Town of Moncks Corner

LAND DEVELOPMENT REGULATIONS

Prepared By:

Moncks Corner Planning Commission
&
Moncks Corner Town Council

Updated October 16, 2012
Ordinance 2012-

TABLE OF CONTENTS

ARTICLE 1
GENERAL PROVISIONS 1
§ 1-1 PURPOSE 1
§ 1-2 SHORT TITLE 1
§ 1-3 AUTHORITY 2
§ 1-4 JURISDICTION 2
§ 1-5 TYPES OF DEVELOPMENT 2
§ 1-6 FEES 2

ARTICLE 2
DEFINITIONS 2
§ 2-1 USAGE 3
§ 2-2 DEFINITIONS 3

ARTICLE 3
PROCEDURE FOR PLAT APPROVAL 10
§ 3-1 GENERAL PROCEDURE 10
§ 3-2 PROCEDURES 11
a. Sketch Plan 11
1. Discussion of Requirements 11
2. Application Procedure and Requirements 11
3. Distribution of Sketch Plan 12
4. Approval of Sketch Plan 12
5. Appeals of the Decisions of the Administrative Official 12
b. Preliminary Plat 13
1. Application Procedure and Requirements 13
2. Approval of Preliminary Plat 13
3. Appeals of the Decisions of the Administrative Official 13
4. Effective Period of Preliminary Approval 14
5. Model Homes 14
6. Building Permit 15
c. Final Plat 15
1. Application Procedure and Requirements 15
2. Final Plat Approval 16
3. Appeals of the Decisions of the Administrative Official 17
4. Certificate of Approval for Recording 18
5. Recording of Final Plat 18
6. Staging of Major Subdivisions 18
7. Final Plat Revision 18
8. Approval of plan or plat not acceptance of dedication of land 18

§ 3-3 DHEC APPROVAL 19
§ 3-4 FHA; FmHA APPROVAL 19
§ 3-5 FLOOD PLAIN RESTRICTIONS 19
§ 3-6 WETLANDS 19
§ 3-7 ACCEPTANCE OF UNAPPROVED PLAT PROHIBITED 19
§ 3-8 STREET NAMING 19

ARTICLE 4
PLAT REQUIREMENTS 19
§ 4-1 SKETCH PLAN 19
a. Scale 19
b. Information 19
1. Name 20
2. Ownership 20
3. Location 20
4. Features 20
§ 4-2 PRELIMINARY PLAT 21
a. Scale 21
b. Information 21
1. Name 21
2. Ownership 21
3. Location 21
4. Features 21
§ 4-3 CONSTRUCTION PLANS 24
a. Scale 24
b. Information 24
1. Street elevations 24
2. Profiles 24
3. Utilities 24
4. Drainage area 24
5. Topography 24
6. Specifications 24
7. Grading 25
8. Engineer and Surveyor 25
§ 4-4 FINAL PLAT 25
a. Scale 25
b. Information 25
1. Owner 25
2. Caption 25
3. Surveyor 25
4. Location 25
5. Streets 25
6. Adjacent owners 25
7. Boundaries 25

8. Streets 26
9. Easements 26
10. Lot lines 26
11. Public sites 26
12. Dimensions 26
13. Monuments 26
14. Proposed use 26
c. Certification 26
1. Certificate of Accuracy 26
2. Certification of Ownership and Dedication 26
3. Information to Accompany Final Plat Without Bond 27

ARTICLE 5
MINIMUM DESIGN STANDARDS 27
§ 5-1 GENERAL 27
§ 5-2 STREETS 27
a. Layout 27
b. Access streets 27
c. Additional access 28
d. Continuation of Existing Street Pattern 28
e. Cul-de-sacs 28
f. Temporary Dead-End Streets 28
g. Half Streets 28
h. Intersections 28
i. Reverse Curves 28
j. Street Access 28
k. Street Jogs 29
l. Street Names 29
m. Additional right-of-way 29
n. Right-of-Way Widths 30
o. Street Grades 30
p. Horizontal Curves 30
q. Vertical Curves 30
§ 5-3 BLOCKS 30
a. Non-residential Blocks 30
b. Residential Block Length 30
c. Crosswalks 31
§ 5-4 LOTS 31
a. Authority of Health Department 31
b. Setback Lines - Residential 31
c. Lot Lines and Town Limit Lines 31
d. Lot Lines 31
e. Minimum Lot Dimensions and Area 31
f. Corner Lots 31

g. Double Frontage 32
h. Street Access 32
i. Flag Lots 32
§ 5-5 UTILITIES AND EASEMENTS 32
a. Utility Easements 32
b. Water Course and Drainage Easements 32
§ 5-6 DEDICATION OF PUBLIC SITES 32
§ 5-7 FLOOD PROTECTION 32
§ 5-8 MANUFACTURED HOME PARKS 33
§ 5-9 VARIANCE OF DESIGN STANDARDS 33

ARTICLE 6
REQUIRED IMPROVEMENTS 33
§ 6-1 SUBDIVIDER TO INSTALL IMPROVEMENTS 33
§ 6-2 MONUMENTS 33
§ 6-3 RESERVED 33
§ 6-4 WATER SUPPLY 33
§ 6-5 SANITARY SEWERAGE 34
§ 6-6 CURBS AND GUTTERS 34
§ 6-7 STREET GRADING AND SURFACING 34
§ 6-8 STORM DRAINAGE 34
§ 6-9 STREET NAME SIGNS 34
§ 6-10 SIDEWALKS 34
§ 6-11 TREES 34
§ 6-12 OPEN SPACE RECREATION REQUIREMENTS 35
a. Single Family Lots 35
b. Multifamily and High-Density Residential 35
§ 6-13 TRAFFIC CONTROL DEVICES 35
§ 6-14 STREET LIGHTS, RESIDENTIAL 35
§ 6-15 SURETY IN LIEU OF COMPLETION OR IMPROVEMENTS 36

ARTICLE 7
GROUP DEVELOPMENT 36
§ 7-1 GENERAL 36
a. Site Plan Review 36
b. More Restrictive Standards 36
c. Types of Group Developments 36
1. Commercial or Industrial 36
2. Housing 36
§ 7-2 PROCEDURES FOR GROUP DEVELOPMENT APPROVAL 36
a. Site Plan Required 37
b. Appeal to Planning Commission 37
c. Appeal to court 37
d. Time for approval 37

e. Variance 37
§ 7-3 GROUP DEVELOPMENT SITE PLAN INFORMATION 37
a. Acreage 37
b. Access 37
c. Structure location 38
d. Structure arrangement 38
e. Land use 38
f. Uses and intersections 38
g. Utilities 38
h. Topography 38
i. Caption 38
j. Vicinity map 38
k. Flood data 38
l. Streets 38
m. Other 38
§ 7-4 GROUP DEVELOPMENT STANDARDS 38
a. Zoning Ordinance Requirements 38
b. Water, Sewerage and Drainage 38
c. Access 39
d. Manufactured Home Parks 39
§ 7-5 ENFORCEMENT 39

