

Chapter 71

Land Development Process and Subdivision Regulations\*

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\*Cross references-Buildings and building regulations, ch. 17; planning and zoning administration, ch. 62; streets and sidewalks, ch. 70; zoning, ch. 86.

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**ARTICLE I. IN GENERAL**

**Sec. 71-1. – Title.**

This chapter shall be known as “Land Development Process and Subdivision Regulations” of the Town of Edisto Beach, South Carolina.  
(Ord. of 9-12-02(1), § 1)

**Sec. 71-2. Authority.**

This chapter is adopted pursuant to the authority granted under the Code of Laws of South Carolina 6-7-1010, et seq. (as amended).  
(Ord. of 9-12-02(1), § 1)

**Sec. 71-3. Purpose.**

The purpose of this chapter is to provide for the orderly development of the town and its environs through the control and regulation of the subdivision of land and to protect and promote preservation of the unique natural environment that distinguishes this area.

The standards contained herein are intended to encourage economically sound and stable development; to assure the timely provision of required streets, utilities, and other facilities and services to new land developments; to assure the adequate provision of safe and convenient access and circulation, both vehicular and pedestrian, in and through new development; to assure the provision of needed open spaces in new land developments through the reservation of land for active and passive recreational purposes; to assure the coordination of and compatibility of new developments with the comprehensive plans of the town; to assure adequate design of new developments in order to prevent excessive maintenance costs for home owners, subdividers/developers, and local governments, and to encourage developers to use designs which will enhance the overall appeal of the town.

(Ord. of 9-12-02(1), § 1)

**Sec. 71-4. Application of chapter.**

No plat of the subdivision of land within the incorporated area of the Town shall be filed with or

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recorded by the Colleton County Register of Deeds office until such plat shall have been submitted to, reviewed by Planning Commission and approved by Town Council according to the procedures set forth in this chapter. No street or other public or private way or land shall be accepted or maintained nor shall any water lines, sewerage, street lighting or similar improvements be extended or connected in any subdivision that has not been approved and reviewed by Planning Commission and approved by Town Council. No permit for construction of any building or other improvement in any subdivision established hereafter shall be issued if the plat depicting that subdivision has not been approved by Town Council and such notice of approval affixed to the plat.

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All subdivision plats which have not been recorded with the office of the Colleton County Register of Deeds office, prior to the effective date of this chapter, shall be submitted to the Planning Commission according to the submission requirements as follows:

- (1) Subdivision/development plans begun prior to the effective date of this chapter in which it can be shown that significant design investment has been made by the subdivider/developer shall be submitted to the Planning Commission within sixty (60) days after the effective date of this chapter and shall be received as information only by the Planning Commission and shall be exempt from further requirements of this chapter except that:
  - a. The subdivider/developer shall submit certification of ownership of the property being subdivided;
  - b. The subdivider/developer shall submit evidence of design investment in improvements such as land use plans, master plans, engineering plans or health department approval of water or sewer systems for example; and
  - c. The subdivider/developer shall be required to record the completed plat by phases upon approval of the town prior to the sale or transfer of any or all lots with the Colleton County Register of Deeds.

All subdivision plans receiving such exemption shall be exempt as submitted only. Any significant deviation from the exempt master plan, as determined by the Edisto Beach Planning Commission, shall void such exemption and the amended plan will be subject to the requirements of this chapter.

- (2) All other subdivision plans not exempted as determined in (1) above shall be submitted according to the standard submission procedures outlined in article III of this chapter and subject to all requirements of this chapter.

A record of all actions and all land development plans and subdivision plats with the grounds for approval or disapproval and any conditions attached to the action must be maintained as a public record. In addition, the developer must be notified in writing of the actions taken.  
(Ord. of 9-12-02(1), § 1; Ord. of 9-03(1), § 3)

#### **Sec. 71-5. Jurisdiction.**

The standards and provisions contained herein shall hereafter govern all land subdivision within the incorporated areas of the town as now or hereafter established.  
(Ord. of 9-12-02(1), § 1)

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**Sec. 71-6. Appeals and variances.**

- (a) Staff action, if authorized, to approve or disapprove a land development plan may be appealed to the Planning Commission by any party and interest. The Planning Commission must act on the appeal within sixty (60) days.
- (b) Whenever, in the opinion of the Planning Commission, the strict application of the requirements contained in this chapter would result in extreme practical difficulties or undue misuse of property, the Planning Commission may modify such requirements as are necessary so that the subdivider/developer is allowed to develop his property in a reasonable manner, provided that the public interests of the community and its citizens are protected and the general intent and spirit of the regulations are preserved.
- (c) The Planning Commission shall grant such a variance or modification only upon determination that:
- (1) The variance will not be detrimental to the public health, safety, and general welfare of the community; and
  - (2) The variance will not adversely affect the reasonable development of adjacent property; and
  - (3) The variance is justified because of topographic, or other special conditions unique to the property and development involved, in contradistinction to the mere inconvenience or financial disadvantage; and
  - (4) The variance is consistent with the objectives of this chapter and will not have the effect of nullifying the intent or purpose of this chapter or the comprehensive plan; and
  - (5) Such variance will not conflict with the requirements of the town zoning ordinance.
- (Ord. of 9-12-02(1), § 1; Ord. of 10-9-03(1), § 4)

**Sec. 71-7. Amendments.**

From time to time this chapter may be amended by the Town Council with recommendation from the Planning Commission on such amendment and Town Council holding a public hearing thereon, the time and place of which shall be duly advertised in a newspaper of general circulation in the Town at least fifteen (15) days prior to said hearing.

