

LAND DEVELOPMENT REGULATIONS

***Barnwell County,
South Carolina***



**Prepared by Lower Savannah Council of Governments
on behalf of the
Barnwell County Planning Commission**

**April 2005
Revised January 2013**

BARNWELL COUNTY LAND DEVELOPMENT REGULATIONS

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As Provided for in Ordinance No.

PREAMBLE

AN ORDINANCE AMENDING LAND DEVELOPMENT REGULATIONS FOR BARNWELL COUNTY, A COUNTY IN THE STATE OF SOUTH CAROLINA, AND ALL THE LAND COMING UNDER JURISDICTION OF SAID COUNTY; AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF THE SOUTH CAROLINA LOCAL GOVERNMENT COMPREHENSIVE PLANNING ENABLING ACT, S.C. CODE SECTIONS 6-29-310 THROUGH 6-29-1200; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH.

BE IT RESOLVED by the County Council the County of Barnwell, South Carolina, and by the authority of the same that the following land development regulations are adopted for the County of Barnwell.

Chairman of the County Council

County Council Members

ATTEST:
Clerk of County Council

ARTICLE I

SHORT TITLE, PURPOSE, JURISDICTION, AUTHORITY

Section 1 Short Title

This ordinance shall be known and may be cited as the “Land Development Regulations of Barnwell County, South Carolina.”

Section 2 Purpose

The purpose of this ordinance is to require and provide for harmonious, orderly and progressive land development to promote the public health, safety, economy, good order, appearance, convenience and general welfare of Barnwell County through the control and regulation of the subdivision and development of land.

The regulations contained herein are designed to encourage economically sound and stable land development; to coordinate proposed development with existing development and with official county plans for future development; to ensure the provision of adequate facilities for transportation, water, sewage, education, recreation and other public requirements in subdivisions; to ensure the proper surveying, legal description, and monumentation of subdivided land; and to promote the public health, safety, and general welfare of the county.

Section 3 Jurisdiction

The regulations contained herein shall hereafter govern all land development and subdivision within the unincorporated areas of Barnwell County, South Carolina.

An official copy of the map showing the unincorporated area of jurisdiction of Barnwell County is on file in the office of the Clerk of Council. This map bears the seal of Barnwell County under the following words: “This is to certify that this is the official Land Development Jurisdiction Map referred to in Article I, Section 3, of the Land Development Regulations adopted by the Barnwell County Council on this _____ day of _____ as amended.

Section 4 Authority

Barnwell County hereby exercises the authority granted under South Carolina Local Government Comprehensive Planning Enabling Act of 1994 Code of Laws of South Carolina Title 6, Chapter 29.

ARTICLE II

DEFINITIONS OF CERTAIN TERMS USED HEREIN

Section 1 Definitions

As used in these regulations:

For the purpose of these regulations, certain words shall be defined below. Words used in the present tense include the future; the single number includes the plural number; the plural number includes the singular number. The word “shall” is mandatory, not directory. Terms not herein defined shall have their customary dictionary definitions where not inconsistent with the context.

- 1.1 Building Line - A line establishing the minimum allowable distance between the nearest portion of any building, excluding steps, gutters, and similar features, and the front, side and rear property line when measured perpendicularly there to.

- 1.2 Density - The quantity of anything per unit of volume or area: e.g., persons, lots, homes per acre, families per acre.

- 1.3 Group Development - A combination or arrangement of two (2) or more separate buildings, each containing one or more dwelling units, on a single parcel of land which has not been subdivided into customary streets, lots, and blocks.

- 1.4 Developer - An entity, including a governmental agency, who intends to undertake any development and who has a legal or equitable interest in the property to be developed.

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

- 1.6 Lot - A portion or parcel of land having its boundaries marked by a permanent marker at each change in direction of its boundaries and designated as a part of a legally approved and recorded subdivision plat or as described by metes and bounds, and intended for transfer of ownership or for building development.

- 1.7 Lot, Corner - A lot abutting upon two or more streets at their intersection, or upon two parts of the same street, forming an interior angle of less than 135 degrees. The point of intersection of the property lines or of the property lines as extended in the corner.
- 1.8 Official Maps and Plans - Any maps or plans officially adopted by the County Council as a guide for the development of the County.
- 1.9 Planning Commission - The Barnwell County Planning Commission which was established in 1999 by Resolution of the Barnwell County Council pursuant to the provisions of the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 (Code of Laws of South Carolina Title 6, Chapter 29).
- 1.10 Street - A dedicated public right-of-way which affords the principal means of access to abutting property and which has been accepted for maintenance by Barnwell County or the State Highway Department. For the purpose of these regulations, the term street or streets shall also mean avenues, boulevards, alley, roads, lanes, and other public ways.
- (a) Alley - A vehicular way used primarily for providing service access along the rear or sides of properties which are also served by one of the other types of streets defined herein.
 - (b) Collector Street - A public way designed to connect residential service streets with arterial streets or to provide a direct connection between two arterial streets and may be expected to carry a significant volume of traffic, having neither origin nor destination on the street.
 - (c) Commercial Service Street - A Street that is predominately used to provide access to abutting commercial or industrial properties.
 - (d) Cul-de-sac - A short street having one end permanently or temporarily terminated by a vehicular turn-around.
 - (e) Major Thoroughfare - (Arterial Street) - A street or highway which is used primarily to move fast or heavy traffic from one section of the urban area to another.
 - (f) Service Street - A street, located parallel to and adjacent to a major thoroughfare; and which provides access to abutting properties and protection from through traffic.
 - (g) Residential Street - A street which is used primarily for access to abutting residential properties.

