, minimum building setback lines, and lot and block numbers. Minimum setback lines shall not be less than those required by the Zoning Ordinance.

11. Parks, school sites, or other public open spaces, if any.

12. All dimensions shall be to the nearest one-tenth (0.1) of a foot and angles to the nearest minute or as required by "Minimum Standards for the Practice of Land Surveying in South Carolina," whichever is stricter.

13. Accurate description of the location of all survey monuments and markers.

14. The proposed use of all parcels. If the proposed use of all parcels is the same, this can be noted on the final plat. Proposed use of the parcels shall not conflict with the uses permitted by the Zoning Ordinance.

15. Active or abandoned cemeteries. Copy of a letter notifying the Chester County Abandoned Cemetery Commission of the location of any cemetery found on property to be developed.

16. Location of on-site debris burial.

4-4.2 Certification - The following signed certificates shall appear on the Final Plat that is submitted to the Planning Commission by the subdivider:

A. Certificate of Accuracy

I hereby certify that the plan shown and described hereon is true, correct, and accurate survey required by the Land Development Regulations of Chester County and that the monuments shown were placed to the specifications set forth in said regulations.

ARTICLE 4: PLAT REQUIREMENTS

_____ _____
Date *Registered Land Surveyor or Engineer*
SEAL *S. C Registration Number_____ ____*

B. Certification of Ownership and Dedication

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

_____ _____
Date *Owner*

C. Information to Accompany Final Plat when not using a Bond:

1. As built drawings of sanitary sewer system with grade, pipe sizes, manholes, points of discharge, and pipe invert elevation.

2. As built drawings of storm-water sewer system with grade, pipe size and location of outlets, and pipe invert elevations.

3. As built drawings of water system with pipe sizes and location of hydrants and valves.

4. The following signed certificate:

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

   _____ _____
   Date *Registered Engineer*
   SEAL *S.C. Registration Number_____*

ARTICLE 4: PLAT REQUIREMENTS

4-5 Construction Plans

Construction plans shall be prepared for all required improvements by a registered South Carolina Engineer at a convenient scale of not less than one inch equals 100 feet.

The Construction Plans shall include the following if such an improvement is proposed in the subdivision:

1. Profiles showing existing and proposed elevations along the centerline of all new roads. The elevation along the centerline of existing roads shall be shown within one hundred (100) feet of their intersection with new roads. Approximate radii of all curves, lengths of tangents, and central angles on all streets.

2. Where steep slopes exist, the County Road Department may require that cross-sections of all proposed streets at one-hundred foot stations shall be shown at five (5) points as follows: On a line at right angles to the center line of the street, and said evaluation points shall be at the center of the street, each property line, and points twenty-five (25) feet inside each property line.

3. Plans and profiles showing the locations and typical cross-section of street pavements including curbs and gutters, sidewalks, drainage easements, rights-of-ways, manholes, and catch basins; the locations of street trees, street lighting standards, and street signs; the location, size and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to and exact location and size of all water, gas, or other underground utilities or structures.

4. Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drain, water mains, easements, water bodies, streams, and other pertinent features such as swamps, wetlands, railroads, buildings, at the point of connection to proposed facilities and utilities within the subdivision. The

ARTICLE 4: PLAT REQUIREMENTS

water elevations of adjoining lakes or streams at the date of the survey and the approximate 100-year flood elevations of such lakes or streams. All elevations shall be referred to the Mean Sea Level Datum where public water and/or public sewers are to be installed.

5. The acreage of each drainage area affecting the proposed subdivision.

6. Topography at a contour interval of two (2) feet, referred to sea level datum when public water or public sewers are to be installed or portions of the subdivision would be inundated by a 100-year frequency flood.

7. All specifications and references required by the construction standards and specifications of Chester County and other entity providing a utility, and the Department of Health and Environmental Control.

8. A site grading plan showing proposed finished contours when any major contour changes or filling for flood protection is proposed in the subdivision.

9. Title, name and address, telephone and signature of the South Carolina Registered Engineer and Surveyor responsible for the plans and date, including revision dates.

ARTICLE 5: MINIMUM DESIGN STANDARDS

5-1 **General -** In considering any Preliminary Plat, the Planning Commission shall give consideration to the Comprehensive Plan, or segments thereof affecting the area in which the subdivision is located.

ARTICLE 5: MINIMUM DESIGN STANDARDS

5-2 **Streets -** All streets, which shall hereafter be established in connection with the development of a subdivision, shall comply with the following design standards:

The layout of the streets as to arrangement, character, width, grade, and location may be required to conform to the Chester County Comprehensive Plan and Official Map, to adjoining street systems or adjoining properties, and to the topography, natural features and drainage systems provided. Minor streets shall be so laid out so that their use by through traffic will be discouraged.

Where a subdivision abuts or contains an existing or proposed collector or through street, the Planning Commission may require marginal access streets, reverse frontage with screen planting, deep lots, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

Roads of an existing subdivision shall not be used as the sole means of ingress and egress in developing a new subdivision or extending an existing one unless approved by the Planning Commission. The Planning Commission may require additional access if the increased traffic and noise would create a safety hazard or otherwise be detrimental to residents of the existing subdivision.

5-2.1 Buffer - Where a residential subdivision or other residential land development covered by these regulations abuts a tract of land currently used for production of agricultural products, pasture land for animals, water course, commercial, industrial or other uses not compatible with a residential environment, the developer is required to increase the depth of lots adjacent to such uses to provide a fifty (50) foot undeveloped buffer. This fifty (50) foot buffer shall be above and beyond the minimum lot size for the zoning district in which the property is located. In instances where the proposed development is across a road from such incompatible uses, the development plan shall provide the required undisturbed buffer along the right-of-way of such road and the residential parcels shall front on an interior road within the land development.

ARTICLE 5: MINIMUM DESIGN STANDARDS

5-2.1.1 Buffer Along Major Thoroughfares - Where a subdivision abuts or contains an existing or proposed major street, the Planning Commission may require lots that abut upon or be adjacent to major streets to face minor interior access streets, screen planting contained in a non-access reservation along the rear property line adjacent to the major street, deep lots with rear service drives, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. See Exhibit G.

5-2.2 Continuation of Existing Street Pattern - Whenever topography will permit, the arrangements of streets in a subdivision shall provide for the alignment and continuation or projection of existing streets in adjoining areas. This is to mean the interconnectivity of subdivision developments.

5-2.3 Cul-de-sacs - Cul-de-sacs shall terminate in a circular turnaround having a minimum right-of-way of at least one hundred (100) feet in diameter and a paved turnaround with a minimum outside diameter of eighty (80) feet or other approved type of turnaround. Maximum length shall not exceed one thousand (1000) feet unless approved by County Council. (EFF 3-5-18) See Exhibit A

5-2.4 Temporary Dead-End Streets - Temporary dead-end streets, which extend for a greater distance than the depth of one abutting lot, shall be provided with a temporary turnaround having a diameter of eighty (80) feet, or other suitable turnaround.

5-2.5 Half Streets - Half streets are prohibited along property lines. When a street is planned adjacent to the proposed subdivision tract boundary, the entire street right-of-way shall be platted within the proposed subdivision.

5-2.6 Intersections - The centerline of no more than two (2) streets shall intersect at any one point. Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at an angle of less than seventy (70) degrees (angles of

ARTICLE 5: MINIMUM DESIGN STANDARDS

intersection to be measured at the intersection of street centerline). Streets shall have a minimum throat length of one hundred (100) feet at intersections. (EFF 3-5-18) See Exhibit D.

5-2.7 Private Rural Community Driveway - A roadway which is not dedicated to or maintained by the County; serving a subdivision of land from one original tract containing five (5) or fewer interior lots which meets district regulations in an area restricted to use by related owners is permitted, provided it is:

a. not intended for routine public ingress or egress;
b. designated as private on subdivision plans with written maintenance provisions submitted to the Planning Commission for approval;
c. marked by a sign at the beginning of the driveway stating "State/County Maintenance Ends" meeting County specifications installed prior to final plat approval and maintained by the subdivider;
d. named in accordance with 911 Road Naming Specifications; and
e. has a minimum easement or right-of-way appurtenant to each lot served of fifty (50) feet in width. {Final Reading 7-7-14}

A road providing access to six (6) or more interior lots, building sites, or single family residences does not qualify as a private rural driveway and shall meet the same design and construction standards required of comparable public roads.