(Ord. of 9-12-02(1), § 1)

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**Sec. 71-8. Violations and penalties.**

Any person, firm or corporation who violates the provisions of this chapter, or the owner or agent of the owner of any land to be subdivided within the jurisdiction of this chapter who transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land before such plat has been approved by the Planning Commission and subsequently recorded in the office of the Register of Deeds of Colleton County, shall be guilty of a

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misdemeanor, and upon the conviction thereof, shall forfeit and pay such penalties as the court may decide as prescribed by state law for each lot or parcel so transferred or sold or agreed to be sold not to exceed \$500.00 or ~~thirty (30)~~ days imprisonment, or both at the discretion of the court, for each violation. Furthermore, any violation of the provisions of this chapter by any person, firm, corporation, owner or agents of owners of any land to be subdivided within the jurisdiction of this chapter shall make the transfer, sale, agreement for sale, or negotiation for sale of any lot, part, tract or parcel of the land to be subdivided rescindable at the purchaser's option.  
(Ord. of 9-12-02(1), § 1)

**Sec. 71-9. Interpretation and conflict.**

The standards and provisions of this chapter shall be interpreted as being the minimum requirements necessary to uphold the purposes of this chapter and for the protection of the health, safety, economy, good order, appearance, convenience and welfare of the general public.

Whenever this chapter imposes a higher standard than required by other regulations, ordinances or rules, or by easements, covenants, or agreements, the provisions of this chapter shall govern.  
(Ord. of 9-12-02(1), § 1)

**Sec. 71-10. Separability and validity.**

Should any section, paragraph, clause, phrase, or provisions of this chapter be adjudged invalid or held unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity of this chapter as a whole or any part or provision thereof.  
(Ord. of 9-12-02(1), § 1)

**Sec. 71-11. Repeal of conflicting ordinances.**

All ordinances or parts of ordinances which are in conflict with this chapter, with the exception of the town zoning ordinance, are herewith repealed to the extent necessary to give this chapter full force and effect.  
(Ord. of 9-12-02(1), § 1)

**Sec. 71-12. Appeals from the decision of the Planning Commission.**

- (a) An appeal from the decision of the Planning Commission must be taken to the circuit court within ~~thirty (30)~~ days after actual notice of the decision.
- (b) A property owner whose land is the subject of a decision of the Planning Commission may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with section 6-29-1155 of the Code of Laws of South Carolina.
- (c) A notice of appeal and request for pre-litigation mediation must be filed within ~~thirty (30)~~

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days after the decision of the board is mailed.  
(Ord. of 9-12-02(1), § 1; Ord. of 10-9-03(1), § 5)

**Secs. 71-13-71-30. Reserved.**

**ARTICLE II. DEFINITIONS**

**Sec. 71-31. Interpretation of certain terms or words.**

Except as specifically defined herein, all words used in this chapter have their customary dictionary definitions. For the purpose of this chapter, certain words or terms used are herein defined as follows:

Words used in the singular include the plural and words used in the plural include the singular. Words used in the present tense include the future tense.

*Building* includes the word "structure."

*Building Code Administrator* means that person authorized by Town Council under chapters 14, 62, 71, and 86 to administer and enforce these chapters.

*Cul-de-sac* refers to a local street having a short length being terminated by a vehicular turn-around.

*Developer* means a person or entity who undertakes development.

*Development* means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, dredging, filling, grading, paving or excavation,

Deleted: mining,  
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*Easement* refers to a reservation or grant by the property owner to any person, firm, or corporation, or to the general public of the use of a strip or parcel of land for a specified purpose.

*Exempt Development* means a development for which:

(a) No structural, electrical or mechanical change is required,

(b) No building permit is required

(c) No change in business class is involved.

*Exempt Subdivision* means a subdivision which meets the following conditions:

(a) The division of land into parcels of five (5) acres or more where no new street is involved;

(b) A transfer of title to land not involving the division of land into parcels.

(c) The 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 standards of the

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Town's land development and zoning regulations and other applicable regulations;

(d) The combination or recombination of entire lots of record where no new street or change in existing streets is involved.

*Flood* refers to a general and temporary condition of partial or complete inundation of normally dry land area from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

*Floodplain*, also *flood prone area*, means a land area duly designated on officially adopted Town floodplain maps available at the town hall;

*Governing authority* refers to the Town Council having jurisdiction in the area and matter involved.

*Immediate family*, as used herein, shall mean a subdivider's heirs at law who would succeed to his estate of inheritance under the state statute of dissent and distribution.

*Local street* refers to a street used primarily for access to abutting properties.

*Lot* means a parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same, and includes the words "plat" and "parcel."

**Deleted:** refers to a piece, parcel, tract or plot of land intended as a unit for the transfer of ownership or for development.