- (h) Non-Dedicated Streets - This term applies to streets or roads which are not to be dedicated as a public right of way or intended for public acceptance and/or maintenance.
 - (i) Easement for Ingress and Egress - Used to enter and leave over another landowner's property. The easement shall be properly recorded and shall be no less than 20' feet wide and serve no more than two whole lots or tracts unless approved by the Barnwell Planning Commission.
- 1.11 Street Right-of-Way - The distance measured perpendicular to the edges of land in common with front lot lines opposite sides of that land dedicated to public use or in public use. Such width shall be not less than that set forth in Article VI, Section 2.14 of these regulations, and may be increased if in the discretion of the Commission the future needs of the community will be better served.
- 1.12 Frontage - The distance for which property abuts one side of a street, road, highway, or other public way measured along the dividing line between the public and private property.
- 1.13 Lot Depth - The distance between front and rear lot lines. If these lines are not parallel, the mean dimension shall be deemed to be the lot depth.
- 1.14 Lot of Record - A parcel of land, the dimensions of which are shown on a plat on file with the Clerk of Court for Barnwell County, South Carolina.
- 1.15 Structure - Anything constructed or erected, the use of which requires more or less permanent or semi-permanent location on the ground or the attachment to something having a permanent location on the ground. This includes gasoline pumps, signs, trailers, vending machines, etc.
- 1.16 Building Line - That line which represents the distance a building or structure must be set back from a lot line or a street right-of-way line according to the terms of this resolution.
- 1.17 Building Line Setback - The distance between the building line and the street line in a lot, tract, or parcel of land.
- 1.18 Subdivider - This is an individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity (or agent therefore) that undertakes the activities covered by those regulations. The word "subdivider" is intended to include the terms "developer" and "builder" even though the persons involved in successive stages of the project may vary.

1.19 Subdivision - All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, and includes all division of land involving a new street or a change in existing streets, and includes resubdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or, the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, and includes combinations of lots of record; however, 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) 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 governing authority;
- (b) The division of land into parcels of five acres or more where no new street is involved and plats of these exceptions must be received as information by the planning agency which shall indicate the fact on the plats; and
- (c) The combination or recombination of entire lots of record where no new street or change in existing streets is involved.
- (d) The partition of land by Court decree.

1.20 Comprehensive Plan - This refers to the various maps, plats, charts, and descriptive and explanatory material and all textual matter approved by the Barnwell County Planning Commission for the purpose of guiding and shaping the growth and development of any portion of Barnwell County, South Carolina.

ARTICLE III

GENERAL PROVISIONS

Section 1 Official Recording

Upon enactment of this Ordinance by the Barnwell County Council, a copy of this ordinance shall be filed in the Office of the Barnwell County Clerk of Court. After that time no subdivision plat or land development plan within the jurisdiction of Barnwell County may be filed or recorded in the office of the county where deeds are required to be recorded, and no building permit may be issued until the plat or plan bears the stamp of approval and is properly signed by the designated authority. The submission for filing or the recording of a subdivision plat or other land development plan without proper approval as required by this ordinance is declared a misdemeanor and, upon conviction, is punishable as provided by law (S.C. Code 6-29-1140).

Section 2 Application of Regulations

No street or other public way or land shall be accepted or maintained; nor shall any water lines, sewer, street lighting or similar improvements be extended or connected; nor shall any permits be issued by any department of the county for construction of a building or other improvement in any subdivisions established hereafter which do not meet the requirements set forth in this ordinance.

Section 3 Effect of Plat Approval and Dedications

The approval of a 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 County Council customary to such transactions.

Section 4 Violation and Penalty

The county official whose duty it is to accept and record real estate deeds and plats may not accept, file, or record a land development plan or subdivision plat involving a land area subject to these land development regulations unless the development plan or subdivision plat has been properly approved. If a public official violates the provisions of this section, he/she is, in each instance, subject to the penalty provided in this article and the affected governing body, private individual, or corporation has rights and remedies as to enforcement or collection as are provided, and may enjoin any violations of them.

Furthermore, the owner or agent of the owner of any property being developed within the County may not transfer title to any lots or parts of the development unless the land development plan or subdivision has been approved by the planning commission or designated authority and an approved plan or plat recorded in the office of the county charged with the responsibility of recording deeds, plats, and other property records. A transfer of title in violation of this provision is a misdemeanor and, upon conviction, must be punished in the discretion of the court. A description by metes and bounds in the instrument of transfer or other document used in the process of transfer does not exempt the transaction from these penalties. The county may enjoin the transfer by appropriate action.