5-2.8 Private Street - A private street is not dedicated to or accepted by the County for maintenance, and shall be improved to the same standards as are required for a public street. Signs which meet SCDOT specifications shall be installed and maintained by the developer at the beginning of a private street stating "State/County Maintenance Ends" prior to final plat approval.

5-2.9 Reverse Curves - Where practical, a tangent of at least two hundred (200) feet on minor streets and three hundred (300) feet on collector streets shall be provided between reverse curves. On major

ARTICLE 5: MINIMUM DESIGN STANDARDS

thoroughfares, tangent distances shall be determined by SCDOT. (EFF 3-5-18) See Exhibit B.

5-2.10 Street Access - Where it is essential to the development of a logical street pattern, street right-of-way shall be extended to the boundary of adjoining property. Incompatible characteristics of adjoining property shall be given due consideration in making a determination of what shall constitute a logical street pattern. Reserve strips adjoining street rights-of-way for the purpose of preventing access to adjacent property shall not be permitted. The street extension may be built or an escrow account established in favor of the County for a 10-year period in an amount determined by the County Road Department to cover the cost of construction. All interest will accumulate to Chester County, which may use the funds to construct the extension or contract for construction. If the extension has not been constructed within the 10 year period, the Planning Commission will determine the continued necessity of the extension and recommend to County Council either an extension of the time of the escrow account or that the account be terminated and all monies be returned to the developer; and the right-of-way may then be divided proportionally to adjoining property owners. (Final Reading 01/06/2005)

5-2.11 Street Jogs - Street jogs shall be avoided. Where unavoidable, street jogs at intersections shall have a centerline offset of not less than one hundred fifty (150) feet. See Exhibit D

5-2.12 Street Names - Streets that are extensions of, or obviously in alignment with existing named streets, shall bear that name. The name of new streets shall be subject to the approval of the Planning Commission and shall not duplicate or be similar in sound to existing names in Chester County, irrespective of the use of the suffix street, avenue, circle, way, boulevard, drive, place, court or the like.

5-2.13 Additional right-of-way - Subdivisions which include an existing platted street that does not conform to the minimum right-of-way requirements of these regulations shall provide additional width along one or both sides of such street so that minimum right-of-way required by these

ARTICLE 5: MINIMUM DESIGN STANDARDS

regulations is established. Subdivisions abutting only one side of such street shall provide a minimum of one-half the minimum right-of-way required by these regulations, measured from the centerline of existing right-of-way.

5-2.14 Right-of-Way Widths - Minimum right-of way widths shall be as follows:

Street Classifications	ROW (feet)
Arterial*	80
Collector	66
Local Commercial	66
Local Residential (urban, rural, marginal access, cul-de-sac, private rural community driveway)	50

*As shown on the Major Thoroughfare Plan. Right-of-Way usually reserved or dedicated by subdivider and improved by others.

5-2.15 Street Grades - Grades on major thoroughfares shall be established by the South Carolina Department of Transportation (SCDOT). Grades on collector streets shall not exceed eight (8%) percent unless topographic conditions make this impractical. Grades on local residential streets shall not exceed fifteen (15%) percent. All streets shall have a minimum grade of not less than one-half (0.5%) percent. See Exhibit C.

5-2.16 Horizontal Curves - Where a deflection angle of more than ten (10) degrees occurs in the alignment of a minor street, a curve of reasonable radius shall be introduced. A curve shall be introduced at any change in direction of a Collector Street or major thoroughfare. On major thoroughfares, the centerline radius of a curvature shall be determined by SCDOT. On collector streets the centerline radius of curvature shall not be less than three hundred and fifty (350) feet. On minor streets, the centerline radius of a curvature shall not be less than one hundred and fifty (150) feet.

ARTICLE 5: MINIMUM DESIGN STANDARDS

5-2.17 Vertical Curves - Minimum stopping sight distance on major thoroughfares shall be determined by SCDOT. On collector streets minimum stopping sight distance shall be two hundred and seventy-five (275) feet (40 mph), and on minor streets one hundred and sixty (160) feet (25 mph). Stopping sight distances shall be measured from height of eye of three (3) feet nine (9) inches to an object with a height of six (6) inches. Both distances shall be measured above the centerline of the street. Stopping sight distance shall conform to the standards of the American Association of State Highway Officials and SCDOT. (EFF 3-5-18)

5-2.18 Split Level Streets - Streets which are constructed so as to have two traffic ways, each at different levels within the same right-of-way, shall provide a paved traffic surface of at least twenty (20) feet on each level and a slope between the two traffic ways of three to one (3:1) or flatter.

ARTICLE 5: MINIMUM DESIGN STANDARDS

5-3 Blocks - The Planning Commission shall examine every proposed subdivision as to its compliance with the following provisions:

5-3.1 Non-residential Blocks - Non-residential blocks shall be of such length and width as may be suitable for their prospective use, including adequate provision for off street parking and service.

5-3.2 Residential Block Length - In order to insure convenient access between various parts of a subdivision and between the subdivision and surrounding areas, and in order to help prevent traffic congestion and undue inconvenience, the length of residential blocks shall not exceed eighteen hundred (1800) feet or be less than six hundred (600) feet from corner to corner. Provided, however, length requirements may be modified when it is appropriate due to the topography or physical shape of the property being subdivided. The width of any residential block shall be sufficient to permit two (2) tiers of lots, where topography and land ownership permits, except as otherwise provided in these regulations.

5-3.3 Crosswalks - Where a subdivision design involves unusually long blocks, public right-of-way for pedestrian crosswalks shall be provided where such are necessary for the convenience of pedestrians. Such right-of-way shall not be less than ten (10) feet wide and improved to include a concrete, asphalt or other approved surface. Improved walkways shall be six (6) feet wide.

ARTICLE 5: MINIMUM DESIGN STANDARDS

5-4 **Lots** - All lots, which shall be established in connection with the development of a subdivision, shall comply with the requirements set forth in the Zoning Ordinance of Chester County or as shown below, whichever are more restrictive. See Exhibit E

5-4.1 Authority of Health Department - Nothing contained in these regulations shall be construed as preventing the Chester County Health Department, after study of the conditions existing in a proposed subdivision, from requiring that all or any portion of the area of the subdivision shall not be built upon or that the minimum lot sizes set forth in these regulations are inadequate and must be increased to insure the protection of the public health.

5-4.2 Setback Lines - Residential - Building setback lines shall be in conformity with the zoning ordinance. Minimum side and rear setback lines shall also be in conformity with the zoning ordinance. Driveways shall be at least 4 feet from the property line except at the point of entry and exit. See Exhibit H

5-4.3 Lot Lines and City or County Limit Lines - Insofar as practical, lots shall not be divided by City or County limit lines.

5-4.4 Lot Lines - Insofar as practical, side lot lines shall be at right angles to straight street lines and radial to curved street lines.

5-4.5 Minimum Lot Dimensions and Area - The minimum lot width at the front building line and minimum lot area shall conform to the Zoning Ordinance.

5-4.6 Corner Lots - Corner lots shall be of sufficient size so that a structure could be constructed and still maintain minimum yard requirements specified in the Zoning Ordinance.

5-4.7 Double Frontage - Double frontage lots (i.e., lots having street frontage both in front and rear) shall be avoided except in commercial zones, where essential to provide separation of residential

ARTICLE 5: MINIMUM DESIGN STANDARDS

development from railroad or major street right-of-way or from non-residential uses or where necessary due to topography.

ARTICLE 5: MINIMUM DESIGN STANDARDS

Where a railroad or major thoroughfare right-of-way, as shown on the major thoroughfare plan, abuts or runs through any portion of the subdivision, the subdivision plat shall provide for either a minor street or a lot backing onto a right-of-way having a minimum depth of one hundred fifty (150) feet plus the required fifty (50) foot undisturbed buffer.