*Major street* refers to a street or highway which is used to move fast or heavy traffic between population centers, around population centers, or from one section of an urban area to another.

*May* is permissive.

*Official flood plain maps* refers to a map or series of maps, officially adopted by the Town Council, delineating the flood prone areas and coastal high hazard areas of the town.

*One hundred-year flood elevation* refers to that elevation of land, measured from mean sea level, which has a one percent chance of being reached each year as a result of flooding conditions usually accompanying a hurricane.

*Open space* refers to a parcel or parcels of land or an area of water or a combination of land and water which is to be left permanently substantially free of structures.

*Person* includes a firm, association, organization, partnership, trust company, or corporation, as well as an individual.

*Planned unit development (PUD)* means land under unified control, to be planned and developed as a whole, in a single development operation or a definitely programmed series of development operations, including all land and buildings, according to comprehensive and detailed plans that include not only streets, utilities, lots or buildings sites and the like, but also site plans for all buildings as intended to be located, constructed, used and related to each other, and detailed plans for other uses and improvements on the land as related to buildings, pursuant to [section 86-144](#), being the same as the [Planned Development District \(PDD\)](#) as further defined in [sections 6-29-720 and 6-29-740](#) of South Carolina code.

**Commented [NF1]:** Existing definition of PUD from 86-144

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*Planning Commission* refers to the Town of Edisto Beach Planning Commission.

*Plat* refers to a map or drawing of a lot which is capable of being recorded.

*Private street* refers to any newly created street is a private street unless:

- (1) Its right-of-way has been dedicated to the state, the county or to the town; and
- (2) The appropriate public body has accepted the street for the purpose of maintenance.

*Re-subdivision* refers to the relocation of a portion of one or more lot lines in an existing subdivision.

*Shall* is mandatory not directive.

*Street* refers to a dedicated public way or private way for vehicular traffic, whether designated as an avenue, boulevard, thoroughfare, road, highway, expressway, lane, drive, alley or any other public or private way.

*Structure* means anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having more or less permanent location on the ground. The word structure includes the word "building."

*Subdivider* refers to any person, firm, corporation, or other legal entity subdividing land within the jurisdiction of this chapter.

*Subdivision* refers to the division of a tract or parcel of land for the purpose of sale or transfer into two (2) or more lots or building sites and includes are-subdivision.

*Surveyor* refers to a registered land surveyor in good standing with the state board of engineering examiners.

*Town Administrator* is that person appointed by Town Council to be the chief administrative officer of the Town pursuant to Chapter 2 of the Code of Ordinances.

*Town Council* refers to the legally constituted and elected governing body of the Town of Edisto Beach.

*Town engineer, designee* refers to a person designated by Town Council to serve as town engineer in the absence of a town engineer.

*Used or occupied* as applied to any land or building shall be construed to imply that said land or building is in actual use or occupancy and shall be construed to include the words intended, arranged, or designed to be used or occupied.

(Ord. of 9-12-02(1), § 1)

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Secs. 71-32-71-40. Reserved.

### ARTICLE III. PLAT SUBMISSION AND REVIEW PROCEDURES

#### Sec. 71-41. Plans exempted from standard procedure.

The following are exempted from the plat submission and review procedure:

- (a) The subdivision of land into parcels of five (5) acres or more, where no new street is involved.
- (b) A transfer of title to land not involving the division of land into parcels.
- (c) The 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 standards of the Town's land development and zoning regulations and other applicable regulations;
- (d) The combination or recombination of entire lots of record where no new street or change in existing streets is involved.

A written statement of the occurrence of such divisions as stated in the above shall be submitted by the owner of the property being divided to the Planning Commission for information only. (Ord. of 9-12-02(1), § 1)

#### Sec. 71-42. General.

The following sections 71-43, 71-44, 71-45 and 71-46 are an outline of the procedure for obtaining review and approval of the subdivision of land within the territorial jurisdiction of the town. The review and approval procedure may consist of three (3) separate steps. The first step, review of optioned sketch plan discussed in section 71-43 is optional. Steps 2 and 3, review and approval of preliminary plat and review and approval of final plat, described in sections 71-44 and 71-45, are mandatory but may, at the request of the subdivider/developer and with the concurrence of the Building Code Administrator be combined as provided in section 71-46. (Ord. of 9-12-02(1), § 1; Ord. of 2-13-03(1), § 43)

#### Sec. 71-43. Optional sketch plan review.

Although not required, prior to the preparation and filing of a preliminary plat the subdivider/developer is encouraged to and may submit to the Planning Commission a simple sketch plan of the proposed subdivision. The sketch plan may be a simple free hand drawing and should show the relationship of the proposed subdivision to the surrounding area and the general subdivision plan. The purpose of the sketch plan is to assist the subdivider/developer prior to extensive site planning and preparation of a preliminary plat by enabling him to become familiar with the regulations affecting the land to be subdivided and reviewing the proposal as to conformance with the provisions of the comprehensive plan which includes among other things proposed public projects such as transportation routes, school sites, recreation areas, open space areas, public utilities, and the like pertinent to any new development. The Planning Commission shall review the sketch plan and advise