Section 5 Interpretation of Subdivision Jurisdiction

Where uncertainty exists with respect to the boundary of the development jurisdiction of Barnwell County, the location of such boundary shall be determined by scaling the distance on the official copy of the map.

Section 6 Land Subject to Flooding

Land subject to flooding shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation.

When there is question by the Planning Administrator or designee of Barnwell County as to whether or not land is subject to flooding, the plat shall be referred to the U.S. Army Corps of Engineers (District Office in Charleston) for recommendations.

Section 7 Survey Accuracy

The error of linear closure at the boundaries of the tract to be subdivided shall not exceed one (1) foot per five thousand (5,000) feet of perimeter of land (1:5,000). The error of linear closure for lots shall be no greater than 1:2,500. Such error of closure shall be indicated on the final plat. In the event that the required scale causes difficulty in complying with required paper size, an exception can be made by the Planning Commission to submit an alternative scale.

Section 8 Vested Rights

Purpose and Intent: Providing for the establishment of Vested Rights to develop property pursuant to South Carolina Code of Laws, Title 6, Chapter 29, Article 11.

8.1 Definitions

- (a) Except as hereinafter set forth, the words, terms and phrases when used in this chapter shall have the meaning as set forth in §6-29-1520 of the Code of Laws of South Carolina, as enacted by Act 287 of 2004.
- (b) Site specific development plan means those documents that comprise a complete application for a zoning permit, certification of zoning compliance, variance, special exception, planned unit development, sketch plat or plan, or other similar approval that authorizes the developer or landowner to proceed with investment in grading, installation of utilities, streets, and other infrastructure, and to undertake other significant expenditures necessary to prepare for application for a building permit.

8.2 Establishment and conditions of vested right

- (a) A vested right to develop property in accord with a site specific development plan is triggered upon the final approval or conditional approval by the official or body authorized to approve a site specific development plan.
- (b) Except as hereinafter set forth, a vested right established by this division is subject to the conditions and limitations as proscribed by §6-29-1540 and 1550 of the Code of Laws of South Carolina as enacted by Act 287 of 2004.
- (c) No vested rights are established for phased development plans, including approved or conditionally approved phased development plans and phased development plans applicable to real property proposed for annexation. An approved or conditionally approved site specific development plan is required prior to approval with respect to each phase.
- (d) A vested right for an approved site specific development plan expires after two (2) years after the date of final approval by the authorized official or body.
- (e) A vested site specific development plan may be amended if the amendment conforms to, or does not cause greater nonconformity with, the current provisions of this chapter. Approval or conditional approval of an amendment does not reset the expiration period of a vested right.

- (f) No sooner than three (3) months, and no later than forty-five (45) days prior to the expiration of the two-year vested right period for an approved site specific development plan, the landowner of property with a vested right in a site specific development plan may apply to the Barnwell County Planning Administrator for an annual extension of the vested right. The authorizing official or body must approve an application for an annual extension of the vested right unless an amendment to the land development regulations or ordinances has been adopted that prohibits approval. No more than five (5) annual extensions of the vested right may be approved.
- (g) A vested right pursuant to Section 6-29-1550 is not a personal right, but attaches to and runs with the applicable real property. The landowner and all successors to the landowner who secure a vested right pursuant to this article may rely upon and exercise the vested right for its duration subject to applicable federal, state, and local laws adopted to protect public health, safety, and welfare.

8.3 Conflicting provisions

- (a) Wherever the provisions of this section establish more restrictive time frames upon a landowner than those which are authorized within this Article, the time frames of this Article shall prevail.

ARTICLE IV

PLAT REQUIREMENTS

Section 1 The Sketch Plan

Prior to filing an application for Final Plat approval, the developer or his representative may be required by the Planning Administrator to submit a Sketch Plan of the proposed development to the Barnwell County Planning Administrator. This plan shall be submitted at a regular meeting of the Planning Commission. At the meeting the developer or his representative should present the plan for the new development and seek the advice and assistance of the Planning Commission. The sketch plan should conform to Article VI.

1.1 Information to be Shown on Sketch Plan

- (a) The Sketch Plan shall be drawn at a scale of one (1) inch equals one hundred (100) feet, or one (1) inch equals fifty (50) feet.
- (b) Total acreage in the tract to be developed.
- (c) Tentative street and lot arrangement.
- (d) Approximate right-of-ways, easements, and lot lines.
- (e) Average lot area and approximate number of lots.
- (f) Existing and proposed uses of land throughout the development.
- (g) Zoning classification, if any.
- (h) A location map which shows the relationship between the proposed development and the surrounding area.

ARTICLE V

FINAL PLAT PROCEDURE

Section 1 The Final Plat

The developer shall submit one (1) Final Plat in digital format, as approved by the Planning Administrator and one (1) original plat certified by raised seal, to the Planning Administrator at least fourteen (14) days prior to the regularly scheduled meeting of the Commission at which the plat is to be considered for final approval. At the same time, there shall be submitted one (1) set of the plans and specifications for all improvements and the proposed deed restrictions.