ARTICLE 8
PLANNED DEVELOPMENTS 39
§ 8-1 PROCEDURE 39
§ 8-2 PROCESS 39

ARTICLE 9
LAND SURVEYING STANDARDS 39
§ 9-1 Survey Requirements 39
§ 9-2 Survey Guidelines 39
a. Terrestrial Surveys 40
b. Global Positioning System (GPS) Surveys 40
c. Plat Requirements 40
d. Geodetic Control Monuments 40
e. Orthophoto Locator Ties 40
§ 9-3 Electronic Data Files 40

ARTICLE 10
SURETY IN LIEU OF COMPLETION OF IMPROVEMENTS 41
§ 10-1 Bond Permitted 41
a. Bond approval 41
b. Surety 41
§ 10-2 Bond Amount 41

a. Minimum 41
b. Costs included 41
§ 10-3 Procedures for Bond Approval 41
a. Application 41
b. Review 41
c. Attorney recommendation 41
d. Plat approval 42
e. As-built drawings 42
f. Bond release 42

ARTICLE 11
APPLICATION OF REGULATIONS 42
§ 11-1 Recording of Final Plat 42
§ 11-2 Streets 42
§ 11-3 Permits 42

ARTICLE 12
VIOLATION AND PENALTY 42
§ 12-1 Violation by Developer 42
§ 12-2 Violation by Recording Official 43
§ 12-3 Enforcement 43
a. Misdemeanor; penalties 43
b. Withholding permits 43
c. Complaints 43
d. Stop work orders 43
e. Ordinance Summons 43
f. Arrest warrant 43
g. Injunction 44

ARTICLE 1
GENERAL PROVISIONS

AN ORDINANCE TO ADOPT NEW LAND DEVELOPMENT REGULATIONS FOR THE TOWN OF MONCKS CORNER AND TO REPEAL ORDINANCE NO. 2001-19 AND ALL AMENDMENTS ADOPTED THEREAFTER PERTAINING TO THE DEVELOPMENT REGULATIONS AND PRIOR THE ADOPTION OF THIS ORDINANCE.

WHEREAS, the Moncks Corner Planning Commission has prepared a revised Land Development Regulations ordinance for Moncks Corner and recommended it be adopted by the Mayor and Council; and

WHEREAS, the required public hearing was duly advertised and held on October 16, 2012; and

WHEREAS, The Mayor and Council finds adoption of this ordinance to be in the public interest for the general purposes of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare;

NOW THEREFORE be it ordained as follows:

§ 1-1 PURPOSE.

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

a. To encourage the development of an economically sound and stable community;
b. To assure the timely provision of required streets, utilities, other facilities and services to new land developments;
c. To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments;
d. To assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational educational, transportation and other public purposes; and
e. To assure, in general, the wise and timely development of new areas or redevelopment of areas in harmony with the adopted Town of Moncks Corner Comprehensive Plan.

§ 1-2 SHORT TITLE.

This ordinance shall be known as and may be cited as the ***Town of Moncks***

Corner Land Development Regulations.

§ 1-3 AUTHORITY.

These regulations are adopted under authority granted by the General Assembly of South Carolina, pursuant to authority conferred by the 1994 "South Carolina Local Government Comprehensive Planning Enabling Act", S.C. Code § 6-29-1100 et. Seq as amended.

§ 1-4 JURISDICTION.

These land development regulations shall apply to all development of land within the incorporated area of the Town of Moncks Corner.

§ 1-5 TYPES OF DEVELOPMENT.

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

a. Traditional Subdivisions.
b. Group Developments.
c. Planned Developments.
d. Conservation Subdivisions.

§ 1-6 FEES.

Fees for processing an application for plat approval and recording shall be paid with the application pursuant to a fee schedule established by resolution of Town Council, as amended from time to time.

ARTICLE 2
DEFINITIONS

§ 2-1 USAGE.

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

b. **Number** - Words used in the singular number include the plural and words used in the plural include the singular.

c. **Person** - A "person" includes a corporation, a partnership, and an incorporated

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

§ 2-2 DEFINITIONS .

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

Administrative Official: The person designated by the Town to administer this ordinance, or an assistant designated to act in his behalf.

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

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

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

Bond: Any form of security including a cash deposit, surety bond, collateral property, or instrument of credit in an amount and form satisfactory to the Town Council. All bonds shall be approved by the Town Council wherever a bond is required by these regulations. A bond can be a performance bond, surety bond, or an irrevocable letter of credit. The amount must equal at least 150% of the cost of the required improvements as prepared and attested by a registered engineer.

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

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

Comprehensive Plan: The Comprehensive Plan adopted by the Town of Moncks Corner Town Council pursuant to Section § 6-29-1100 et. Seq as amended.

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

the approval of the plat or plan.

Contiguous: Lots are contiguous when they touch or share a common boundary point.

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

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

Design Criteria: Standards that set forth specific improvement requirements.

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

Ditch: A manmade channel constructed to convey stormwater runoff.

Easement: A right-of-way granted by a property owner for the use by another, and for a specified purpose, of a designated part of his or her property.

Extraordinary Developments: Any artificial impoundment, such as a lake, created through the use of dams or other means. (remove this definition?)

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

Floodplain or Flood Hazard Area: The land area within a community subject to a one percent (1%) chance of flooding in any given year, as delineated on the Federal Emergency Management Administration's official Flood Hazard Boundary Maps, and/or the land area within the Santee Dam Break Hazard area.

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

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

Group Development:

1. **Commercial or Industrial** - A group commercial or industrial development consists of a single lot containing one or more buildings used for commercial or industrial purposes which individually or collectively contain a gross floor

area of 50,000 square feet or more.

2. **Housing** - A group housing development consists of two or more separate dwellings or three (3) or more dwelling units located on a single lot. Group housing developments include triplexes, quadruplexes, townhouses, apartments, and other similar structures.

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

Improvements: Streets, utilities, drainage facilities, and street signs.

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

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

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

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

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

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

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

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

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

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

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

Mobile/Manufactured Home Park: A parcel of land containing five (5) or more mobile/manufactured home sites per acre, and said sites are available for rent or lease or occupancy.

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

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

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

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

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

Planning Commission: The Town of Moncks Corner Planning Commission.

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

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

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

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

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

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

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

Sketch Plan: A rough drawing showing a proposed subdivision. Such plan is not binding to the Planning Commission, its agent, or the developer.

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

Swale: A privately maintained ditch have side slopes of 4:1 or flatter.

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

Screening: Either (A) a strip of at least ten (10) feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four (4) feet high at the time of planting, of a type that will form a year-round dense screen at least six(6) feet high: or (B) an opaque wall or barrier or uniformly painted fence at least six (6) feet high. Any requirements herein contrary to the Zoning Ordinance shall mean to meet those of the Zoning Ordinance.

Sketch Plan or Site Plan: A sketch plan or plat is a generalized map prepared by the developer that shows the development concept. Its purpose is to serve as a basis for discussion without either the planning commission or the developer making

commitments. This phase of the subdivision process precedes the preparation of the preliminary plat or plan (or final plat in the case of minor subdivisions).