5-4.8 Street Access - Every lot shall front or abut on a street which conforms to the requirements of these regulations. Every lot shall have at least twenty-five (25) feet of access on a County dedicated maintained road an existing paved public road, a new paved public road, or a paved private road. This access may be provided by an easement upon approval by the Chester County Planning Commission. An exemption to this requirement shall be given to a lot or lots created for conservation purposes. Lots created for conservation purposes shall not be required to have at least 25 feet of frontage on an existing paved public road, a new paved public road, or a paved private road. If this type of parcel is ever developed, the parcel or portion of the parcel to be developed shall have to meet all applicable regulations for subdividing or developing the land. Conservation purposes mean the land is given to, leased, or purchased, etc. by a land trust, conservation group or some other individual or group for the purpose of preserving the land. A note shall be added to all plats created for this type of lot which shall read as follows: "This lot is being created for conservation purposes and does not require 25 feet of frontage on an existing paved public road, new paved public road, or a paved private road. ** Council Reading June 6, 2011**

5-4.9 Lot Arrangement - Lots shall be arranged in a development to avoid difficulties by reason of topography or other conditions in securing building permits, complying with health regulations, and providing driveway access from an approved road to buildings on the lots.

ARTICLE 5: MINIMUM DESIGN STANDARDS

5-4.10 Flag Lots - Flag lots shall not be permitted in Chester County, except in very unusual circumstances in compliance with the following requirements:

A subdivision creating flag lots may be approved by the Zoning Official, or his or her designee, where circumstances such as topography, water course, road alignment, or existing site boundary configuration do not permit the subdivision into uniformly shaped lots. **(Eff. 7/10/17)** Flag lots shall not be approved in order to avoid the construction of roads in accordance with this ordinance.

All flag lots approved by the Zoning Official, or his or her designee, shall front or abut on a street which conforms to the requirements of these regulations. **(Eff. 7/10/17)** Every lot shall have at least twenty-five (25) feet of access on a County dedicated maintained road an existing paved public road, a new paved public road, or a paved private road. A flag lot must contain a minimum of ten (10) acres, and there must be at least 1,000 feet between access corridors to flag lots.

5-4-11 Water bodies and Watercourses - If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among all adjacent lots. The Planning Commission may approve an alternative plan whereby the ownership of and the responsibility for safe maintenance of the water body is so placed that it will not become a local government responsibility. The minimum area of a lot required under this ordinance may not be satisfied by land which is under water. Where a watercourse separates lot buildable area from the road providing access, an engineer's certified structure shall be provided. See Exhibit F

ARTICLE 5: MINIMUM DESIGN STANDARDS

5-5 **Easements -** Easements shall be required in subdivisions for the following purposes:

5-5.1 Utility Easements - When it is found to be necessary and desirable to locate public utility lines in other than street right-of-way, easements shall be shown on the plat for those purposes. All above ground utilities shall be provided along rear property lines except where site conditions make this impractical. The easements shall be not less than twenty (20) feet along rear property lines and ten (10) feet along side property lines and, where possible, shall be centered on rear and side lot lines.

5-5.2 Water Course and Drainage Easements - Where a proposed subdivision is traversed by a water course, drainage way, or stream, appropriate provisions shall be made to accommodate storm water and drainage through and from the proposed subdivision. The area so improved shall conform substantially with the lines of said water course and be of a sufficient width for construction, or both, as to be adequate for the purpose, provided however, the public easement shall be not less than twelve (12) feet in width. See Exhibit F

ARTICLE 5: MINIMUM DESIGN STANDARDS

5-6 **Reservation of Public Sites** - To insure the orderly development of the community, the subdivider shall be required to reserve and negotiate to sell needed spaces for parks, schools, fire stations and playgrounds, as required by local governmental units, for a period not to exceed thirty (30) days from the date of submission of the Sketch Plan. The reservation period may be extended for one (1) additional thirty (30) day period if a governmental unit files with the Planning Commission a written statement indicating a desire to negotiate.

ARTICLE 5: MINIMUM DESIGN STANDARDS

5-7 **Flood Protection** - All lots shall have a flood free building site. No property within the floodway shall be included in the minimum lot area requirements for the zoning district in which it is located. Refer to the County Flood Prevention Ordinance.

ARTICLE 5: MINIMUM DESIGN STANDARDS

5-8 **Manufactured Home Parks** - Manufactured home parks shall meet the design standards of the Manufactured Home Park provisions of the Zoning Ordinance.

ARTICLE 5: MINIMUM DESIGN STANDARDS

5-9 **Cemeteries** - If a tract being subdivided contains an active or an abandoned cemetery, or portion thereof, lot lines shall be drawn so as to exclude any portion of the cemetery. The land area containing any portion of the cemetery must be subdivided into a separate parcel. A fifty (50) foot buffer shall be provided around the perimeter of the cemetery. This buffer shall be included in the parcel with the cemetery. No development shall be permitted within the buffer apart from the erection of historical markers and other like markers. A twenty-five (25) foot easement for ingress and egress to a public road must be provided. (EFF 3-5-18)

ARTICLE 5: MINIMUM DESIGN STANDARDS

5-10 **Variance of Design Standards -** When, due to the peculiar shape or topography of a tract of land or other unusual conditions, it is impractical for a developer to comply with the literal interpretation of the design standards of this Article, the Planning Commission shall be authorized to vary those requirements provided the intent and purposes of these regulations are not violated.

ARTICLE 6: REQUIRED IMPROVEMENTS

6-1 **Subdivider to Install Improvements** - The subdivider shall have installed or have posted a bond or other surety acceptable to the County to insure the installation of improvements required by these regulations necessary to serve the subdivision prior to the approval of the Final Plat.

ARTICLE 6: REQUIRED IMPROVEMENTS

6-2 **Monuments** - All lot corners, street corners, and points of change of direction in exterior boundaries of the subdivision shall be marked with an iron pipe at least twenty four (24) inches long and driven to within four (4) inches of the finishing grade or flush as conditions may require.

ARTICLE 6: REQUIRED IMPROVEMENTS

6-3 **Natural Gas** - When gas lines are located in a street right-of-way, where possible, such lines shall be located outside the portion of the street to be surfaced to prevent cutting into the paved surface to serve abutting properties.

ARTICLE 6: REQUIRED IMPROVEMENTS

6-4 **Water Supply** - When the Planning Commission determines that public water service is available within one thousand (1,000) feet, a public water system shall be installed in a subdivision in accordance with policies of the County. When a water system is installed in a subdivision, water mains, valves, and fire hydrants shall be installed according to plans and specifications approved by the Chester Metropolitan District and the Department of Health and Environmental Control (DHEC). When the water main is located in the street right-of-way and it will be necessary to cut into the street surface to serve abutting lots, a connection shall be stubbed out to the property line to serve each lot before the street is surfaced.

ARTICLE 6: REQUIRED IMPROVEMENTS

6-5 **Sanitary Sewerage** - When the Planning Commission determines that sanitary sewer service is available within one thousand (1,000) feet, a sanitary sewer system shall be installed in a subdivision. Sanitary sewers shall be installed to the plans and specifications approved by the Chester Sewer District, Great Falls Sewer District, For Lawn Sewer District, and the Department of Health and Environmental Control (DHEC). When the sewer main is located in the street right-of-way, and it will be necessary to cut into the street surface to serve abutting lots, a connection shall be stubbed out to the property line to serve each lot before the street is surfaced.

ARTICLE 6: REQUIRED IMPROVEMENTS

6-6 **Curbs and Gutters** - Concrete curbs or paved valley-type gutters shall be installed and shall be in accordance with plans and specifications of SCDOT and the County Road Department; provided, however, subdivisions with lots having street frontage of 150 feet or more and total area of two acres or more may utilize valley gutter or setback ditches.

1. Valley gutters shall be a continuation of the roadway surface of at least four (4) feet with the outside edge turning up so as to provide a minimum depth of at least twelve (12) inches.

2. Setback ditches shall be located so as to provide a minimum shoulder width of four (4) feet. Ditches shall be approximately three (3) feet in width and maintain a minimum depression of eight (8) inches.