Developments which do not involve the platting, construction or opening of new streets, water or sewer facilities, or improvement to existing streets shall be accepted by the Planning Commission in the form of a Final Plat. Such developments shall comply with all requirements of these regulations.

1.1 Improvements - Before submitting the Final Plat for review, the developer shall have installed all required improvements or shall have filed a bond in accordance with the provisions of this ordinance.

1.2 Time of Submission - The Final Plat of the proposed development shall be submitted to the Planning Commission for final approval within one (1) year of the date on which the Sketch Plan was approved. If not submitted for final approval within such time, the Sketch Plan shall be considered as having been disapproved, unless the Commission agrees to an extension of time.

1.3 Content of the Final Plat - The Final Plat shall conform substantially to the Sketch Plan as it was approved. The Final Plat shall be prepared by a registered surveyor or engineer and shall be drawn to a scale of one (1) inch equals one hundred (100) feet or one (1) inch equals fifty (50) feet on page(s) not larger than 18 inches by 26 inches. It shall contain or be accompanied by the following information:

1.3.1 Survey Data

- (a) Exact boundary of the tract to be subdivided, the error of closure shall be no greater than 1:5000.
- (b) The error of linear closure for lots shall be no greater than 1:3000.
- (c) Names and locations of adjoining developments, subdivisions and streets and the location and ownership of adjoining undeveloped property.

- (d) Accurate location and description of all monuments, markers, and control points.
- (e) Sufficient engineering data to determine readily and reproduce on the ground every straight or curved boundary line, street line, right-of-way line, easement line, and setback line, including linear dimensions, bearings or deflection angles, tangents, radii, arcs, chords, and central angles. (All dimensions shall be measured to the nearest one-hundredth of a foot and all angles to the nearest minute.)
- (f) Contours showing the topography of the site at a vertical interval of ten (10) feet, or as required by the Planning Commission.

1.3.2 Site Data

- (a) All right-of-way, easements, and areas to be dedicated to public use with the purpose of each stated.
- (b) Areas to be used for purposes other than residential and public, if any, with the purpose, location, and dimensions of each indicated.
- (c) Lot and block numbers, if applicable; street names.
- (d) Roadway sections and profiles of street.
- (e) Plans for water mains, sanitary sewers, and storm sewers, showing sizes and profiles, if applicable.

1.3.3 Other Information

- (a) Name of development, owner, surveyor and/or engineer.
- (b) Date of survey and plat preparation and revision dates, north arrow; graphic scale.
- (c) Reference to deed restrictions proposed for the subdivision, if any.
- (d) Any other information considered by either the developer or the Planning Commission to be pertinent to the review of the Final Plat.

Section 2 Certificates

The following signed certificates shall be shown on the original and all copies of the Final Plat submitted to the Planning Commission:

- A. Certificate of surveying and mapping. See Appendix A.
- B. Certificate of approval of the design and installation of water/sewage system. Appendix A.
- C. Certificate of ownership and intent. See Appendix A.
- D. Certificate of approval of water supply and sewage disposal systems. Appendix A.
- E. Certificate of approval of street names by the Postmaster and the Barnwell County Emergency Management Office. (MOVED TO 1.3.3 (E) Other Information.
- F. Certificate of approval of the Final Plat by the Planning Commission. See Appendix A.

Section 3 Planning Commission Action

The Planning Commission shall approve or disapprove the Final Plat within sixty (60) days after it has been submitted for final approval. Approval and the date thereof shall be shown on the plat over the signature of the Planning Commission Chairman and two (2) other members of the Commission. If no action is taken by the Commission at the end of sixty (60) days after submission, the plat shall be deemed to have been approved.

If the Final Plat is disapproved by the Planning Commission, the grounds for such action shall be stated in writing. The reasons for disapproval shall refer specifically to those parts of the General Plan or ordinance or regulations with which the plat does not conform. One (1) copy of the reasons for disapproval shall be retained in the records of the Planning Commission, and another shall be given to the developer.

Prior to recording, the Final Plat shall be submitted to the County Council for approval of public streets, utilities, easements and land dedicated to public use. This approval does not mean the County Council has accepted these streets into the county road maintenance system.

After final approval, the Planning Administrator shall file the original approved Final Plat with certificates, if any, with the Barnwell County Clerk of Court and

obtain a receipt that the Final Plat was filed. The Planning Administrator shall provide each member of the Planning Commission and the developer with one (1) dark line print thereof.

ARTICLE VI

MINIMUM DESIGN STANDARDS

The following design standard shall be considered minimum requirements; however, higher standards are to be encouraged in design. Land development design should carry out the purpose of the Comprehensive Plan and these regulations but not be limited to the minimum requirements.

Section 1 General Standards

- 1.1 Conform to Plan - All proposed land development must conform to the approved comprehensive plan, map, other regulations, ordinances and resolutions of the county.