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

Street Classifications: Streets may be classified as follows:

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

b. **Arterial (Major Thoroughfare)**: A freeway, expressway or a street or highway which is used or intended to be used for moving either heavy vehicular traffic volumes or high-speed traffic, or both, or which was designated as a major thoroughfare in the Comprehensive Plan.

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

    1. Urban residential - collector streets which serve minor urban residential streets;

    2. Commercial or Industrial - collector streets that serve minor commercial or industrial streets.

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

    1. Urban residential - minor streets serving residential lots in incorporated areas;

    2. Commercial or Industrial - minor streets serving commercial or industrial uses;

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

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

e. **Private Street:** Vehicular right-of-way held in private or corporate ownership and which is ineligible for public expenditures or public maintenance. A private street shall be improved to the same standards as are required for a public street.

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

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

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

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

b. Dividing land into parcels of five acres or more where no new street is involved. The planning commission must receive plats of these exceptions as information and indicate that fact on the plats.

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

Subdivision Types:

a. Nonresidential Subdivision: A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall

comply with the applicable provisions of these regulations.

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

c. Conservation Subdivision: A residential development where fifty percent or more of the developable land area is designated as undivided, permanent open pace; thereby permanently protecting agricultural, environmentally, or historically significant areas within the parcel. The remaining developable land is subdivided into buildable lots.

Subdivision Plat: The final map or drawing, described in these regulations, on which the subdivider's plan of subdivision is presented to the Administrative Officer for approval and which, if approved, may be submitted to the Moncks Corner Planning Department.

Surveyor: A registered land surveyor who is in good standing with the South Carolina State Board of Registration for Professional Engineers and Land Surveyors.

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

Utilities: Utilities consist of any or all utility services to a subdivision or other land development including, but not limited to, water, electric, telephone, cable television, gas, sanitary sewerage, and storm sewers, whether such utilities are supplied by a private individual or company, or a governmental entity.

Zoning Ordinance: The Zoning Ordinance of the Town of Moncks Corner, South Carolina.

ARTICLE 3
PROCEDURE FOR PLAT APPROVAL

§ 3-1 GENERAL PROCEDURE .

Whenever any subdivision of land is proposed, before any deed transfer of any part thereof and before any permit for the erection of a structure in such proposed

subdivision shall be granted, the subdividing owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision in accordance with the following procedure. They then must proceed through the following separate steps:

1. Review and approval of Sketch Plan;

2. Review and approval of Preliminary Plat, and

3. Review and approval of Final Plat.

4. Recording of Final Plat

Steps 1 and 2 shall be completed prior to making any street improvements and installing any utilities. Steps 3 and 4 shall be completed prior to transfer of title for any lots, recording any portion of the plat of the proposed subdivision, or issuance of a building permit for construction of buildings, except as provided for model homes in these regulations.

§ 3-2 PROCEDURES .

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

a. Sketch Plan

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

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

   (a) Be made on forms available at the office of the Administrative Official.

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

(c) Be accompanied by a minimum of six (6) copies of the Sketch Plan as described in these regulations and complying in all respects with these regulations.

3. **Distribution of Sketch Plan .** Sketch Plans shall be distributed for purposes of notification to the following agencies and departments when appropriate:

(a) Administrative Official (file copy);
(b) S.C. Department of Health and Environmental Control;
(c) Administrator of Moncks Corner Commission of Public Works;
(d) Berkeley County Director of Public Works; and
(e) Town Administrator's Office.

In addition, one copy shall be returned to the applicant showing any modifications needed.

4. **Approval of Sketch Plan.** The Town Administrator may establish a plan review committee made up of representatives of the reviewing agencies to meet, review, and discuss an application for sketch plan approval, and make recommendations to the Administrative Official. After reviewing the Sketch Plan, the Administrative Official will advise the applicant within thirty (30) days after application that the Sketch Plan is approved, disapproved, or approved with certain modifications. If approved, said approval shall constitute authorization to prepare and submit a Preliminary Plat. Approval does not authorize the developer to begin the proposed construction or improvements. If the Administrative Official fails to act on the Sketch Plan within thirty (30) days after application, the Sketch Plan shall be deemed approved and a certificate to that effect shall be issued upon demand; provided, however, the subdivider may waive this requirement and consent in writing to extension of such period. If other affected agencies have not acted within the thirty (30) day period, the Administrative Official shall disapprove the plan.

The Administrative Official shall report all sketch plan reviews and actions thereon at the next meeting of the Planning Commission. This information shall be noted in the minutes of the Planning Commission meeting.

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

b. **Preliminary Plat** .

1. **Application Procedure and Requirements** . Based upon the approval of the Sketch Plan, the applicant shall file with the Administrative Official an application for approval of a Preliminary Plat. The application shall:

   (a) Be made on forms available at the office of the Administrative Official to the Planning Commission together with any fee which may be established by the Town Council.

   (b) Be accompanied by a minimum of three (3) copies of the Preliminary Plat as described in these regulations.

   (c) Be accompanied by a minimum of three (3 copies of Construction Plans as described in these regulations.

   (d) Conform in all respects with the Sketch Plan as approved.

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

   (a) S.C. Department of Health and Environmental Control;
   (b) Administrator of Moncks Corner Commission of Public Works;
   (c) Berkeley County Director of Public Works; and
   (d) Berkeley County Water and Sanitation.

   The Town Administrator may establish a plan review committee made up of representatives of the reviewing agencies to meet, review, and discuss an application for preliminary plan approval.

   The Administrative Official shall report all preliminary plat reviews and actions thereon at the next regular meeting of the Planning Commission. This information shall be noted in the minutes of the Planning Commission meeting.

3. **Appeals of the Decisions of the Administrative Official .** If an applicant disagrees with the disapproval or approval with modifications of the Preliminary Plat by the Administrative Official, he may appeal the decision on the Preliminary Plat to the Planning Commission at its next regular meeting; provided, however, notice of the appeal must be filed with the Administrative Official not less that ten working days prior to the

meeting of the Planning Commission. The Planning Commission shall approve, disapprove, or approve with modifications the Preliminary Plat at the meeting at which it is considered.

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

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

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

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

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

5. **Model Homes .** For the purpose of allowing the early construction of model homes in a subdivision, the Planning Commission at its discretion may permit a portion of a subdivision involving not more than two (2) lots to be created in accordance with the procedures for exempted subdivisions,

provided said portion derives access from an existing Town, county or state highway, and provided no future road or other improvement is anticipated where said lots are proposed. Subsequent to approval of exemption, the model may be constructed, subject to such additional requirements that the Planning Commission may require.

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

c. <u>Final Plat</u>

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

(a) Be made on forms available at the Office of the Administrative Official.

(b) Be accompanied by a minimum of seven (7) prints and one reproducible copy of the Final Plat, and

(1) As-built drawing of sanitary sewers (if applicable) with grade, pipe sizes, and points of discharge.

(2) As-built drawing of storm sewer system with grade, pipe sizes, and location of outlets.

(3) As-built drawing of water system with pipe sizes and location of hydrants and valves.