3. Curbs and gutters may be installed and may be roll-type or standard 90-degree curb. (EFF 3-5-18)

ARTICLE 6: REQUIRED IMPROVEMENTS

6-7 **Street Grading and Surfacing** - street grading base preparation and surfacing shall be carried out by the subdivider according to plans and using specifications of SCDOT. Minimum roadway surfacing widths shall be as follows:

Street Classification	Curb and Gutter	Valley Gutter or Ditches
Arterial	As specified by SCDOT	--
Collector	36 feet - face of curb to face of curb	--
Local Commercial	36 feet - face of curb to face of curb	--
Local Residential	26 feet - face of curb to face of curb	26 feet

ARTICLE 6: REQUIRED IMPROVEMENTS

6-8 **Storm Drainage** - An adequate drainage system for a twenty-five (25) year frequency rainfall, including necessary improved open channels, pipes, culverts, storm sewers, intersection drains, drop inlet, bridges, and other necessary appurtenances shall be installed by the subdivider and shall be according to plans and specifications approved by the County Road Department. The points of inflow and discharge of culverts shall have masonry head walls installed using the specifications of SCDOT. All points of inflow of culverts 12 inches or larger in diameter shall have steel grates installed with a grid of not more than six inches. Retention ponds which are dedicated to and accepted by the County shall be fenced with wire fencing a minimum of five (5) feet in height installed at the expense of the subdivider. Retention ponds which are privately owned shall be maintained and fenced by the property owner. The development plan shall set forth the method by which a private retention pond and fencing will be maintained in the future.

ARTICLE 6: REQUIRED IMPROVEMENTS

6-9 **Street Name Signs** - Street name signs shall be installed at all intersections within a subdivision. The location and design of such signs shall be approved by the County Road Department.

ARTICLE 6: REQUIRED IMPROVEMENTS

6-10 **Sidewalks** **-** In all residential land developments and all developments within the RS-1, RG-1, and RG-2 zoning districts, a five (5) foot sidewalk shall be provided on at least one side of all minor streets, and five (5) foot sidewalks shall be provided on both sides of collector streets, local commercial streets, and arterial streets. Sidewalk construction shall be approved by the County Road Department.

ARTICLE 6: REQUIRED IMPROVEMENTS

6-11 **Trees -** It is the intent of the County to preserve trees within its residential areas. In keeping with this intent, in new developments in RS-1, RG-1, and RG-2 zoning districts street trees shall be planted at forty (40) foot intervals within five (5) feet of the street right-of-way on both sides of the street, but must be outside the right-of-way. Existing trees shall be preserved whenever possible, and the plans and specifications for tree planting and tree preservation shall meet the approval of the Planning Commission. Hardwood trees in RS-1, RG-1, and RG-2 districts shall be protected in accordance with § 5-303 of the Zoning Ordinance.

ARTICLE 6: REQUIRED IMPROVEMENTS

6-12 **Open Space Recreation Requirements** - The Planning Commission shall require that open space be dedicated or reserved for active or passive recreation where reservation would be appropriate. Each site shall be of suitable size, dimension, topography and general access for the particular purposes specified by the Planning Commission. These areas shall be shown on the Plat and marked "recreation open space". The number of acres required shall be determined in accordance with the following table, which has been prepared on the basis of providing three (3) acres for every one-hundred (100) dwelling units.

a. Single Family Lots Size of Lots	**Minimum Percentage of Total Land in** Subdivision to Be Reserved for Recreation
80,000 sq. ft. & greater	1.5 Percent
50,000 sq. ft.	2.5 Percent
40,000 sq. ft.	3.0 Percent
25,000 sq. ft.	5.0 Percent
10,000 sq. ft. & smaller	13.0 Percent

b. Multifamily and High-Density Residential. The Planning Commission shall determine the space required based on the number of dwelling units per acre to occupy the site as permitted by the Zoning Ordinance. The installation of facilities for recreation use may be a condition of site plan approval before an occupancy permit may be issued.

ARTICLE 6: REQUIRED IMPROVEMENTS

6-13 **Traffic Control Devices** - The total cost of all traffic devices shall be paid in full to Chester County prior to the recording of the final plat.

ARTICLE 6: REQUIRED IMPROVEMENTS

6-14 **Erosion and Sediment Control** - It shall be the responsibility of the subdivider to establish a long term vegetative cover over all disturbed areas within any road right-of-way in any subdivision subject to this ordinance. Establishment of long term vegetative cover shall, at a minimum, consist of:

(1) The least amount of tillage necessary to break compaction, incorporate lime and fertilizers where appropriate, and allow the proper placement of seed, sprigs, or plants.

(2) Uniformly planting suitable long term grasses or legumes by drilling, broadcasting, or hydro seeding. Trees, shrubs, and vines may be planted where appropriate.

(3) Application of suitable mulch material to provide necessary additional protection against erosion or to aid in the establishment of permanent plant cover.

(4) Comply with DHEC Sediment Control and Drainage Regulations.

ARTICLE 6: REQUIRED IMPROVEMENTS

6-15 **Surety in Lieu of Completion or Improvements** - After preliminary plat approval has been given, in lieu of the completion of the physical development and installation of the required improvements prior to the final plat approval, County Council may accept a bond pursuant to Article 10 securing to the County the actual construction and installation of those improvements and utilities within a period recommended by the County Supervisor and County Attorney and expressed in the bond. All easements and rights-of-way shall be shown on final plats and descriptions recorded prior to filing of the final plat of subdivision under surety bond. Upon acceptance of a bond by the County Council, the developer may present a final plat to the Planning Commission for approval and recording. As-built drawings of improvements installed under surety shall be delivered to the Planning Commission for approval as construction is completed.

ARTICLE 7: GROUP DEVELOPMENT

7-1 General

7-1.1 Plan Approval - In order to prevent creation of traffic hazards, insure the provision of off-street parking and provision of necessary utilities; plans for group developments such as shopping centers, manufactured home parks, apartment complexes, and motels, the site plan shall be submitted to the Planning Commission for review and approval.

7-1.2 More Restrictive Regulations - These regulations are considered minimum and may be superseded by more restrictive regulations such as the zoning ordinance.

7-1.3 Types of Group Developments

(1) Group commercial developments consist of more than one commercial structure erected on a single lot. A site plan for a group commercial development with a single structure of more than 40,000 square feet shall be submitted to the Planning Commission for approval.

(2) Group housing developments consist of:

A. Any structure containing more than four dwelling units on the first floor level or containing more than eight dwelling units throughout.

B. More than one structure containing dwelling units erected on a single lot.

ARTICLE 7: GROUP DEVELOPMENT

7-2 Procedures for Group Development Approval

The following procedures shall be followed in the submission, review, and action upon a group development plat:

7-2.1 Site Plan

a. The developer shall submit at least ten (10) copies of a Site Plan to the Administrative Official for review. The Administrative Official shall recommend approval, disapproval, or approval with modification of the Site Plan within thirty (30) days to the Planning Commission. The Planning Commission shall approve, disapprove, or approve with modification the site plan at its next regularly scheduled meeting. Pertinent comments and recommendations shall be noted in the minutes of the Planning Commission meeting.

b. If the Site Plan is disapproved by the Planning Commission or if the Planning Commission requires changes with which the developer does not concur, the developer may appeal to the Circuit Court within thirty (30) days of being notified of the Planning Commission's decision.

c. If the Planning Commission fails to act within 30 days after submission of the Site Plan, the Planning Commission must inform the developer of the date on which action shall be taken but the extension of time shall not exceed 30 days. Failure of the Planning Commission to act within 60 days shall be deemed to constitute Site Plan approval and a certificate to that effect shall be issued by the Planning Commission upon demand.

d. No building or other site improvement shall be built at variance with the site plan approved by the Planning Commission.

ARTICLE 7: GROUP DEVELOPMENT

7-3 General Plat Information

7-3.1 Site Plan

A site plan shall include the following:

1. Total acreage in the tract proposed for Group Development and a statement of total contiguous acreage owned by the developer.

2. Tentative access and street layout.

3. Approximate location of existing and proposed buildings and structures.

4. Typical arrangement of existing and proposed buildings and structures.

5. Existing and proposed uses of land throughout the tract.

6. Design and location of off street parking areas.

7. Landscaping plan for the proposed development meeting requirements of the Zoning Ordinance.

8. Existing uses of land and all existing street intersections within 150 feet of the tract.

9. The location and size of all existing and proposed utilities and storm drainage easements.

10. Topography in terms of mean sea level by contours at vertical intervals of not more than two (2) feet. The existing and finished grades shall be shown.

11. Name, date, north point, and graphic scale of not less than one hundred (100) feet to one (1) inch.

ARTICLE 7: GROUP DEVELOPMENT

12. A vicinity map at a scale of not less than one (1) inch equals one (1) mile showing the relationship of the proposed Group Development to surrounding development, especially schools, parks and shopping areas. The scale of the vicinity map shall be shown on the Site Plan Drawing.

13. The elevation data for a one hundred (100) year flood and the extent of any wetlands on the property shall be shown.

14. Such other information as the Planning Commission may deem necessary because of the physical characteristics peculiar to the development.