- 1.2 City Water and Sewer System Preferred – If Available

- 1.3 Underground Installation - All sanitary sewers, storm drains, water lines, and gas must be placed underground and must be installed before new streets and alleys are paved with water and sewer connections provided for each lot to a distance two (2) feet back of the curb line. When the roadway of an existing street or road is cut to provide connections to existing sewer, water and other systems, the responsible party will replace roadway surface with identical material or such other material that meets the minimum standards for the service.

Section 2 Streets

- 2.1 Conformity to Existing Maps or Plans - The location and width of all proposed streets shall be in conformity with official plans and maps of Barnwell County and with existing or amended plans of the Planning Commission.

- 2.2 Public Streets - All streets which are to be dedicated shall be public streets and shall be opened to the exterior property lines of the development unless permanently terminated by a vehicular turnaround or an intersection with another street.

- 2.3 Continuation of Adjoining Streets - Proposed streets shall be coordinated with the street system in the surrounding area and provide for the continuation of principal streets.

- 2.4 Reserve Strips - Reserve Strips controlling access to streets shall be prohibited except where their control is placed with the county under conditions approved by the Planning Commission.

- 2.5 Residential - Residential streets shall be laid out so their use by through traffic will be discouraged in that 3-way intersections (“T” intersections) shall be used as much as possible.
- 2.6 Service Streets with Major Thoroughfares - Where a subdivision abuts or contains an existing or proposed major thoroughfare, the Planning Commission may require service streets, reverse frontage with screen planting line, 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.
- 2.7 Service Streets with Highways and Railways - Where land to be subdivided borders or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require a service street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
- 2.8 Street Jogs - Street jogs with centerline offsets of less than two hundred (200) feet shall be avoided.
- 2.9 Tangents - A tangent of at least one hundred (100) feet on minor streets; one hundred and fifty (150) feet on collector streets; and as determined by the State Highway Department on major thoroughfares shall be introduced between reverse curves.
- 2.10 Intersections - The center lines of no more than two (2) streets shall intersect at any one point. Streets shall be laid out to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than sixty (60) degrees. The maximum grade approaching intersections shall not exceed five (5) percent for a distance of not less than one hundred (100) feet from the center line of said intersection. The radius of edge of pavement or face of curb shall be not less than thirty-two (32) feet at the intersection of collector streets and major thoroughfares.
- 2.11 Property Lines at Intersections - Property lines at street intersections shall be rounded with a radius of twenty (20) feet.
- 2.12 Horizontal Curves and Vertical Curves - All horizontal and vertical curves shall be in compliance with the regulations and standards established by the South Carolina State Highway Department.

2.13 Grade - Unless necessitated by unusual topographic conditions and approved by the Planning Commission, the minimum grade on any street shall be one (1) percent. The maximum grade shall not exceed ten (10) percent.

2.14 Right-Of-Way - Street right-of-way shall be not less than the following:

Alley ..	20 feet
Collector Street	50 feet
Commercial Service Street	50 feet
Cul-de-sac	100 feet (dia.)
Easement for Ingress and Egress.....	20 feet
Major Thoroughfare...	80 feet
Residential Service Street	50 feet
Residential Street	50 feet

2.15 Pavement Widths - Pavement widths shall be not less than the following:

Alley ..	20 feet
Collector Street	36 feet
Commercial Service Street	36 feet
Cul-de-sac	80 feet (dia.)
Major Thoroughfare...	52 feet
Residential Service Street	27 feet
Residential Street	27 feet

2.16 Cul-de-sac - Dead end streets designed to be permanently terminated shall not exceed twelve hundred (1,200) feet in length, except where no other access is practical due to topographic reasons. Such streets shall be provided at the end with a circular turnaround. A minimum turnaround shall have a radius of not less than fifty (50) feet at the property line and not less than forty (40) feet at the curb line.

2.17 Temporary Dead End Streets - Temporary dead end streets which extend for a greater distance than three hundred (300) feet shall be provided with a temporary turnaround having a diameter of eighty (80) feet, or other suitable turnaround.

2.18 Half Streets - Half streets are prohibited. Whenever a street is planned adjacent to the boundary of the proposed development, the entire street right-of-way shall be platted within the proposed development.

2.19 Street Names - No street names shall be used which will duplicate or be confused with existing streets. Street names shall be subject to the approval of the Postmaster and County Emergency Management Office. A street name certificate must accompany all Final Plats for approval.

2.20 Additional Right-Of-Way - Where streets in existing subdivisions do not meet the standard for maintenance of the State Highway Department, and residents wish to dedicate said streets for public maintenance and/or acceptance, property owners abutting on said streets shall provide a minimum of one-half (2), measured from the center line of the existing right-of-way, of the total right-of-way required by these regulations.

Section 3 Alleys

3.1 Residential Areas - Alleys are not required for residential areas, but when provided shall not be less than twenty (20) feet in width.

3.2 Intersections - Alley intersections and sharp changes in alignment should be avoided, but where necessary, the curve radius shall permit safe vehicular movement.