(c) Comply in all respects with the Preliminary Plat as approved.

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

The owner hereby irrevocably offers for dedication to the appropriate local government all streets, local government uses, easements, and parks, and to the public entity the required utilities shown in the subdivision plat and construction plans in accordance with an irrevocable offer of dedication

dated _____and recorded in the Registrar of Deeds' Office.

By_____Date_____
(Owner or Representative)

The applicant shall deliver a warranty deed to the appropriate public body for easements and lands in proper form for recording.

(e) Be accompanied by the performance bond, if required, in favor of the Commission of Public Works or County for water and sewer facilities, and in favor of Berkeley County for streets and drainage, in a form satisfactory to the attorney for the public body and in the amount required which shall be not less than 150% of the estimated cost. It shall include a provision for compliance with all the terms of the resolution of Final Plat approval and shall include, but not be limited to, the performance of all required subdivision and off-site improvements, and that all improvements and land included in the irrevocable offer of dedication shall be dedicated to the public free and clear of all liens and encumbrances.

(f) Be accompanied by the following certificate signed by a registered South Carolina Engineer covering all required improvements that are not bonded:

(g) Bonds for sidewalks, roads, and landscaping shall be provided at 150% of cost.

I hereby certify that the streets, drainage system, sewer system, and water system in _____Subdivision as shown on the Record Drawings dated_____, prepared by _____ have been installed in accordance with the Preliminary Plat and Construction Plans approved by Berkeley County, the Berkeley County Water and Sanitation, and the Town of Moncks Corner on _____[date]

_____

SEAL *Registered Engineer*

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

The Town Administrator may establish a plan review committee made up of representatives of the reviewing agencies to meet, review, and discuss an application for final plan approval and make recommendations to the Administrative Official. These reviewing agencies shall report their findings

to the Administrative Official within thirty (30) days after receipt of the Final Plat.

Upon Receipt of a report from the reviewing agencies that all streets and utilities have been properly installed in accordance with the Preliminary Plat, or upon approval by the appropriate agency of a bond for completion of improvements, the Administrative Official shall give approval, approval with modifications, or disapproval of the Final Plat. When bond is used in lieu of completion of improvements, the bond shall stipulate the period of time within which all of the required improvements shall be installed and approved by the appropriate agencies. In no event shall this time be longer than two (2) years. Final acceptance will be based on receipt of evidence from the agencies required to approve each item covered by the bond.

In each case the Administrative Official shall act on a Final Plat within sixty (60) days after the date of application; otherwise, such plat shall be deemed to have been approved and a certificate to that effect shall be issued on demand; provided, however, that the applicant may waive this requirement and consent in writing to the extension of such period. The Administrative Official shall report all final plat reviews at the next regular meeting of the Planning Commission. The information shall be noted in the minutes of the Planning Commission meeting.

3. **Appeals of the Decisions of the Administrative Official.** If an applicant disagrees with the disapproval or approval with modifications of the Preliminary Plat by the Administrative Official, he may appeal the decision on the Preliminary Plat to the Planning Commission at its next regular meeting; provided, however, notice of the appeal must be filed with the Administrative Official not less that ten working days prior to the meeting of the Planning Commission. The Planning Commission shall approve, disapprove, or approve with modifications the Preliminary Plat at the meeting at which it is considered.

   No plat shall be acted upon by the Planning Commission without affording a hearing thereon, notice of time and place of which shall be sent by registered or certified mail to the address provided by the applicant not less than five (5) days before the time of the hearing.

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

   In no case shall the Planning Commission disapprove a Final Plat of a subdivision which:

(a) Meets requirements for a Final Plat as set forth in the regulations, and
(b) Conforms to an approved Preliminary Plat, and
(c) Has all the required improvements installed and approved or a bond for such improvements approved by the appropriate agency.

Per S.C. Code § 6-29-1150, any appeal of this decision will be to District Court.

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

The subdivision plat shown hereon has been found to comply with the Town of Moncks Corner Land Development Regulations and has been approved for recording in The Office of the Registrar of Deeds for Berkeley County, South Carolina.

[Date] _____ _____
Title *Administrative Official*

5. **Recording of Final Plat .** It shall be the responsibility of the Town to file the plat with the County Registrar of Deeds. The filing fee shall be paid by the subdivider prior to the execution by the Administrative Official of the certificate of approval for recording.

6. **Phasing of Major Subdivisions .** Final Plat approval may be granted to sections of a subdivision shown on an approved Preliminary Plat which meet all the previously mentioned requirements of this ordinance if such phases are adequately served by all utilities, a storm drainage system and street system, even if no other sections of the subdivision are developed.

7. **Final Plat Revision .** If it should become necessary to revise a final plat due to a dimensional error, a revised plat shall be submitted to the Town for final recording after the revised plat has been approved and signed.

8. **Approval of plan or plat not acceptance of dedication of land .** The approval of the land development plan or subdivision plat may not be deemed to automatically constitute or effect an acceptance by the municipality or the public of the dedication of any street, easement, or other ground shown upon the plat. Public acceptance of the lands must be by action of the governing body customary to these transactions. The checklist for plat requirements are Appendix One

§ 3-3 DHEC APPROVAL .

It shall be the developer's responsibility to obtain any required permits and approval from the South Carolina Department of Health and Environmental Control (DHEC).

§ 3-5 FLOOD PLAIN RESTRICTIONS .

Refer to the Town's Flood Prevention Ordinance.

§ 3-6 WETLANDS .

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

§ 3-7 ACCEPTANCE OF UNAPPROVED PLAT PROHIBITED .

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

§ 3-8 STREET NAMING .

The Berkeley County GIS department shall approve and authorize the name of any street or road laid out within the Town of Moncks Corner on any subdivision plat or group development subject to review and approval under this ordinance.

ARTICLE 4
PLAT REQUIREMENTS

§ 4-1 SKETCH PLAN .

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

a. **Scale** - Sketch Plans submitted to the Administrative Official, prepared in pen or pencil shall be drawn to a convenient scale of not less than 200 feet to one inch (depending upon the lot sizes and total acreage to be subdivided).

b. **Information** - Sketch Plans shall show the following information:

1. **Name** - Name of subdivision if property is within an existing subdivision. Proposed name if not within a previously platted subdivision. The proposed

name shall not duplicate the name of any plat previously recorded. Name of property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known.)

2. **Ownership** - Name and address, including telephone number, of legal owner or agent of the property involved in the subdivision. Name and address, including telephone number, of the professional person(s), if any, responsible for the subdivisions design, or for the design of any public improvements, and for the surveys.

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

4. **Features** - The following features shall be shown:

   (a) Total acreage in the tract to be subdivided into more than 5 lots to include the total for wetlands and uplands

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

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

   (d) Names of any adjoining subdivision.

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

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

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

   (h) Existing uses of land surrounding the subdivision.

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

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

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

(l) Location of Town limit lines and county lines, if applicable.

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

§ 4-2 PRELIMINARY PLAT .