ARTICLE 7: GROUP DEVELOPMENT

7-4 Standards

7-4.1 Requirements

Standards and requirements for parking, signage, setbacks, spacing between buildings, residential area requirements, screening, buffers, and landscaping for group developments shall be as specified in the Chester County Zoning Ordinance.

7-4.2 Water, Sewerage and Drainage

Adequate provisions for water supply, sanitary sewerage, and storm drainage shall be installed by the developer according to the plans and specifications approved by the proper authorities.

7-4.3 Access

Access shall conform to the Driveway Regulation of SCDOT, the Zoning Ordinance, and Planning Commission requirements.

7-4.4 Manufactured Home Parks

Manufactured Home Parks shall conform to the minimum standards set forth in the Chester County Zoning Ordinance.

7-4.5 Enforcement

No building permits shall be issued and no connection to a public water system or public sewer system shall be made until the site plan for the group developments are approved by the Planning Commission and so noted on prints of the site plan.

ARTICLE 8: PLANNED DEVELOPMENTS

8-1 Planning Commission Review

The Planning Commission shall insure that all subdivision plats and other land development plans are in conformity with the zoning district map and regulations for the planned development district.

ARTICLE 8: PLANNED DEVELOPMENTS

8-2 Process

The review and approval of subdivision plats and other land development plans shall follow the same process as plans in other zoning districts within the County.

ARTICLE 9: LAND SURVEYING STANDARDS

9-1 Survey Requirements

Boundary surveys for subdivisions subject to this ordinance shall be performed in accordance with the State Minimum Standards published by the State Board of Registration for Professional Engineers and Land Surveyors.

ARTICLE 9: LAND SURVEYING STANDARDS

9-2 Survey Guidelines

In so far as possible, control surveys between geodetic monuments and property boundaries should be extended from the nearest geodetic control monument(s). Surveyors are encouraged to apply the following County guidelines for horizontal control:

9-2.1 Terrestrial Surveys

If control is extended no more than ½ mile from control monument to property boundary third-order, Class I (1/10,000) specifications should be followed.

If control is extended more that ½ mile from the control monument to the property boundary second-order Class II specifications should be followed.

9-2.2 Global Positioning System (GPS) Surveys

If GPS is used, procedures should be followed to insure compatibility with the nearest geodetic control monuments to an accuracy of at least 5 cm + 2 ppm. Only survey grade GPS receivers should be used for boundary control.

9-2.3 Plat Requirements

State plane coordinates should be shown on the plat for at least two property corners. The geodetic monuments used for control should be noted on the plat with the grid distance and azimuth shown to at least one of the coordinated property corners.

Horizontal ground distances (not grid distance) should be shown on the plat for all segments of the boundary survey. A combined state plane coordinate sea level reduction factor should be noted on the plat. Area is based on horizontal ground distances.

All bearings should be referenced to state plane coordinate grid north.

ARTICLE 9: LAND SURVEYING STANDARDS

9-2.4 Geodetic Control Monuments

The following surveys should be tied to geodetic control monuments:

Any subdivision of five (5) or more lots within a one mile traverse distance of geodetic control.

Any tract of five (5) are more acres within a one mile traverse distance of geodetic control.

Any subdivision of 25 or more lots or non-agricultural industrial or commercial development of 25 or more acres regardless of distance from geodetic control.

9-2.5 Orthophoto Locator Ties

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

ARTICLE 9: LAND SURVEYING STANDARDS

9-3 Electronic Data Files

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

ARTICLE 10: SURETY IN LIEU OF COMPLETION OF IMPROVEMENTS

10-1 Bond Permitted

a. In lieu of completion of the physical development and installation of the required improvements previous to the approval of a Final Plat, County Council may accept a bond, in an amount and with surety and conditions satisfactory to it, approved as to form by the County Attorney, providing for and securing to the County the actual construction and installation of such improvements and utilities within a period of time specified in the bond.

b. The bond shall be signed by the developer as principal with corporate surety (insurance company), irrevocable letter of credit from a local bank, a bank letter that loan funds will be reserved by the bank to meet requirements of the bond, or evidence of cash held in escrow by a bank payable on demand of the County.

ARTICLE 10: SURETY IN LIEU OF COMPLETION OF IMPROVEMENTS

10-2 Bond Amount

a. The bond amount shall equal one and one half (1 ½) times the cost of construction of all improvements covered by the bond. The cost estimates shall be developed and attested to by a registered engineer and approved by the County Supervisor.

b. The total cost of water, sewer, storm drainage, roads and sidewalks shall be included where applicable.

ARTICLE 10: SURETY IN LIEU OF COMPLETION OF IMPROVEMENTS

10-3 Procedures for Bond Approval

Procedures for bond approval shall be as follows:

1. An application containing the required information and approvals of cost estimates shall be submitted to the Administrative Official.
2. The Administrative Official shall submit the application and supporting materials with a recommendation to the County Attorney for review and comment.
3. The County Attorney shall submit the materials to the County Council with a recommendation for approval or disapproval.
4. If the County Council approves the Bond, then the Final Plat shall be given "BONDED PLAT APPROVAL" which authorizes the plat to be recorded by the Clerk of Court.
5. Upon completion of all requirements of these Land Development Regulations the subdivider shall submit the as-built drawings as provided in Section 4-4.
6. After the subdivider fulfills his obligations as required by Subdivision Regulations and Bond, the Planning Commission shall certify that fact to the County Supervisor and County Council shall release the Bond.

ARTICLE 11: APPLICATION OF REGULATIONS

11-1 Recording of Final Plat - No subdivision plat shall be filed with or recorded by the County Clerk of Court until the Final Plat has received final approval or final approval under bond. The Planning Commission shall cause a copy of the approved final plat to be recorded by the Clerk of Court within 10 working days of the date of final approval.

ARTICLE 11: APPLICATION OF REGULATIONS

11-2 **Streets -** No street right-of-way shall be accepted, opened, or maintained in any subdivision which does not meet the requirements of these regulations.

ARTICLE 11: APPLICATION OF REGULATIONS

11-3 **Permits -** A building permit may be issued after preliminary plat approval. However, no occupancy permit shall be issued and permanent utilities shall not be turned on for any subdivision unless a Final Plat of the subdivision is approved by the Planning Commission, and, when applicable, a bond for improvements is accepted by County Council.

ARTICLE 11: APPLICATION OF REGULATIONS

11-4 Transfer of Title; Plat Required

a. No transfer of title to property subject to this ordinance shall be executed or recorded prior to final plat approval.

b. A deed of property subject to this ordinance shall not be recorded by the Chester County Clerk of Court without the recording of a plat of the property conveyed, which plat is stamped approved pursuant to these regulations and is referenced in the deed description. A metes and bounds description without reference to a recorded plat is not sufficient to comply with this ordinance. The County Assessor will not subdivide the property until the required plat is recorded. A corrective deed will be required when an instrument is recorded in violation of this section. Recording fees will not be waived or refunded.

ARTICLE 11: APPLICATION OF REGULATIONS

11-5 **Exempt Plats** - A plat containing the statement *"No new lots or property lines established"* certified by a registered land surveyor may be recorded without approval of the Planning Commission.

ARTICLE 12: VIOLATION AND PENALTY

12-1 Violation by Developer -

a. Whoever, being the owner or agent of the owner of any land located within a development, transfers title to any land before the plat has been approved by the Planning Commission or authorized staff member and recorded in the office of the Chester County Clerk of Court shall be guilty of a misdemeanor, punishable under the general penalty provisions of the County Code.

b. A person filing for record or recording a deed describing a lot or parcel by metes and bounds without reference to a recorded plat shall be guilty of a misdemeanor.

c. In addition to other remedies, County Council may seek enforcement of this ordinance by action for injunction brought in circuit court.

ARTICLE 12: VIOLATION AND PENALTY

12-2 **Violation by Recording Official** - The Chester County official whose duty it is to accept and record plats and deeds shall not accept, file or record any deed which does not comply with this ordinance or any subdivision plat which has not been approved by the Planning Commission or authorized staff member. Violation of this section is subject to penalties and remedies as provided by S. C. Code §6-29-1160, and the general penalty provisions of the County Code.