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the subdivider/developer as to the requirements of the regulations affecting the land to be subdivided within sixty (60) days from the date submitted.  
(Ord. of 9-12-02(1), § 1)

**Sec. 71-44. Preliminary plat review.**

- (a) Submission. Ten (10) black or blue line prints of the preliminary plat, together with supporting data, shall be submitted by the subdivider/developer to the Building Code Administrator at least fourteen (14) days prior to a regularly scheduled meeting date of the Planning Commission.
- (b) The Building Code Administrator shall review the application to determine if all information required in subsection (g) is included.
- (c) Applications containing the required information shall be placed on the next agenda of the Planning Commission and copies of the plat shall be distributed to the fire, water and sewer departments. Applications found not to contain all required information shall be returned by mail with an explanation of what additional information is needed.
- (d) Fees. There will be no filing fees.
- (e) *Edisto Beach Planning Commission procedure.* Following submission of a preliminary plat meeting the plat requirements as stated in subsection (g) below, the Planning Commission may, at the request of the subdivider/developer, forward relative data to the various local, state, and federal agencies for which review is required. The Planning Commission shall notify subdivider/developer of any conferences requested by any of these affected agencies which should be held prior to the planning board acting on the preliminary plat. However, it shall be the responsibility of the subdivider/developer to obtain all necessary permits or approvals for such agencies. The Planning Commission must take action on plans or plats, or both, submitted for approval or disapproval. Failure of the Planning Commission to act within sixty (60) days of the receipt of development plans or subdivision plats with all documentation required by the subdivision regulations is considered to constitute approval of the preliminary plat review and the developer must be issued a letter of approval and authorization to proceed based upon the plans or plats and supporting documentation presented. The sixty (60) day time limit may be extended by mutual agreement. Upon approval of the preliminary plat, the Planning Commission shall indicate in writing:
  - (1) The conditions of such approval, if any;
  - (2) Certification on the plat by the chairman of the Planning Commission; and
  - (3) The date on which the Planning Commission granted approval; or if disapproving, shall express in writing reasons for disapproval. The action of the Planning Commission shall be recorded in the minutes of the commission meeting and the subdivider/developer shall be duly notified. Failure by the Planning Commission to act on the preliminary plat within the time frame specified shall result in automatic approval of the preliminary plan. Approval of the preliminary plan by the Planning Commission authorizes the subdivider/developer

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to proceed with the installation of improvements such as streets, drainage system, water and sewer system, utilities, recreation areas and any amenities. Approval of a preliminary plat or plan shall not constitute approval of the final subdivision plat and shall not authorize the sale and other transfer of lots.

- (f) Approved plans containing public improvement projects. Where a tract of land or right-of-way that has been approved by a governmental body or department of such a body lies wholly or partially within an area to be subdivided, and provided that said body or department has notified the Planning Commission of such official plans prior to or within fourteen (14) days after the presentation of the preliminary subdivision plan to the Planning Commission for approval, the subdivider/developer shall reserve the proposed site or right-of-way for a period of not more than sixty (60) days from the date of approval of the preliminary plan in order to afford the agency involved the opportunity to act on the site or right-of-way as provided by law. Such reservation would be stated as a condition of preliminary approval by the Planning Commission.
- (g) Preliminary plat requirements. In order for the Planning Commission to properly review the preliminary plat, the following information shall be submitted unless the Planning Commission determines and notifies the subdivider/developer that certain information is not necessary.
- (1) Name and address of owner of record;
  - (2) Proposed name of subdivision, date, north point, and graphic scale;
  - (3) Name and seal of registered surveyor;
  - (4) Vicinity map showing location of proposed subdivision and confrontation to major streets;
  - (5) Tract boundaries and total acreage;
  - (6) Significant topographical features such as water courses, swamps, pipes, etc;
  - (7) Existing buildings, streets, transmission lines, drainage pipes and ditches, sewer and water lines, city limit lines, and any public utility lines on and adjacent to the tract to be subdivided;
  - (8) Tentative street and lot arrangement, average size lot and number of lots;
  - (9) Proposed street right-of-way widths, proposed street names, pavement widths, and utility easements;
  - (10) Proposed parks and playgrounds or other open spaces proposed by the subdivider/developer and any such known projects by other agencies;
  - (11) Preliminary plan for water system, sewer system, surface and storm water drainage system;

(12) Existing and proposed covenants;

(13) Proposed time schedule of development if to be done in stages;

(14) Designated zoning classification of the property;

(15) The flood zone designation(s) in which the tract is located, including the date of the map; and

(16) Verified location of critical areas per DHEC, OCRM and wet lands per OCRM or Corp of Engineers.

(Ord. of 9-12-02(1), § 1; Ord. of 10-9-03(1), § 6)

**Sec. 71-45. Final plat.**

The final plat shall constitute only that portion of the approved preliminary plat which the subdivider/developer proposes to record and develop at the time of submission.