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

a. **Scale** - The Preliminary Plat shall be prepared by a South Carolina Registered Land Surveyor at a convenient scale of not less than one inch equals 100 feet; adjustable depending upon lot sizes and total acreage.

b. **Information** - The Preliminary Plat shall include the following:

1. **Name** - Name of subdivision if property is within an existing subdivision. Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded.

2. **Ownership** - Name and address, including telephone number of legal owner or agent of the property involved in the subdivision. Name and address, including telephone number of the professional person(s) responsible for the subdivisions design, or for the design of any public improvements, and for the surveys.

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

4. **Features** - The following features shall be shown:

(a) Total acreage in the tract to be subdivided into more than 5 lots to include the total for wetlands and uplands

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

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

(d) The following conditions:

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

(2) Deed record names of adjoining property owners.

(3) Names of any adjoining subdivision.

(4) Property lines within and adjoining the subdivision.

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

(6) Location of Town limits (if applicable).

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

(8) Location of existing adjoining property lines.

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

(10) Size and location of existing sewers, water mains, drains, culverts or other underground facilities within the street or within the right-of-way of streets or roads adjoining the tract. Grades and invert elevations of sewers shall be shown.

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

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

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

(e) The following proposed conditions:

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

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

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

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

(5) Sufficient data acceptable to the Administrative Official to determine readily the location, bearing and length of all lines, and to reproduce such lines upon the ground; the location of all proposed monuments. All lots shall be not less than the requirements of the Zoning Ordinance.

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

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

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

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

(10) Sidewalk locations.

(f) All dimensions shall be shown to the nearest one-tenth of a foot and angles to the nearest minute.

§ 4-3 CONSTRUCTION PLANS .

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

b. **Information** - The Construction Plans shall include the following if such an improvement is proposed in the subdivision.

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

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

3. **Utilities** - Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drain, water mains, easements, water bodies, streams, and other pertinent features such as swamps, railroads, buildings, at the point of connection to proposed facilities and utilities within the subdivision. The water elevations of adjoining lakes or streams at the date of the survey and the approximate 100-year flood elevations of such lakes or streams. All elevations shall be referred to the Mean Sea Level Datum where public water and/or public sewers are to be installed.

4. **Drainage area** - The acreage of each drainage area affecting the proposed subdivision.

5. **Topography** - Topography at a contour interval of one (1) foot, referred to sea level datum when public water or public sewers are to be installed or portions of the subdivision would be inundated by a 100-year frequency flood.

6. **Specifications** - All specifications and references required by the construction standards and specifications of the Town of Moncks Corner, Berkeley County, any other local government providing any utility, and the

Department of Health and Environmental Control.

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

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

§ 4-4 FINAL PLAT .

The Final Plat shall be prepared by a South Carolina Registered Land Surveyor.

a. **Scale** - The Final Plat shall be drawn to a scale of not less than one (1) inch equals one hundred (100) feet.

b. **Information** - All revision dates must be shown as well as the following:

1. **Owner** - Name of owner of record.

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

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

4. **Location** - Name of municipality and county in which the subdivision is located and location map.

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

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

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

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

9. **Easements** - Right-of-way or easement locations, widths and purposes.

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

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

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

13. **Monuments** - Accurate description of the location of all monuments and markers.

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

c. <u>Certification</u> - The following signed certificates shall appear on the Final Plat that is submitted by the subdivider for approval:

1. **Certificate of Accuracy -**

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

_____ _____

Date *Registered Land Surveyor or Engineer*

SEAL *S. C Registration Number*_____

2. Certification of Ownership and Dedication -

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

_____ _____

Date *Owner*

3. Information to Accompany Final Plat Without Bond -

(a) As built drawings of sanitary sewer system with grade, pipe sizes, points of discharge, and pipe invert elevation.

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

(c) As built drawings of water system with pipe sizes and location of hydrants and valves.

(d) The following signed certificate:

I hereby certify that the streets, drainage system, sewer system and water system in _____ subdivision as shown on the Plat dated_____, prepared by_____ has been substantially installed in accordance with the Preliminary Plat (construction drawings) approved _____, with no material deviations.

_____ _____

Date *Registered Engineer*

SEAL *S.C. Registration Number_____*

ARTICLE 5
MINIMUM DESIGN STANDARDS

§ 5-1 GENERAL .

In considering any Preliminary Plat, the Administrative Official and Planning Commission shall give consideration to the Comprehensive Plan, or segments thereof affecting the area in which the subdivision is located.

§5-2 STREETS .

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

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

b. **Access streets** - Where a subdivision abuts or contains an existing or proposed collector or through street, the Planning Commission may require marginal access streets, reverse frontage with screen planting, deep lots, or such other

treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

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

d. **Continuation of Existing Street Pattern** - Whenever topography will permit, the arrangements of streets in a subdivision shall provide for the alignment and continuation or projection of existing streets in adjoining areas. This is to maintain the interconnectivity of subdivision developments and to reduce the use of a major thoroughfare or collector street for movement from one subdivision to another.

e. **Cul-de-sacs** - Cul-de-sacs shall terminate in a circular turnaround having a minimum right-of-way of at least one hundred (100) feet in diameter and a paved turnaround with a minimum outside diameter eighty (80) feet or other approved type of turnaround. Maximum length shall not exceed eight hundred (800) feet unless unusual circumstances require a greater length.

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

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

h. **Intersections** - The centerline of no more than two (2) streets shall intersect at any one point. Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at an angle of less than seventy five (75) degrees (angles of intersection to be measured at the intersection of street centerline). Curved streets shall have a minimum tangent of one hundred (100) feet at intersections.

i. **Reverse Curves** - Where practical, a tangent of at least two hundred (200) feet on minor streets and three hundred (300) on collector streets shall be provided between reverse curves. On major thoroughfares, tangent distances shall be determined by the State Highway Department.

j. **Street Access** - Where it is essential to the development of a logical street

pattern, street right-of-way shall be extended to the boundary of adjoining property. Incompatible characteristics of adjoining property shall be given due consideration in making a determination of what shall constitute a logical street pattern. Reserve strips adjoining street rights-of-way for the purpose of preventing access to adjacent property shall not be permitted. The street extension may be built or an escrow account established in favor of Berkeley County for a 10-year period in an amount determined by the Berkeley County Director of Public Works to cover the cost of construction. All interest will accumulate to the County, which may use the funds to construct the extension or contract for construction. If the extension has not been constructed with the 10 year period, the Planning Commission will determine the continued necessity of the extension and either extend the time of the escrow account or recommend that the account be terminated and all monies be returned to the developer; and the right-of-way may then be divided proportionally to adjoining property owners.