ARTICLE 12: VIOLATION AND PENALTY

12-3 Enforcement

a. Misdemeanor; penalties - It shall be unlawful for any person to use property, or to construct, alter, enlarge or demolish any structure without approvals required by this ordinance. Conviction for violation of this ordinance is punishable as a misdemeanor under the general penalty provisions of the County Code.

b. Withholding permits - The Administrative Official, Zoning Administrator, Building Official, Director of Department of Roads or other appropriate official shall deny a permit for any use or work which fails to comply with this ordinance.

c. Complaints - A written complaint specifying facts showing a violation of this ordinance filed by any person shall be investigated by the Administrative Official. Upon determination that a violation has occurred, the Administrative Official shall take appropriate enforcement action authorized by this ordinance.

d. Stop work orders - The Administrative Official is authorized to issue a stop work order pursuant to S.C. § 6-29-950(A) requiring work to cease until specific code violations are corrected. Failure to comply with a stop work order of the Administrative Official is a misdemeanor. Issuance of a stop work order may be appealed to the Planning Commission.

e. Ordinance Summons - The Administrative Official is designated as a code enforcement officer and is authorized to issue an ordinance summons pursuant to County Code provisions for violations of this ordinance.

f. Arrest warrant - The Administrative Official, with concurrence of the County Attorney, is authorized to request issuance of an arrest warrant for violations of this ordinance.

g. Injunction - The Administrative Official shall submit a request to the County Attorney for institution of a civil action seeking an injunction prohibiting violation of this ordinance when appropriate.

ARTICLE 13: LEGAL STATUS PROVISIONS

13-1 Interpretation

The regulations expressed in this document shall be considered as the minimum provisions for the protection of the health, safety, economy, good order, appearance, convenience, and welfare of the general public.

ARTICLE 13: LEGAL STATUS PROVISIONS

13-2 Conflict with Other Laws, Ordinances, or Regulations

Whenever the requirements made under authority of these regulations impose higher standards than are required in any statue or local ordinance or regulation, provisions of the regulations shall govern. Whenever the provisions of any other statute or local ordinance or regulation impose higher standards than are required by these regulations, the provisions of such statute or local ordinance or regulation shall apply.

ARTICLE 13: LEGAL STATUS PROVISIONS

13-3 Separability

Should any section, provision, or application of this Ordinance be declared by the courts to be unconstitutional or invalid, such a declaration shall not affect the ordinance as a whole, or any other part thereof, other than the part, provision, or application so declared to be unconstitutional or invalid.

ARTICLE 13: LEGAL STATUS PROVISIONS

13-4 Repeal of Conflicting Ordinances

All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

ARTICLE 13: LEGAL STATUS PROVISIONS

13-5 Amendments

The Chester County Council shall hold a public hearing on any proposed amendment to these regulations, notice of which shall be given not less than thirty (30) days prior to the hearing date and not more than forty five (45) days. The notice of hearing shall be made in a newspaper having general distribution in the area of jurisdiction and at least one alternate format. Amendments shall be adopted by vote of the Chester County Council.

ARTICLE 13: Effective Date

13-6 Effective Date

In order than land may be subdivided in accordance with these purposes and policies, these land development regulations are hereby adopted and made effective on and after January 7, 2002.

Adopted this 7th day of January 2002.

Chester County Council

ARTICLE 13: Effective Date

ARTICLE 14: Exhibits

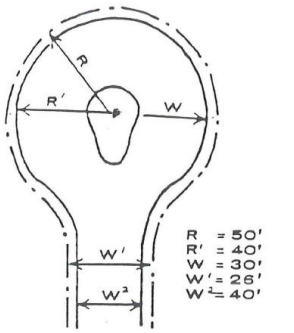
14-1 Exhibits

Exhibit A	Cul-de-sacs: Designs and Users
Exhibit B	Curves
Exhibit C	Grades
Exhibit D	Intersections
Exhibit E	Lot Designs
Exhibit F	Lot Layout Related to Stream Beds and Drainage Way
Exhibit G	Methods of Subdividing Along Major Thoroughfares
Exhibit H	Setback (EFF 3.-5-18)

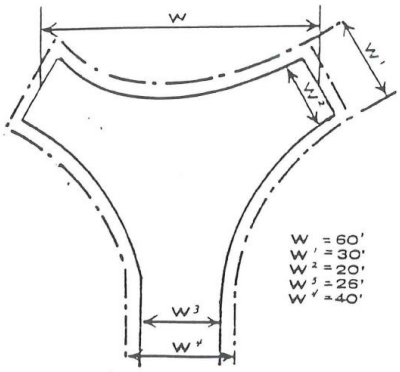
ARTICLE 14: EXHIBITS

EXHIBIT A

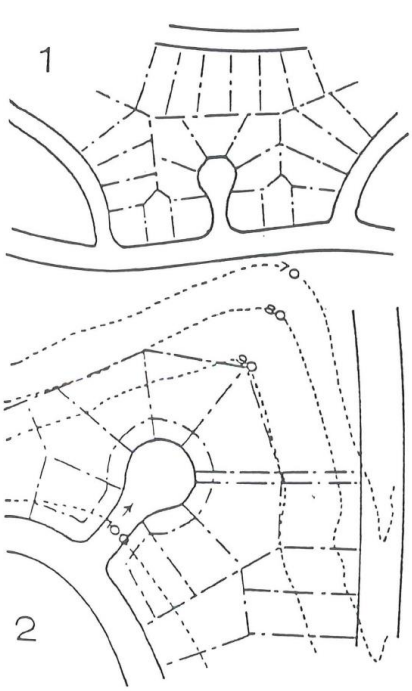
CUL-DE-SACS: DESIGNS and USES

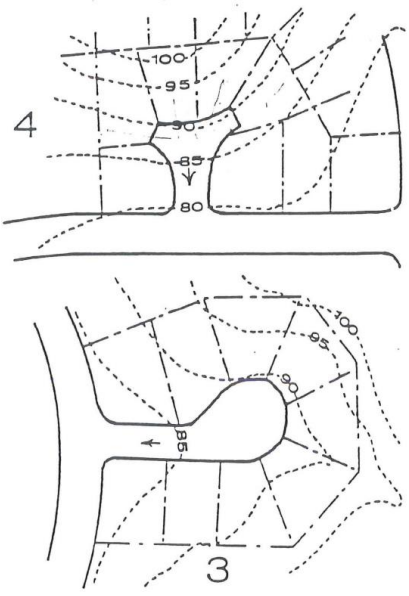


CIRCULAR: with center planter



Y- Type



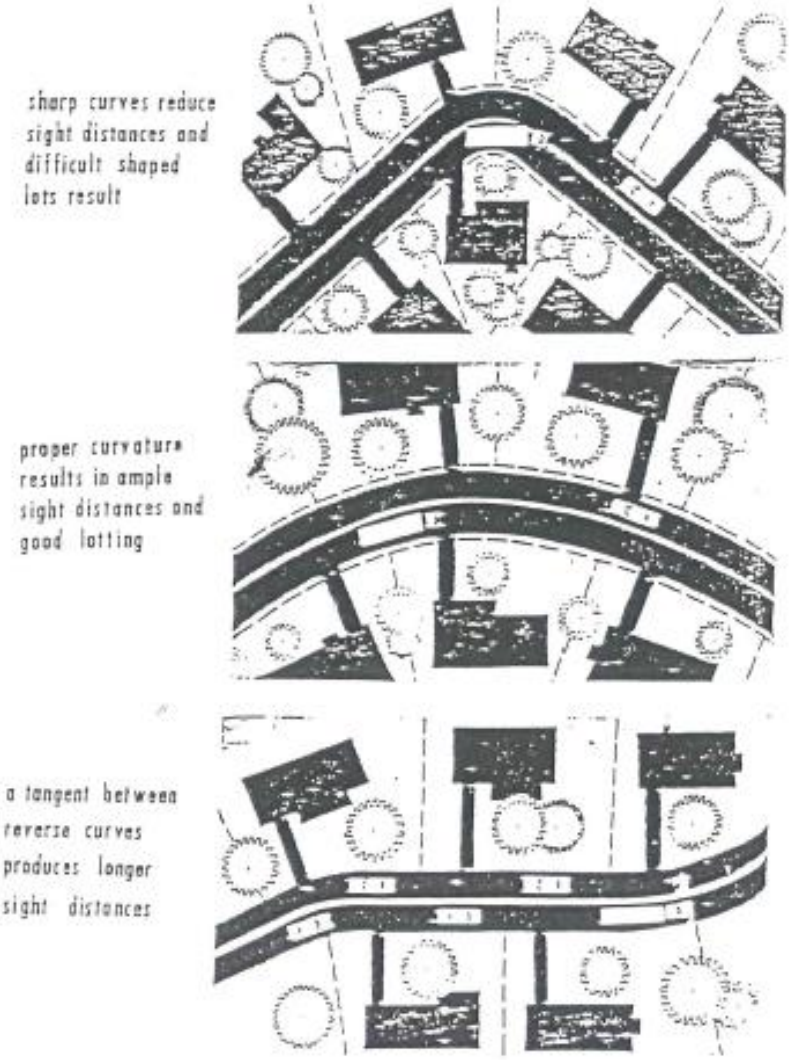


CUL-DE-SACS: USES

1. Proper lotting for single-family houses
2. Downhill conditions for cul-de-sac
3. Uphill conditions for cul-de-sac
4. "Y" terminal for cul-de-sac