(1) *Submission.*

- a. The subdivider/developer shall submit to the office of the Planning Commission within one year of the date of the preliminary plat approval an original, two (2) reproducible permanent unshrinkable prints and five (5) black or blue line prints of the final plat at least 14 days prior to a regularly scheduled meeting of the Planning Commission. The number of prints required may vary at the discretion of the Planning Commission.
- b. The plat shall be reviewed by the Planning Commission for conformance with the approved preliminary plat and with the requirements of these regulations. The Planning Commission may, but is not required to, forward appropriate copies for the final plat together with necessary supporting data to the department of health and environmental control for approval of proposed water and sewer systems and to the town engineer designee for review and approval of the proposed drainage plan. The Planning Commission shall take action on plans or plats, or both, submitted for approval or disapproval. Failure of the Planning Commission to act within sixty (60) days of the receipt of development plans or subdivision plats with all documentation required by the subdivision regulations is considered to constitute approval, and the developer must be issued a letter of approval and authorization to proceed based on the plans or plats and supporting documentation presented. The sixty (60) day time limit shall be extended by mutual agreement. The Planning Commission shall submit a report to the Town Council certifying approval or disapproval of the final plat, and in the case of disapproval, shall state the reasons therefor.
- c. Approval and certification by the Planning Commission shall not be deemed to constitute or effect an acceptance by the town, county, state or the public of the dedication of any street or other ground shown upon the plat. Upon receipt of the plat where an offer has been made by the subdivider/developer to dedicate any street, rights-of-way, public parks and other public lands, the Town Council shall determine the acceptance

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or non-acceptance of the dedications. If accepted by the Town Council, action to that effect shall be noted on the plat and if not accepted, the subdivider/developer shall be notified of the reasons for non-acceptance.

d. The reproducible's and prints shall be distributed after complete final approval as follows:

1. The original and one print shall be recorded in the office of the Colleton County clerk of court.
2. One reproducible print and one print shall be returned to the subdivider/developer.
3. One reproducible print and one print shall be forwarded to the town building department.
4. One print shall be forwarded to the county department of health and environmental control.
5. One print shall be forwarded to the town engineer, designee.
6. One print shall be retained by the Edisto Beach Planning Commission.

e. The approved final plat shall be recorded with the register of deeds within six (6) months after final approval by the Planning Commission. Should the six (6) months' time period expire before recording, the plat must be resubmitted to the Planning Commission for reprocessing. It shall be unlawful to sell or transfer property (lots) within the approved subdivision until after the approved final plat is recorded with the Colleton County Register of Deeds.

(2) *Final plat requirements.* The final plat shall be drawn on permanent unshrinkable reproducible film and shall conform substantially to the approved preliminary plat. More than one map may be used if necessary. The final plat shall be prepared by the registered surveyor and shall contain the following information:

- a. Information required for preliminary plat approval.
- b. Name of county, location tax map number and parcel number(s).
- c. Exact tract boundaries of the land being subdivided shown with bearings and distances to the nearest minute and one-hundredth of a foot respectively.
- d. Streets and alleys, rights-of-way, proposed street names, and proposed house numbering system.
- e. Lot lines, bearing to the nearest minute and distances to the nearest one hundredth of a foot.

- f. Square foot area of each lot.
- g. Location of all monuments and markers.
- h. Parks, playgrounds, school sites, or other public open areas, if any.
- i. Existing water courses, streets, highways, city limit lines, transmission lines, water and sewer lines, drainage pipes and ditches, and easements for other public utilities on or adjacent to the subdivision, such as, gas or electrical.
- j. Location and size of all proposed utility easements.
- k. Additional information:
  - 1. Design of proposed water system, sewer system and drainage plan.
  - 2. Statement of intended use of open space areas, unless otherwise noted on the plat.
  - 3. Statement of proposed deed covenants, if any, and statement of final covenants when adopted.
  - 4. Statement and description of all offers of land for dedication, if any.
  - 5. Statement of form of guarantee of installation and maintenance of all improvements to the subdivision, such as, streets, water system, sewer system, drainage system, easements, open spaces, and any others.
  - 6. Statement of requirement of registration with the office of interstate land sales registration of the department of housing and urban development (where applicable).
  - 7. Statement of agreement between the subdivider/developer and public or private agency for the installation and maintenance of community water and/or sewer systems as provided for in section 71-67.

(Ord. of 9-12-02(1), § 1; Ord. of 2-13-03(1), § 44; Ord. of 10-9-03(1), § 7)

**Sec. 71-46. Merger of section 71-44 and section 71-45 review procedures.**

In the event that the subdivider/developer requests, and the Building Code Administrator concurs that the preliminary plat review be combined with the final plat approval process contained in section 71-45, then, and in that event the final plat shall comply in every respect with the requirements of sections 71-44 and 71-45 and the Building Code Administrator and the Planning Commission shall as part of their review insure that the processes referred to in section 71-44(b), (c), (e), and (f) be incorporated with the section 71-45 review process and be accomplished as fully as if the processes of section 71-44 and 71-45 had not been combined.

(Ord. of 9-12-02(1), § 1; Ord. of 2-13-03(1), § 45)

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**Secs. 71-47-71-60. Reserved.**

#### **ARTICLE IV. DESIGN STANDARDS**

##### **Sec. 71-61. General provisions.**

The design standards contained in this article shall be considered minimum standards.  
(Ord. of 9-12-02(1), § 1)

##### **Sec. 71-62. Public and private streets and roads.**

*(a) Standards related to all public and private streets and roads:*

1. Layout and alignment. All public and private streets shall have shoulders, side slopes, ditches, and pavement prepared in conformance with the latest edition of the Standard Specifications for Highway Construction, State Department of Transportation.