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

l. **Street Names** – Streets that are extensions of, or obviously in alignment with existing names streets, shall bear that name. The name of new streets shall be subject to approval of the Berkeley County GIS department.

m. **Additional right-of-way** - Subdivisions which include an existing platted street that does not conform to the minimum right-of-way requirements of these regulations shall provide additional width along one or both sides of such street so that minimum right-of-way required by these regulations is established. Subdivisions abutting only one side of such street shall provide a minimum of one-half, measured from the centerline of existing right-of-way, of the right-of-way required by these regulations.

n. Public Street Right-of-way and Pavement Travel-Way Widths

Minimum right-of-way and pavement travel-way width shall be as follows:

Road Type	Pavement Width	Right-of-way Width
Local	22′	50′ (with curb & gutter) 66′ (with open ditch)
Collector Street		
2 lane	24′	50′ (with curb & gutter) 66′ (with open ditch)
4 lane	48′	75′

Highway & Thoroughfares	Pavement	Right-of-way

	Width	Width
2 lane	24′	66′
4 lane	56′	80′
4 lane with service lanes	74′	100′
4 lane with left turn lane	68′	90′
4 lane with left turn lane And service lanes	86′	120′

o. **Street Grades** - Grades on major thoroughfares shall meet requirements by the South Carolina Department of Transportation (SCDOT). Grades on collector streets shall not exceed eight (8%) percent unless topographic conditions make this impractical. Grades on minor residential streets shall not exceed fifteen (8%) percent All streets shall have a minimum grade of not less than one-half (0.5%) percent.

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

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

§ 5-3 BLOCKS.

Every proposed subdivision shall comply with the following provisions:

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

b. **Residential Block Length** - In order to insure convenient access between various parts of a subdivision and between the subdivision and surrounding areas, and in order to help prevent traffic congestion and undue inconvenience, the length of residential blocks shall not exceed fourteen hundred (1400) feet or

be less than six hundred (600) feet from corner to corner. Provided, however, length requirements may be modified when it is appropriate due to the topography or physical shape of the property being subdivided. The width of any residential block shall be sufficient to permit two (2) tiers of lots, where topography and land ownership permits, except as otherwise provided in these regulations.

c. **Crosswalks** - Where a subdivision design involves unusually long blocks, public right-of-way for pedestrian crosswalks shall be provided where such are necessary for the convenience of pedestrians. Such right-of-way shall not be less than ten (10) feet wide and improved to include a concrete, asphalt or other approved surface sidewalks five (5) feet wide and four (4) inches thick.

§ 5-4 LOTS.

All lots, which shall be established in connection with the development of a subdivision, shall comply with the requirements set forth in the Zoning Ordinance of the Town of Moncks Corner, or as shown below, whichever are more restrictive.

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

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

c. **Lot Lines and Town Limit Lines** - Insofar as practical, lots shall not be divided by Town Limit lines.

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

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

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

g. **Double Frontage** - Double frontage lots (i.e., lots having street frontage both in front and rear) shall be avoided except in commercial zones, where essential to provide separation of residential development from railroad or major street right-of-way or from non-residential uses or where necessary due to topography. Where a railroad or major thoroughfare right-of-way, as shown on the major thoroughfare plan, abuts or runs through any portion of the subdivision, the subdivision plat shall provide for either a minor street or a lot backing onto a right-of-way having a minimum depth of two hundred (200) feet. If in a residential zone, a 100' buffer is required.

h. **Street Access** - Every lot shall front or abut on a street which conforms to the requirements of these regulations.

i. **Flag Lots** - Flag lots shall not be permitted in the Town of Moncks Corner.

§ 5-5 UTILITIES AND EASEMENTS .

Easements shall be required in subdivisions for the following purposes:

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

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

§ 5-6 DEDICATION OF PUBLIC SITES .

To insure the orderly and harmonious development of the community, the subdivider shall be required to dedicate to the public by deed land for streets, school sites, recreation areas, law enforcement, fire stations, other public services and facilities, and easements for utilities as required by the appropriate local governmental units,

§ 5-7 FLOOD PROTECTION .

Refer to the Town Flood Prevention Ordinance.

§ 5-8 MANUFACTURED HOME PARKS.

Manufactured home parks shall meet the design standards of the Manufactured Home Park provisions of the Zoning Ordinance.

§ 5-9 VARIANCE OF DESIGN STANDARDS.

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

ARTICLE 6
REQUIRED IMPROVEMENTS

§ 6-1 SUBDIVIDER TO INSTALL IMPROVEMENTS.

The subdivider shall have installed at no expense to the public the improvements required by these regulations necessary to serve the subdivision prior to the approval of the Final Plat.

§ 6-2 MONUMENTS.

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

§ 6-3 Reserved.

§ 6-4 WATER SUPPLY.

A public water system shall be installed in all subdivisions in accordance with policies of the Moncks Corner Commission of Public Works. When a water system is installed in a subdivision, water mains, valves, and fire hydrants shall be installed according to plans and specifications approved by the Commission of Public Works and the Department of Health and Environmental Control (DHEC). When the water main is located in the street right-of-way and it will be necessary to cut into the street surface to serve abutting lots, a connection shall be stubbed out to the property line to serve each lot before the street is surfaced.

§ 6-5 SANITARY SEWERAGE .

A sanitary sewer system shall be installed in all subdivisions. Sanitary sewers shall be installed to the plans and specifications approved by the Commission of Public Works and the Department of Health and Environmental Control (DHEC). When the sewer main is located in the street right-of-way, and it will be necessary to cut into the street surface to serve abutting lots, a connection shall be stubbed out to the property line to serve each lot before the street is surfaced.

§ 6-6 CURBS AND GUTTERS .

Concrete curbs and gutters shall be installed in accordance with plans and specifications of SCDOT.

§ 6-7 STREET GRADING AND SURFACING .

Refer to section 5, sub-section N.

§ 6-8 STORM DRAINAGE .

An adequate drainage system, including necessary improved open channels, pipes, culverts, storm sewers, intersection drains, drop inlet, bridges, and other necessary appurtenances shall be installed by the subdivider and shall be according to plans and specifications approved by the Berkeley County Director of Public Works.

§ 6-9 STREET NAME SIGNS .

Street name signs shall be installed at all intersections within a subdivision. The location and design of such signs shall be approved by the Berkeley County Director of Public Works.

§ 6-10 SIDEWALKS .

Sidewalks shall be installed and shall be constructed within the street right-of-way, and approved by the Berkeley County Director of Public Works. A five (5) foot sidewalk shall be provided on both sides of all streets. A green strip at least four (4) feet in width shall be provided between the curb and sidewalk.

§ 6-11 TREES .

It is the intent of the Town to preserve trees within its corporate limits. In keeping with this intent, canopy street trees shall be planted at forty (40) foot intervals within five (5) feet of the street right-of-way on both sides of the street, but must be outside the right-of-way. Existing trees shall be preserved whenever possible, and the plans and specifications for tree planting and tree preservation shall meet the approval of the Administrative Official.

In addition, there shall be 15 foundation plantings. These shall be 3 gallon plants that are 18-36 inches at planting. Also, there are to be two (2) understory trees per lot. These shall be 6-8 feet at planting.
The lawn shall be sodded on all sides. All much shall be natural, non-dyed material. All trees should not be planed under any overhead utility lines.

§ 6-12 OPEN SPACE RECREATION REQUIREMENTS .