3.3 Dead-Ends - Dead-end alleys should be avoided, but where necessary shall be provided with adequate turnaround facilities at the dead-end, as determined by the Planning Commission.

Section 4 Easements

4.1 Easements not less than fifteen (15) feet wide centered on side or rear lot lines shall be provided where necessary for use by public or private utilities.

4.2 Easement for Ingress and Egress – Used to enter and leave over another landowners property. The easement shall be properly recorded and shall be no less than 20’ feet wide and serve no more than two lots or tracts unless approved by the Barnwell County Planning Commission.

4.3 Where a proposed development is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way course, and of sufficient width to carry off storm water.

4.4 Water Flow Right-Of-Way - Where proposed land development will materially alter the natural drainage pattern within and/or increase the rate of discharge of drainage water from its own borders, and will thereby materially affect the discharge of drainage water onto properties lying below and beyond its own borders, the developer will secure from the owner or owners of affected properties an adequate drainage easement in favor of the County through and across properties to a point where drainage water passing along such right-of-way is discharged into

a natural drainage way adequate to handle the drainage without effect upon other properties.

The developer will make improvements within the right-of-way areas as may be required to properly cause the drainage water to flow along and within the limits of the right-of-way. The nature and extent of the right-of-way and improvements necessary to properly handle the drainage water to be discharged along the right-of-way will be determined by the County Administrator's office, DHEC and other appropriate regulatory agencies in accordance with good engineering practices.

Section 5 Blocks

5.1 Length - The lengths, widths, and shapes of blocks shall be determined with due regard for the following:

- (a) Provision of adequate building sites available to the special needs of the type of use contemplated.
- (b) Needs for convenient access, circulating control and safety of street traffic.
- (c) Limitations and opportunities of topography.

Blocks for residential use shall not be longer than twenty-four hundred (2,400) feet, and shall not be less than four hundred (400) feet in length, measured along the road centerline of the block.

5.2 Pedestrian Crosswalks - Pedestrian crosswalks, not less than ten (10) feet wide, may be required in blocks longer than six hundred (600) feet to provide reasonable circulation or access to schools, playground, shopping centers, transportation, and other community facilities.

5.3 Width - Blocks should be of sufficient width to allow for two (2) tiers of lots of appropriate depth.

Section 6 Public Site and Open Space

Where a proposed park, playground, school, and other public use shown in the Comprehensive Plan is located in whole or in part in a proposed development, the Planning Commission may require the reservation of such area for a period not exceeding ninety (90) days from the date of approval of the Sketch Plan.

Section 7 Area Subject to Flooding

A plat of a proposed development submitted to the for Planning Administrator approval which contains lands subject to flooding shall have such areas delineated as being subject to flooding. The building located on such land must be set back a minimum of twenty-five (25) feet on all sides from the high water mark for that particular lot, unless in the opinion of the Planning Administrator such use is deemed to endanger health, life or property, or aggravate the flood hazard.

ARTICLE VII

REQUIRED IMPROVEMENTS

Final plat approval shall not begin until the developer has installed the required improvements or has guaranteed to the satisfaction of the Planning Commission that such improvements will be installed. One set of as-built plans and specifications certified by a registered engineer shall be filed with the Planning Administrator prior to acceptance by the Planning Commission of any improvement installed by the subdivider.

Section 1 Monuments and Markers

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

Section 2 Performance Guarantee

If all improvements as required by the Planning Commission in granting tentative approval of the plat are not properly installed and constructed in accordance with the required standards prior to the submission of a final plat application, the developer may be permitted to post a surety bond, certified check, or other instrument readily convertible to cash. The surety must be in an amount equal to at least one hundred twenty-five (125) percent of the cost of the improvements. This surety must be in favor of Barnwell County to ensure that, in the event of default by the developer, funds will be used to install the required improvements at the expense of the developer.

The performance guarantee must be approved by the County Council and the County Attorney, and must include a specific, reasonable and satisfactory date for the completion of the necessary improvements. In no case shall the performance guarantee be valid for more than two (2) years.

2.1 Return of Guarantee - When the improvements have been completed and approved for conformity with these regulations, the guarantee shall be released and returned. When any portion of the required improvements has been completed and approved, a portion of the guarantee commensurate with the cost of these completed improvements may be released and returned.

2.2 Default of Guarantee - In the event the developer fails to install or construct the required improvements during the specific time allotted and in conformity with these regulations, the performance guarantee is forfeited to the County to be used for the completion of the improvements.

Section 3 Streets, Alleys and Roads

Except as otherwise provided by section 3.3 below, these regulations require that streets in all developments in Barnwell County be paved. In cases where paving is to be provided, such paving shall be accomplished in accordance with existing state and local standards. In such cases where paving is not to be provided by the developer, appropriate notation shall be shown on final plat prior to recording.

Streets that are to be paved, improved, or surfaced will meet the following specifications:

- 3.1 Grading - All streets should be cleared and/or graded to their full pavement widths plus a minimum of ten (10) feet beyond the backs of curbs. Grading shall meet the specifications of the South Carolina State Highway Department. Under no circumstances shall standards less than the applicable standards of Barnwell County be allowed.