2. While it is the intent of this section to provide ample flexibility in the layout of streets in subdivisions, and most design standards are not specifically required herein, the Planning Commission will review the street system as to its design, safety, and convenience of users as well as adjacent property owners; provided, such review shall be conducted in accordance with reasonable standards and with generally accepted engineering and development practices. Emphasis shall be placed on safety at curves and intersections.

3. Proposed streets should be coordinated with the street system in the surrounding area and where possible shall provide for the continuation of existing streets abutting the subdivision and shall include street connections to existing streets on adjoining tracts, or adjoining undeveloped tracts of land.

4. Upon determination by the Planning Commission that reasonable access to adjoining property(s) would be seriously affected by a proposed subdivision design, the Planning Commission will notify the adjacent property owner(s) by registered mail of its findings and recommend that he take whatever action deemed necessary based on that finding. This provision is merely for the purpose of notifying an adjacent property owner and in no way obviates existing laws regarding access to property(s) by right of necessity.

5. Proposed streets which are obviously in alignment with other existing and named streets shall bear the assigned name of the existing street. Proposed street names shall not be phonetically similar to existing street names, irrespective of the use of suffixes such as street, avenue, boulevard, drive, place, court, etc. In no case shall a name be used which will duplicate or be confused with other existing streets in the county. A house or lot numbering (address) system shall be designed utilizing an extension of the existing system in the area.

6. No fence, wall, tree, terrace, building, sign, shrubbery, hedge, other planting, or structure, or object capable of obstructing driver vision will be allowed at intersections.

*(b) Standards related to public streets and roads only:*

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1. Where a subdivision abuts or contains an existing or proposed major street, the Planning Commission may require minor access or frontage streets or other such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

2. Rights-of-way and pavement widths for public roads and streets.

<u>Type</u>	<u>Row</u>	<u>Pavement</u>
<u>Cul-de-sac</u>	<u>50 feet</u>	<u>20 feet</u>
<u>Local</u>	<u>50 feet</u>	<u>22 feet</u>
<u>Major</u>	<u>60 feet</u>	<u>24 feet</u>

Cul-de-sacs shall have sufficient turn around area of a minimum of eighty (80) ft diameter.

Additional right-of-way width and pavement width should be added where turn lanes, on-street parking, grass strips, medians, and sidewalks are used.

3. *Construction requirements, generally.* All streets and roads to be dedicated for public use shall be constructed in accord with the South Carolina Standard Specifications For Highway Construction Manual, Latest Edition. Specifically:

- a. Earthwork shall be completed in accord with Section 200.
- b. Base and subbases shall be constructed in accord with Section 300, as applicable to the proposed base course.
- c. Shoulders shall consist of stabilized turf or other material acceptable to the County and shall be prepared in compliance with Section 209 of the Standards Specifications Manual previously referenced.
- d. Signage. Design and placement of traffic signs shall follow state regulations or the requirements specified in the Manual of Uniform Traffic Control Devices for Streets and Highways, published by the U.S. Department of Transportation. Responsibility for installation shall rest with the developer. At least two (2) street name signs shall be placed at each four-way street intersection, and one at each "T" intersection. Signs shall be installed under streetlights, where possible, and free of visual obstruction. The design of street name signs shall be uniform in size and color, and subject to approval by the Building Code Administrator.
- e. Intersections shall be designed and constructed to keep storm water out of intersections.
- f. Discharges of storm water in saltwater wetlands shall meet or exceed the water quality control standards of the office of ocean and coastal resource management.
- g. Roads shall be designed and constructed so that the potential for maintenance is reduced to a minimum (i.e., maintenance plan for roadway).
- h. The road shall be designed so that runoff will not create an erosion problem and damage the

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structural integrity of the road.

- i. The existing tree root systems within the right-of-way shall be trimmed and cut back, to eliminate and reduce intrusion or presence within the road subgrade, including the twenty-four (24) inch compact subgrade. No existing standing trees which are adversely impacted by the root pruning shall be left standing such that they would present a dangerous or hazardous condition within the right-of-way. The developer or its contractor shall use the services of a qualified arborist in determining the impact and survivability of individual trees.

*(c) Standards related to private streets and roads only:*

(1) Planned unit development and/or private roads. Private roads, when approved for a project, are not to become town's responsibility; and are to be so indicated on any (plats) of the subdivision and to be so noted in covenants and agreements which control or follow the property.

(2) Unpaved roads are to be utilized for residential, low volume traffic usage only.  
(Ord. of 9-12-02(1), § 1; Ord. of 2-13-03(1), § 46)

**Sec. 71-63. Other utilities.**

*(a) General.* A proposed utility sketch plan for other utilities such as electrical, telephone, and gas service to and throughout the subdivision shall be submitted by the subdivider/developer. The proposed design shall be shown in conjunction with any proposed water and sewer systems. The Building Code Administrator shall forward copies of the proposed utility design to the various utility agencies affected. The various utility companies will review the proposed layout as to alignment, easements, proper relationship of utilities to streets, property lines and other utilities and shall notify the Building Code Administrator of its findings and approved design.