The Administrative Official shall require that open space be reserved for active or passive recreation. Should a request for waiver of this requirement be submitted to the Town, the decision to grant or deny the waiver shall be determined by the Planning Commission. In considering the merits of a waiver request the Planning Commission may take into account all relevant factors, including Owner's written offer to donate open space to the Town for public purposes. The Planning Commission shall recommend to Town Council whether to accept the donation in whole or in part. Town Council shall consider the Landowner's offer to donate open space in the ordinary course. Each reservation shall be of suitable size, dimension, topography and general access for the particular purposes specified. These areas shall be shown on the Plat and marked "reserved for recreation open space". Reservation of wetlands (jurisdictional or otherwise), ponds, ditches or other water features shall not be deemed acceptable for recreation purposes to satisfy the reservation requirement. The number of acres to be reserved shall be determined in accordance with the following table, which has been prepared on the basis of providing three (3) acres for every one-hundred (100) dwelling units.

a. **Single Family Lots**

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

b. **Multifamily and High-Density Residential** - The Administrative Official shall determine the acreage for reservation based on the number of dwelling units per acre to occupy the site as permitted by the Zoning Ordinance.

§ 6-13 TRAFFIC CONTROL DEVICES .

The total cost of all traffic devices shall be paid by the developer prior to the recording of the final plat.

§ 6-14 STREET LIGHTS, RESIDENTIAL .

Street lights shall be installed according to the standards and policies of the Town. The cost shall be paid by the developer.

§ 6-15 SURETY IN LIEU OF COMPLETION OR IMPROVEMENTS .

After preliminary plat approval has been given, in lieu of the completion of the physical development and installation of the required improvements prior to the final plat approval, the appropriate public body may accept a bond pursuant to Article 10 securing the actual construction and installation of those improvements and utilities within a period specified in the bond. All easements and rights.-of-way shall be shown on final plats and descriptions recorded prior to filing of the final plat of subdivision under surety bond. Upon acceptance of a bond the developer may present a final plat to the Administrative Official for approval and recording. As-built drawings of improvements installed under surety shall be delivered to the Administrative Official for approval as construction is completed.

ARTICLE 7
GROUP DEVELOPMENT

§ 7-1 GENERAL .

a. **Site Plan Review** - In order to prevent creation of traffic hazards, insure the provision of off-street parking and provision of necessary utilities, plans for

group developments such as shopping centers, industrial parks, mobile home parks, apartment complexes, and motels where the site is not subdivided into lots and public streets, but is retained in one ownership, the site plan shall be submitted to the Planning Commission for review and approval.

b. **More Restrictive Standards** - These regulations are considered minimum and may be superseded by more restrictive regulations such as the zoning ordinance.

c. **Types of Group Developments**

1. **Commercial or Industrial** - A group commercial or industrial development consists of a single lot containing one or more buildings used for commercial or industrial purposes which individually or collectively contain a gross floor area of 50,000 square fee or more.

2. **Housing** - A group housing development consists of two or more separate dwellings or three (3) or more dwelling units located on a single lot. Group housing developments include triplexes, quadruplexes, townhouses, apartments, and other similar structures.

§ 7-2 PROCEDURES FOR GROUP DEVELOPMENT APPROVAL .

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

a. **Site Plan Required** - The developer shall submit at least seven (7) copies of a Site Plan to the Administrative Official for review. The Administrative Official shall approve, disapprove, or approve with modification the Site Plan within thirty (30) days. The Administrative Official shall report all site plan reviews at the next regular meeting of the Planning Commission. The information shall be noted in the minutes of the Planning Commission meeting.

b. **Appeal to Planning Commission** - If an applicant disagrees with the disapproval or approval with modifications of the Site Plan by the Administrative Official, he may appeal the decision to the Planning Commission at its next regular meeting; provided, however, notice of the appeal must be filed with the Administrative Official not less that ten working days prior to the meeting of the Planning Commission. The Planning Commission shall approve, disapprove, or approve with modifications the site plan within 30 days after hearing the appeal.

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

d. **Time for approval** - If the Planning Commission fails to act within 30 days after hearing an appeal from action of the Administrative Official on the Site Plan, the Planning Commission must inform the developer of the date on which action shall be taken but the extension of time shall not exceed 30 days. Failure of the Planning Commission to act within 60 days shall be deemed to constitute Site Plan approval and a certificate to that effect shall be issued by the Planning Commission upon demand.

e. **Variance** - No building shall be built at variance with the approved site plan.

§ 7-3 GROUP DEVELOPMENT SITE PLAN INFORMATION .

A group development site plan shall contain the following information as a minimum:

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

b. **Access** - Tentative access and street layout.

c. **Structure location** - Approximate location of existing and proposed buildings and structures.

d. **Structure arrangement** - Typical arrangement of existing and proposed buildings and structures.

e. **Land use** - Existing and proposed uses of land throughout the tract.

f. **Uses and intersections** - Existing uses of land and all existing street intersections within 150 feet of the tract.

g. **Utilities** - The location and size of all proposed utilities and storm drainage easements.

h. **Topography** - Topography in terms of mean sea level by contours at vertical intervals of not more than one (1) foot. The existing and finished grades shall be shown.

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

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

k. **Flood data** - The elevation data for a one hundred (100) year flood shall be shown.

l. **Streets** - All streets, driveways, parking areas and other vehicular ways to be maintained in private ownership shall be clearly marked: "Private" on the Site Plan.

m. **Other** - Such other information as may be deemed necessary because of the physical characteristics peculiar to the development.

§ 7-4 GROUP DEVELOPMENT STANDARDS .

a. **Zoning Ordinance Requirements** - Standards and requirements for parking, signage, setbacks, spacing between buildings, residential area requirements, screening, buffers, and landscaping for group developments shall be as specified in the Town of Moncks Corner Zoning Ordinance.

b. **Water, Sewerage and Drainage** - Adequate provisions for water supply,

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

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

d. **Manufactured Home Parks** - Manufactured Home Parks shall conform to the minimum standards set forth in the Town of Moncks Corner Zoning Ordinance.

§ 7-5 ENFORCEMENT.

No building permits shall be issued until the site plan for the group development are approved by the Administrative Official or the Planning Commission and so noted on prints of the site plan.

ARTICLE 8
PLANNED DEVELOPMENTS

§ 8-1 PROCEDURE.

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

§ 8-2 PROCESS.

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

ARTICLE 9
LAND SURVEYING STANDARDS

§ 9-1 Survey Requirements.

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

§ 9-2 Survey Guidelines.

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

a. **Terrestrial Surveys** - If control is extended no more than ½ mile from control monument to property boundary third-order, Class I (1/10,000) specifications should be followed. If control is extended more that ½ mile from the control monument to the property boundary second-order Class II specifications should be followed.

b. **Global Positioning System (GPS) Surveys** - If GPS is used, procedures should be followed to insure compatibility with the nearest geodetic control monuments to an accuracy of at least 5 cm + 2 ppm. Only survey grade GPS receivers should be used for boundary control.

c. **Plat Requirements** - State plane coordinates should be shown on the plat for at least two property corners. The geodetic monuments used for control should be noted on the plat with the grid distance and azimuth shown to at least one of the coordinated property corners. Horizontal ground distances (not grid distance) should be shown on the plat for all segments of the boundary survey. A combined state plane coordinate sea level reduction factor should be noted on the plat. Area is based on horizontal ground distances.
All bearings should be referenced to state plane coordinate grid north.

d. **Geodetic Control Monuments** - The following surveys should be tied to geodetic control monuments:
   1. Any subdivision of five (5) or more lots within a one mile traverse distance of geodetic control.