- 3.2 Paving - The developer shall be responsible for the cost and installation of the street foundation and surface that meets the requirements of this resolution and other county and/or state specifications. Grading and paving shall meet the requirements set forth in Standard Specifications for Highway Construction, South Carolina State Highway Department. Design specifications should be reviewed on an individual basis and approved in writing by the Barnwell County Engineering Department. Under no circumstances shall standards less than the applicable standards of Barnwell County be allowed.

- 3.3 Unpaved roads - In subdivisions in rural and predominately agricultural locations, the Planning Commission may recommend that streets and roads be left unpaved. In making such recommendations, the Planning Commission, on recommendation of the County Engineer, must consider the following:
 - 1) Density and lot size.

 - 2) Soils and topography of development.

 - 3) Drainage and erosion control.

In all instances where provisions for unpaved roads are to be requested, a Planning Commission recommendation shall be forwarded to the County Council during the sketch plan stage. The Planning Commission shall be prohibited from granting such plan approval until such time as assurances have been received from the County Council that such roads may be approved but may not be accepted into the county road system.

- 3.4 New unpaved subdivision streets: See Appendix D - Barnwell County Road Ordinance No. 1993-68 (Establishing Criteria for Roads to be Accepted for County Maintenance) and Amending Ordinance No. 1999-130.

Section 4 Curbs and Gutters

In residential subdivisions with paved roads and lots smaller than one half (1/2) acre in size, curbs and gutters may be required. While concrete curbs and gutters may be required in “high-traffic” areas, asphalt curbs and gutters may be permitted in areas of less intensive activity and traffic when installed according to previously approved plans and profiles. When curb and gutters are required, they shall be constructed in accordance with methods described in the current manual of standard specifications for road construction of the South Carolina State Department of Transportation. Under no circumstances shall standards less than the applicable standards of Barnwell County be allowed.

The Planning Commission may also require the installation of curbs and gutters in developments and subdivisions devoted to commercial or industrial use, if it is determined that such installation is necessary for public safety and convenience.

Section 5 Water Lines

The water distribution system will be designed to the standards of SC DHEC and the local jurisdiction providing water to the proposed development. An adequate supply of water for domestic and fire purposes will be provided with sufficient pressure in the mains to meet minimum standards for fire purposes at all times, in accordance with underwriters standards. When a water distribution system is installed in the development, the developer will provide an approved water connection to each lot, parcel or unit to be served.

The water mains in the development will:

- A. Be of sufficient size to provide at least one standard fire hydrant within one thousand (1,000) feet (to be measured along right-of-way of streets or public ways) of each residence or other structures and at locations designated by the Fire Department with jurisdiction for serving the area;
- B. Provide circulation in the system;
- C. Comply with all rules and standards of Barnwell County, and SC DHEC.

- 5.1 Connection to a Public System - Where an existing public water main, in the opinion of the Commission, is reasonably accessible, and for the purpose of this section “reasonably accessible” is considered two hundred (200) feet from the property proposed to be developed, the developer will connect with the water main and provide the required connection for domestic and fire purposes.
- 5.2 Separate System - Where a public water main is not reasonably accessible, or planned, the developer may provide a central water system, according to standards and specifications of the local provider and must receive approval of the SC DHEC and must comply with all provisions established in these regulations for water for domestic and fire purposes.
- 5.3 Regulations May Be Waived - Where the lot is ten thousand (10,000) square feet or more in size, this regulation may be waived, provided the SC DHEC concurs that the source of individual water supply is adequate and safe for human consumption.

Section 6 Sanitary Sewers

- 6.1 Connection to Public System - Where an existing public sanitary sewer is available or reasonably accessible and for the purpose of this section “reasonably accessible” is considered two hundred (200) feet from the property proposed to be developed, the developer will connect with the sanitary sewer and provide an adequate connection for each lot. The design, grade, and capacity will be approved by the public system operator.
- 6.2 Temporary Separate System - Where a public sanitary sewer is not reasonably accessible, but where the plans for a sanitary sewer system have been prepared and installation shall occur within six months or less, the developer will install sewers in conformity with the plans, although a connection with an existing main may not be immediately practicable.
- In such cases, and until the connection is made with the planned sewer system, the subdivider will provide for the disposal of sanitary sewage by a system approved by the SCDHEC.
- 6.3 Separate System - Where sanitary sewers are not available or planned, and if the proposed development is to be on open type septic tanks, which are designed and installed according to standards of the SC DHEC, will be permitted, provided no lot is less than ten thousand (10,000) square feet.

6.4 Design Capacity - All sanitary sewers will be designed to be compliant with minimum peak flow requirements of SC DHEC.

Section 7 Storm Sewers and Drainage

An adequate storm drainage system designed to protect proposed development from flooding shall be installed in accordance with good engineering practice. The system shall be adequate to carry all storm water in its drainage area that is expected to occur during a ten (10) year period and shall complement systems on adjacent properties. Where a public storm sewer is available or reasonably accessible, as determined by the Barnwell County Engineer, the developer shall connect with such drainage systems.