*(b) Utility easements.* Adequate areas of suitable size and location shall be allocated for utility easements. The location and size of such easements shall be worked out with and approved by the public and/or private utility agencies involved.

*(c) Maintenance.* The Town Council shall cause to be maintained only those easements specifically accepted for public maintenance in accordance with established procedures.  
(Ord. of 9-12-02(1), § 1)

**Sec. 71-64. Lots.**

Residential and commercial lots in a subdivision shall meet the lot width, depth, area, and setback requirements of the town zoning ordinance.  
(Ord. of 9-12-02(1), § 1)

**Sec. 71-65. Recreation and open space.**

All proposed subdivisions shall be reviewed by the Planning Commission, to assure that adequate areas for parks, playgrounds and other open space uses are provided. The subdivider/developer is required to provide open space areas(s) equal to five percent (5%) of the development land area

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except where the total development land area is less than or equal to ten (10) acres. This exception is allowed because reserved areas of such small size would be ineffective in achieving the goals and objectives of this section.

Types of areas that qualify under the five percent (5%) requirement are planted areas, parks, playgrounds, picnic areas, lakes, fish ponds, swimming ponds, swimming pools, golf courses, nature trails, bike trails, tennis courts, ballfields, and the like.

Areas which do not qualify are oxidation ponds, sewer treatment plant grounds, equipment storage areas, utility easements and substations, street and road rights-of-way, parking lots, drainage ditches, saltwater marshlands and critical area as defined by SC OCRM and freshwater wetlands as defined by the corp of engineers and sidewalks.

The required open space areas are intended for the use and enjoyment of persons investing in the particular subdivision; however, the subdivider/developer may, at his choosing, dedicate these open space areas for public use and maintenance by the town, if accepted by the town.  
(Ord. of 9-12-02(1), § 1)

#### **Sec. 71-66. Water and sewer systems.**

When a proposed subdivision/development lies within five hundred (500) feet of an existing public water system and/or sewer system, the subdivider/developer shall be required to service his subdivision with this system provided that the public agency having authority over the water and sewer system has agreed to provide such service. A written agreement between the subdivider/developer and the agency indicating the arrangements made for provision of the service shall be submitted with the final application. Such agreement shall clearly state the responsibilities of both parties as they relate to installation and maintenance of the facility(s). (Ord. of 9-12-02(1), § 1)

#### **Sec. 71-67. Drainage system.**

##### *General.*

- (1) A drainage system shall be designed and constructed by the subdivider/developer to provide for the proper drainage of the surface water of the subdivision and the drainage area of which it is a part, to permit the unimpeded flow of natural water courses, and to provide positive drainage away from on-site sewage disposal facilities.
- (2) In designing storm drainage facilities, special consideration shall be given to the avoidance of problems which may arise from the concentration of storm water run-off onto adjacent developed or undeveloped properties and be compliant with the Clean Water Act.
- (3) Storm drainage facilities shall be designed not only to handle the anticipated peak discharge from the property being subdivided, but also the anticipated increase in run-off that will occur when all property at a higher elevation in the same water shed is fully developed.
- (4) Drainage easements shall be provided in accordance with section 71-63.

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(Ord. of 9-12-02(1), § 1)

**Sec. 71-68. Flood hazard areas.**

The purpose of this section to establish minimum criteria for application to subdivisions which are to be located in what is defined as a "flood hazard area" as designated on official Town floodplain maps. The Town has a long history of damaging hurricanes, some of which have been accompanied by rising tidal waters resulting in property damage and danger to life and health.

Today's early warning systems afford communities an early enough opportunity to take necessary steps to protect individual lives and some properties from the effects of hurricane winds and waters; however, the damaging effects to property and health hazards associated with rising tidal waters, swollen and driven by hurricane winds can only be dealt with through proper development of the flood hazard areas in a given community.

Much of the developable land area of the town and surrounding areas lie at elevations which make it susceptible to potential flooding. Past hurricane data substantiates this probability. Thorough study of this data and geographic features of the county by agencies such as the U.S. Army Corps of Engineers and National Oceanic and Atmospheric Administration have resulted in a determination of the flood hazard areas of county. It is believed that by proper planning of development in these flood hazard areas and concerned adherence to minimum development criteria, the economic losses, hazards to life and health and the miseries associated with such, as a result of these probable flooding conditions, can be reduced significantly.