ARTICLE 14: EXHIBITS

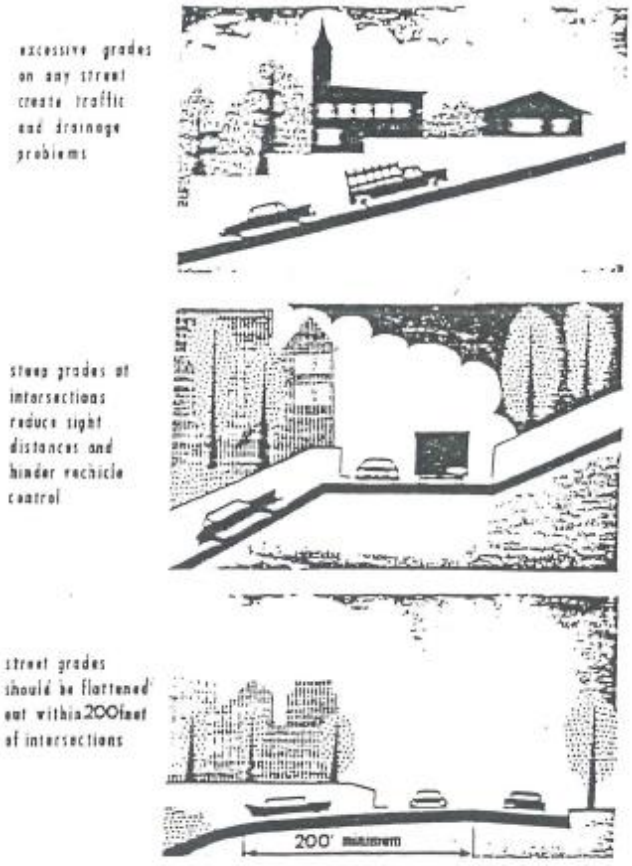
EXHIBIT B



C U R V E S

ARTICLE 14: EXHIBITS

EXHIBIT C

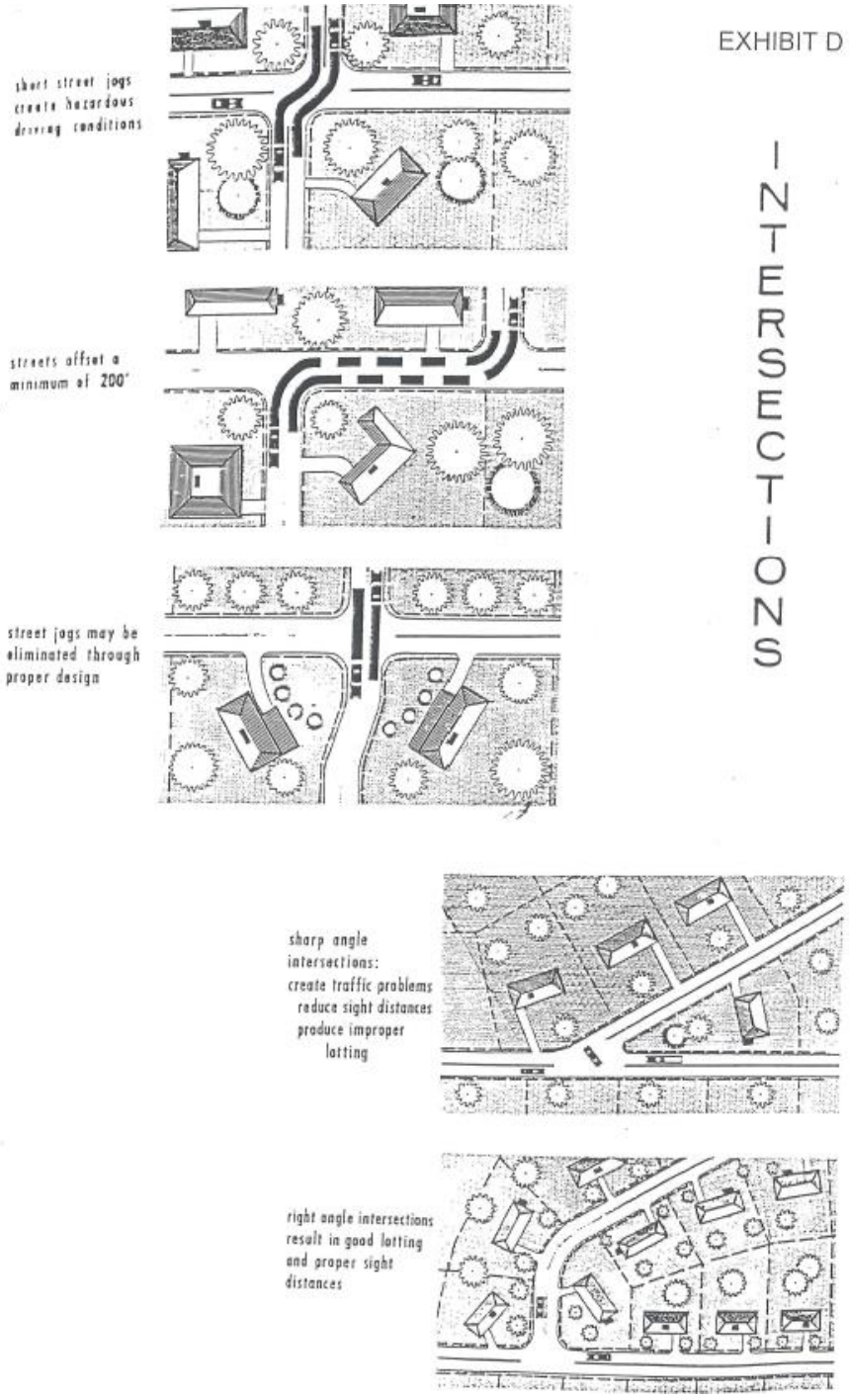


GRADES

ARTICLE 14: EXHIBITS

EXHIBIT D

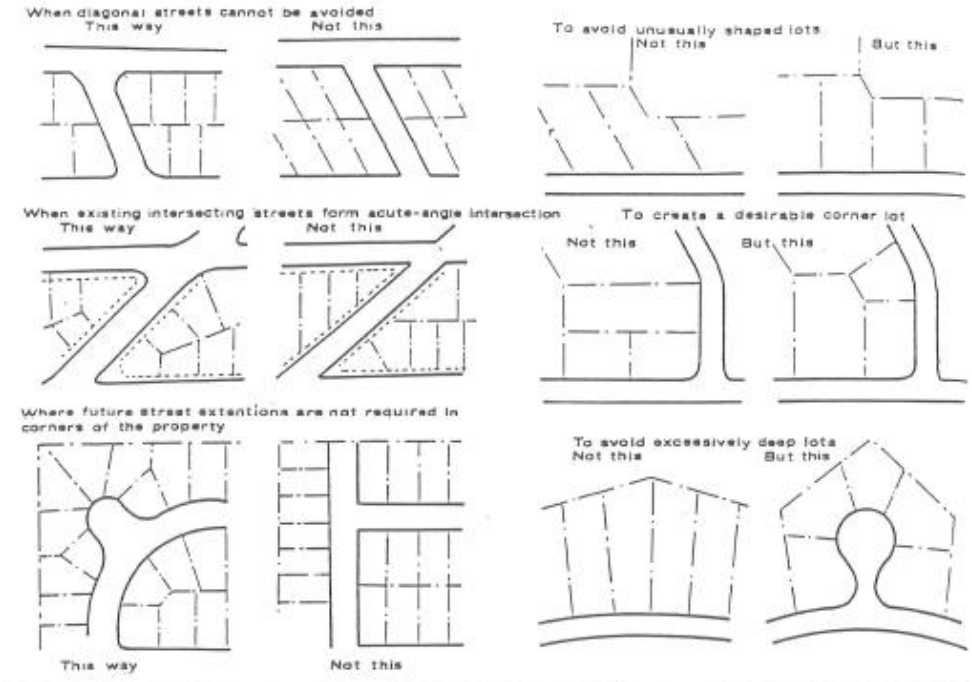
INTERSECTIONS



ARTICLE 14: EXHIBITS

EXHIBIT E

LOT DESIGN



EXPLANATION

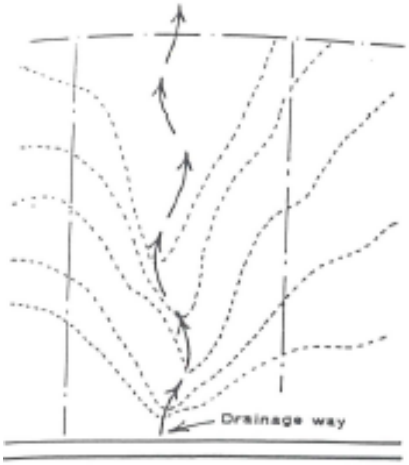
Diagram Showing Good and Poor Lotting Practice

1. Excess underground utilities at end of block require
2. No underground utilities at end of block
3. Rear utility easment unless underground power lines are installed in street
4. Street overhead and underground utilities
5. Increased corner lot width
6. Corner lots too narrow; corner lots should have greater width than interior
7. Good use of butt lot