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

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

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

§ 9-3 Electronic Data Files .

If the parcel or subdivision is generated with computer-aided drafting procedures, the Town shall be supplied with a copy of the electronic file with water, sewer, drainage and as-builts.

ARTICLE 10
SURETY IN LIEU OF COMPLETION OF IMPROVEMENTS

§ 10-1 Bond Permitted .

a. **Bond approval** - In lieu of completion of the physical development and installation of the required improvements previous to the approval of a Final Plat, Berkeley County, the Berkeley County Water and Sanitation, or the Town, as appropriate, may accept a bond, in an amount and with surety and conditions satisfactory to it, approved as to form by its attorney, providing for and securing the actual construction and installation of the required improvements and utilities within a period of time specified in the bond.

b. **Surety** - A bond in favor of the Town shall be signed by the developer as principal with corporate surety (insurance company), irrevocable letter of credit from a local bank, a bank letter that loan funds will be reserved by the bank to meet requirements of the bond, or evidence of cash held in escrow by a bank payable on demand of the Town. A bond in favor of Berkeley County for streets and drainage, or a bond in favor of the Berkeley County Water and Sanitation for water and sewer utilities, shall meet the requirements of that body.

§ 10-2 Bond Amount .

a. **Minimum** - The minimum bond amount shall equal one and one half (1 ½) times the cost of construction of all improvements covered by the bond. The cost estimates shall be developed and attested to by a registered engineer and approved by the appropriate representative of the public body accepting the bond.

b. **Costs included** - The total cost of water, sewer, storm drainage, roads and sidewalks shall be included as applicable.

§ 10-3 Procedures for Bond Approval .

Procedures for bond approval shall be as follows:

a. **Application** - An application containing the required information and approvals of cost estimates shall be submitted to the Administrative Official.

b. **Review** - The Administrative Official shall submit the application and supporting materials to the attorney for the appropriate public body for review and comment.

c. **Attorney recommendation** - The attorney for the public body shall submit the materials to the governing body with a recommendation for approval or

disapproval.

d. **Plat approval** - If the governing body approves the Bond, then the Final Plat shall be given "BONDED PLAT APPROVAL" which authorizes the plat to be recorded by the Register of Deeds.

e. **As-built drawings** - Upon completion of all requirements of these Land Development Regulations the subdivider shall submit the as-built drawings as provided in Section 4-4.

f. **Bond release** - After the subdivider fulfills his obligations as required by Subdivision Regulations and Bond, the Administrative Official and the designated representative of the public body shall certify that fact to the appropriate governing body for release of the Bond.

ARTICLE 11
APPLICATION OF REGULATIONS

§ 11-1 Recording of Final Plat .

No subdivision plat shall be filed with or recorded by the County Registrar of Deeds until the Final Plat has received final approval or final approval under bond.

§ 11-2 Streets .

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

§ 11-3 Permits .

A building permit may be issued after preliminary plat approval. However, no occupancy permit shall be issued and permanent utilities shall not be turned on for any subdivision unless a Final Plat of the subdivision is approved, and, when applicable, a bond for improvements is accepted by the appropriate body.

ARTICLE 12
VIOLATION AND PENALTY

§ 12-1 Violation by Developer .

Whoever, being the owner or agent of the owner of any land located within a development, transfers title to any land before the plat has been approved by the Administrative Official or the Planning Commission and recorded in the office of the County Registrar of Deeds, shall be guilty of a misdemeanor, punishable under

the general penalty provisions of the Town Code. The description of a lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring the lot or parcel shall not exempt the transaction from the requirements of this ordinance. The Town Council may seek enforcement of this ordinance by action for injunction brought in circuit court.

§ 12-2 Violation by Recording Official .

The Berkeley County official whose duty it is to accept and record plats shall not accept, file or record any subdivision plat which has not been approved as required by this ordinance. The violation is subject to penalties and remedies as provided by S. C. Code § 6-29-1160.

§ 12-3 Enforcement

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

b. **Withholding permits** - The Administrative Official, Building Official, Fire Chief, Administrator of Moncks Corner Commission of Public Works, Berkeley County Director of Public Works or other appropriate official shall deny a permit for any use or work which fails to comply with this ordinance.

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

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

e. **Ordinance Summons** - The Administrative Official is authorized to issue an ordinance summons pursuant to Town Code provisions for violations of this ordinance.

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

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

APPENDIX ONE

Town of Moncks Corner Subdivision Plat Approval Checklist

___1. Plat size: minimum size 8-1/2" x 11", maximum size 22" x 34"
___2. 5 Copies of stamped plats
___3. Digital copy of survey using the PDF format
___4. Crimp and ink surveyor's seals with signature of registered land surveyor
___5. Location map and/or adequate descriptive location of property
___6. Title to include purpose of plat (property line abandonment, subdivision, adjustment)
___7. State, County, and/or City in which property is located
___8. Name of property owner and/or agent of the property who requested the survey
___9. Date the survey was completed
___10. Graphic and numeric scale (no smaller than 1" = 100')
___11. Name, registration number, and address of surveyor
___12. Certification statement to include class of survey
___13. Parcel area
___14. Description of all property markers, to include material and size
___15. Tie distance to the nearest intersection of streets
___16. North arrow referenced
___17. All known or discovered encroachments
___18. Existing easements with description and width
___19. New easements and Rights-of-way with description and widths
___20. Appropriate easement and Rights-of-way statement dedicated to the Town of Moncks Corner
___21. Names of adjacent property owners, streets, railroads, waterways, (with rights-of-way widths)
___22. TMS# and lot and block number where applicable
___23. Reference to previous plants and/or deeds
___24. Survey must reference Town of Moncks Corner Zoning
____a) Zoning classification ____b) Minimum lot size (as applicable) ____c)Building setbacks (as applicable)
___25. On and off site roads completed or bonded
___26. On and off site sidewalks completed or bonded
___27. Survey must include existing structures and impervious calculations
___28. Fire hydrant located within 600 feet
___29. Statement of water and sewer availability

LEGAL STATUS

INTERPRETATION AND VALIDITY

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

REPEAL OF PREVIOUS ZONING ORDINANCE

This Zoning Ordinance of the Town of Moncks Corner, South Carolina does hereby repeal any previous Development Regulations.

EFFECTIVE DATE

The ordinance shall be in full force and effect from and after October 16th ,2012

Adopted and Approved this the 16th day of October ,2012

_____
William W. Peagler, III, Mayor

Attest:

Town Council:

_____
Marilyn M. Baker, Clerk-Treasurer

Approved As To Form:

_____
John S. West, Town Attorney

First Reading By Title Only:
April 19, 2011

Second Reading and Public Hearing:
October 16, 2012