To this end, the following criteria shall apply to the subdivision of land within the designated flood hazard areas of the town:

- (1) Plats of subdivisions lying in a flood hazard area shall have such areas clearly delineated on the plat by indication to the topographic contour line corresponding to the one-hundred (100) year flood elevation shown on official town floodplain maps.
- (2) Engineering plans and specifications, compliant with the Clean Water Act shall be submitted showing that adequate design has been incorporated to assure to the extent possible that:
  - a. Water supply systems will be constructed to preclude infiltration by floodwaters;
  - b. Waste water disposal systems, including septic tanks will be constructed to preclude infiltration by floodwaters;
  - c. Types of and construction of fill materials used for building foundations are such so as to minimize settlement, slope erosion, siltation and facilitate drainage of potential surrounding floodwaters.
- (3) Disclosure statement required. On all plats of development for which lots, sites, or structures are to be sold or leased, the following statement shall be clearly affixed to the plat(s) and readily visible:

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"The areas indicated on this plat as flood hazard areas have been identified as having at least a one percent chance of being flooded in any given year by rising tidal waters associated with possible hurricanes. Local regulations require that certain flood hazard protective measures be incorporated in the design and construction of structures in these designated areas. Reference shall be made to the development covenants and restrictions of this development and requirements of the Town of Edisto Beach Flood Damage Prevention Ordinance, Code of Ordinances of the Town of Edisto Beach section 14-111, et seq. In addition, federal law requires mandatory purchase of flood insurance as a prerequisite to mortgage financing in these designated flood hazard areas."

(Ord. of 9-12-02(1), § 1)

**Sec. 71-69. Engineering certification.**

All design, grading, drainage, and construction plans for roads, bridges, storm water and sewer systems and water systems shall be prepared and certified by a civil engineer registered for practice in the state, and such certification, shown on all such plans.

(Ord. of 9-12-02(1), § 1)

**Secs. 71-70-71-80. Reserved.**

**ARTICLE V. IMPROVEMENTS**

**Sec. 71-81. Required improvements.**

(a) *Water systems.* Water supply systems shall be installed according to plans approved by the state department of health and environmental control and the town and subject to specifications set forth by those agencies. Where applicable, water supply systems will meet the requirements of section 71-66.

(b) *Sewage disposal system.* The sanitary waste disposal systems shall be installed according to plans approved by the state department of health and environmental control and the town and subject to specifications set forth by those agencies. Where applicable, sewage disposal systems will meet the requirements of section 71-66.

(c) *Drainage system.* A drainage system shall be designed and constructed by the subdivision consistent with the design principles and standards contained in section 71-67, and adequate to provide proper drainage of the surface water of the subdivision and the drainage area of which it is a part. Drainage systems shall be installed according to plans approved by the town engineer designee and subject to the specifications set forth by the agency.

(d) *Streets.* A street system shall be designed and constructed consistent with the design standards contained in section 71-62.

(e) *Monuments and markers.* Permanent reference points shall be placed in accordance with the following requirements:

(1) Control monuments. Control monuments shall be placed in the pavements of subdivision

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streets so that no lot is more than two thousand (2,000) feet from a control monument. The control monuments shall be placed in the streets, off-set from the centerline approximately half-way between the centerline and the pavement edge in a cast iron "water main valve" type box with cover flush to the pavement. The control monument may be poured on the job or be a concrete marker of the type commonly used in the area. As an alternate to the above requirements control monuments may be placed in open space areas, park areas, or the like and may be of a type commonly used in the area and installed according to common practice.

- (2) Property markers. At all lot corners there shall be placed a concrete or other permanent marker of the type commonly used in the area.

(f) *Other utilities.*

- (1) All other utilities such as electrical, telephone and gas service, in the proposed subdivision, shall be installed according to the plans and installation schedule properly reviewed and approved by the respective utility companies.
- (2) All subdivision utilities in the town shall be installed underground unless exigencies of construction, as determined by and specifically qualified by the utility company necessitate a variance to allow for the use of overhead facilities.

(g) Open space/recreation areas open space and recreational areas must meet the requirements of section 71-65.

(Ord. of 9-12-02(1), § 1)

**Sec. 71-82. Installation of required improvements.**

Installation of required improvements may not begin until after preliminary plat approval is given by the Planning Commission. Installation shall be made according to the approved design on the preliminary plat.

(Ord. of 9-12-02(1), § 1)

**Sec. 71-83. Changes in the approved plans and specifications.**

If exigencies of construction necessitate changes in the approved plans and specifications, the subdivider/developer shall request approval of such changes by the Planning Commission, who may delegate the responsibility for reviewing and approving said changes to a qualified agent of the governing authority. The subdivider/developer shall not proceed with construction involving any changes prior to obtaining approval.

(Ord. of 9-12-02(1), § 1)

**Sec. 71-84. Maintenance of improvements.**

The Town Council shall maintain only those improvements offered by public dedication and

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accepted for public maintenance by the town.

For those improvements where public dedication and public acceptance for maintenance has not been made, the subdivider/developer shall maintain the required improvements or provide satisfactory guarantee to the Town Council of the maintenance of required improvements as stated in section 71-85.

(Ord. of 9-12-02(1), § 1)

**Sec. 71-85. Guarantees.**

To assure the complete installation and maintenance of required improvements, prior to final plat approval, the Town Council may require a bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the town the actual construction, installation and maintenance of such improvements with a period of time specified by the town and expressed in the bond. The town is hereby granted the power to enforce such bonds by all appropriate legal and equitable remedies. The town may accept other means of securing the actual installation and/or maintenance of required improvements.

(Ord. of 9-12-02(1), § 1)

**Sec. 71-82. Installation of required improvements.**

Installation of required improvements may not begin until after preliminary plat approval is given by the Planning Commission. Installation shall be made according to the approved design on the preliminary plat.

(Ord. of 9-12-02(1), § 1)