8. Butt lots require extra utilities with bad view down rear lot line
9. Good lotting at street intersection
10. Required underground utilities

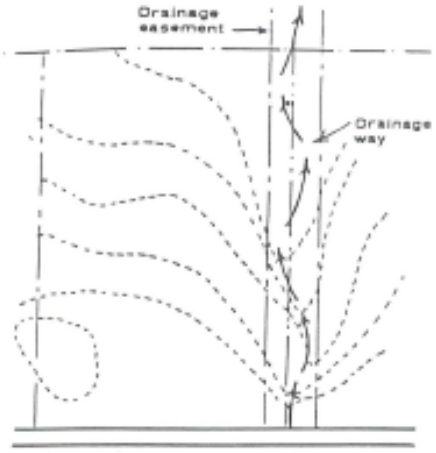
ARTICLE 14: EXHIBITS

EXHIBIT F

Lot Layout Related to
Stream Beds and Drainage Way



NOT THIS



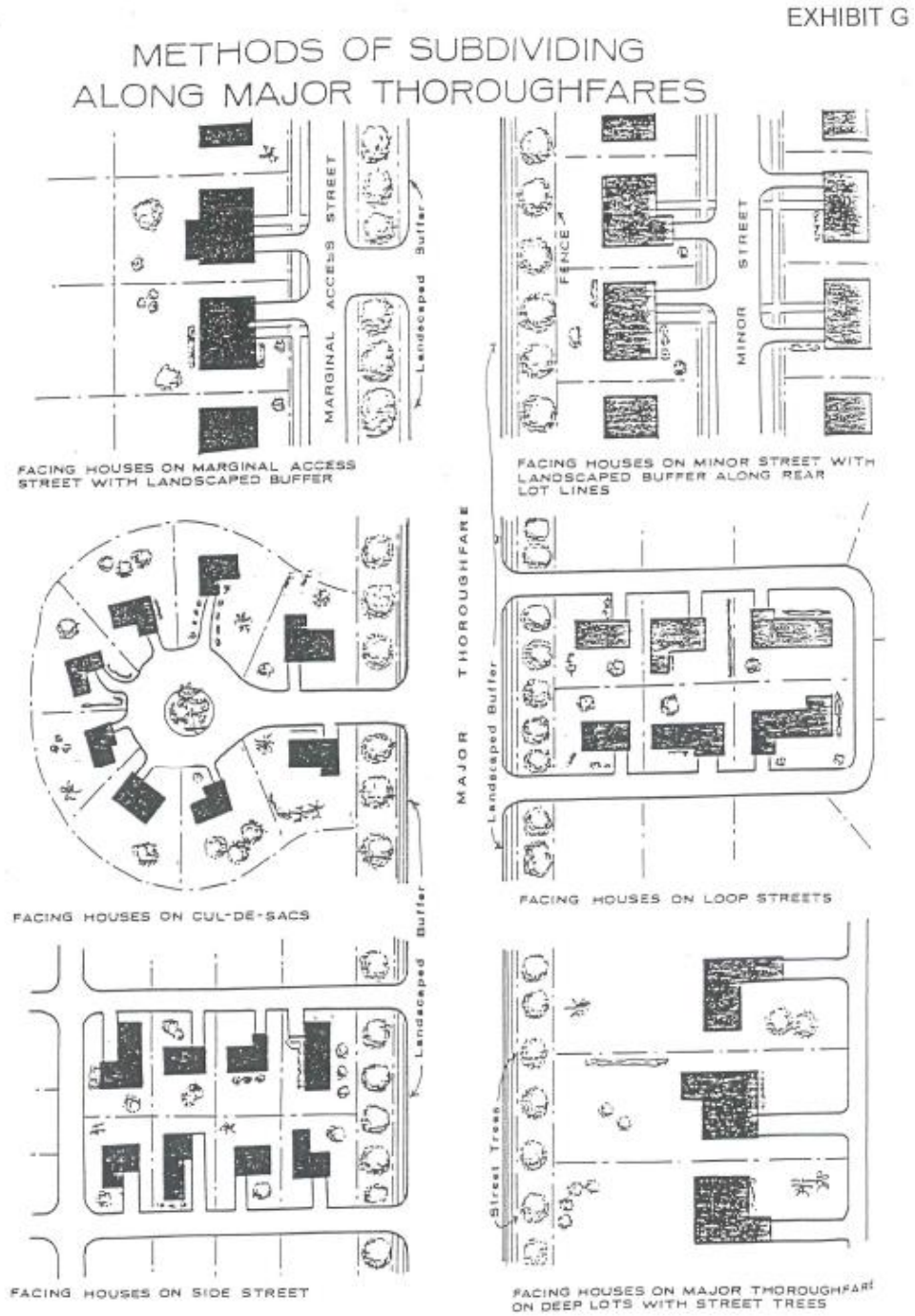
BUT THIS

NOT THIS

BUT THIS

ARTICLE 14: EXHIBITS

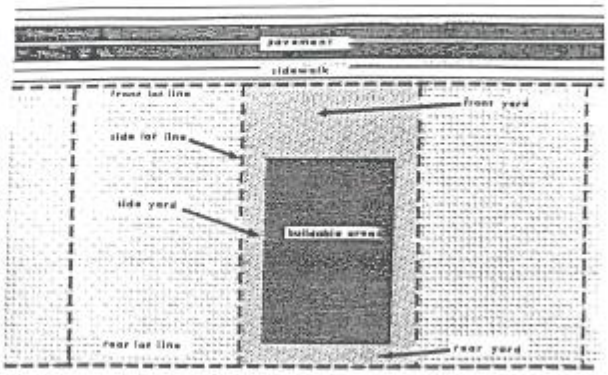
EXHIBIT G



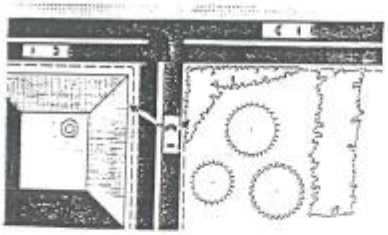
ARTICLE 14: EXHIBITS

EXHIBIT H

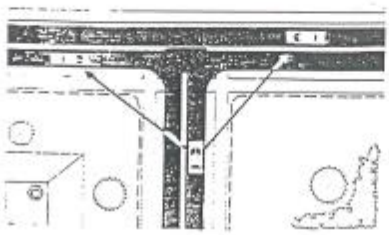
various elements of a typical lot



improper setback of buildings and plantings obstructs vision at intersections



proper setback of buildings and plantings provides good sight distances



SETBACK