Section 8 Culverts and Bridges

All culverts and bridges will be constructed to the standards and requirements set forth by the South Carolina State Highway Department.

Section 9 Street Signs

The developer shall place street name signs and stop signs which meet County specifications at all street intersections within the development. In addition, the developer shall place other directional and warning signs at all locations within the subdivision as may be determined, by the 911 Coordinator and Barnwell County Engineer, to be in the best interest of public safety.

Section 10 Oversized Improvements

Whenever a development contains streets, water mains, or sewer mains that are larger than those required to serve the future occupants of the development, the developer shall be required to pay only that portion of the cost of the improvement that would equal the cost of an improvement required to serve only the subdivision, as determined by the County Council. The balance of the cost will be borne by the unit of government concerned.

ARTICLE VIII

PARTICIPATION BY COUNTY IN INSTALLATION
OF WATER AND SEWER MAINS IN SUBDIVISIONS

Section 1 Water and Sewer Lines

Barnwell County is not required to participate in the installation of water lines or sanitary sewer lines in any development for the sale of lots within the jurisdiction of these regulations.

ARTICLE IX

APPROVAL OF STREET NAMES

Section 1 Street names will be approved in accordance with Barnwell County Road Ordinance No. 1991-52 “Road Naming Ordinance of Barnwell County” and subsequent Ordinances passed by Council regarding guidelines for the naming of roads. See Appendix E.

ARTICLE X

ADMINISTRATION AND AMENDMENT

Section 1 Variance

Whenever the tract to be developed is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in The Barnwell County Land Development Regulations would result in substantial hardships or inequity, the Planning Commission may vary or modify, except as otherwise indicated, requirements of design, but not of procedure or improvements, so that the developer may develop said property in a reasonable manner, but so, at the same time, the public welfare is protected and the general intent and spirit of the regulations are preserved. Also, the developer shall be required to make his intentions for variance known by public notice; this notice is required to be published one time in the local newspaper ten (10) days prior to submission of request for the variance. Such modification may be granted upon written request of the developer stating the reasons for each modification and by an affirmative vote of the majority of the membership of the Planning Commission present.

Section 2 Conditions

In granting variances and modifications, the Planning commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

Section 3 Amendment

This ordinance may be amended from time to time by the Barnwell County Council after a public hearing on the proposed amendment, following at least thirty (30) day notice of the time and place by publication in a newspaper of general circulation in the County. However, no amendment shall become effective unless it shall have been submitted to the Planning Commission for review and recommendation. The Planning Commission shall have sixty (60) days within which to submit its report.

If the Planning Commission fails to submit a report within the specified time, it shall be deemed to have approved the proposed amendment.

Section 4 Validity

If any section, clause, paragraph, provision, or portion of the regulations shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of the Barnwell County Land Development Regulations.

Section 5 Conflict With Other Regulations

All ordinances or regulations or parts of ordinances in conflict herewith are hereby repealed.

This Ordinance shall take effect and be in force from and after its adoption by the Barnwell County Council this _____ day of _____, 20____.

Title

Title

APPENDIX A

CERTIFICATION

An Engineer's or Surveyor's Certification, directly on the final plat as follows:

It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown hereon actually exist or are marked as 'Future' and their location, size, type and material are correctly shown; and that all engineering requirements of the Land Development Regulations of Barnwell County, South Carolina, have been complied with.

By _____ Registered C.E. No. _____

_____ Registered South Carolina Surveyor No. _____.

* * * * *

Certification of Approval of Water supply and Sewage Disposal Systems, as follows:

I hereby certify that the water supply and sewage disposal systems installed, or proposed for installation in _____ Subdivision fully meet all Public Health requirements, and are hereby approved as shown:

Date

“County Health Officer
Or Authorized Representative”

An Owner's Certification, directly on the final plat, as follows:

Owner's Certification:

State of South Carolina, County of Barnwell

The owner of the land shown on this plat and whose name is subscribed hereto, in person or through a duly authorized agent, certifies that his plat was made from an actual survey, that all state and county taxes or other assessments now due on this land have been paid.

Agent _____ Owner _____

Date _____ Date _____

* * * * *

Certificate of Ownership and Dedication

I hereby certify that I am the owner of the property shown and described hereon and that I hereby adopt this plan of development with my free consent, establish minimum building setback lines, and dedicate all streets, alleys, walks, parks, and other sites and easements to public or private use as noted. Furthermore, I dedicate all water and sewer lines to Barnwell County or other such entity as may be directed by the County.

Owner _____ Date _____

* * * * *

A Certificate of Approval of the Final Plat by the Planning Commission:

Pursuant to the Land Development Regulations of Barnwell County, South Carolina, all the requirements of approval having been fulfilled, this final plat was given approval by the Barnwell County Planning Commission on _____, 20__.

Date _____ Chairman _____

Member Member

APPENDIX B

PLAT APPROVAL PROCEDURE

