

# LAND DEVELOPMENT REGULATIONS

---

**Bamberg County, SC**



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

October 2008

4/1/2011

**BAMBERG COUNTY LAND DEVELOPMENT REGULATIONS  
TABLE OF CONTENTS**

PREAMBLE ..... iii

ARTICLE I. SHORT TITLE, PURPOSE, JURISDICTION, AUTHORITY.....1-1

    Section 1. Short Title .....1-1

    Section 2. Purpose .....1-1

    Section 3. Jurisdiction.....1-1

    Section 4. Authority .....1-1

ARTICLE II. DEFINITIONS OF CERTAIN TERMS USED HEREIN.....2-1

    Section 1. Definitions.....2-1

ARTICLE III. GENERAL PROVISIONS .....3-1

    Section 1. Official Recording .....3-1

    Section 2. Application of Regulations .....3-1

    Section 3. Effects of Plat Approval and Dedications .....3-1

    Section 4. Violation and Penalty .....3-1

    Section 5. Filing Fees .....3-2

    Section 6. Interpretation of Subdivision Jurisdiction .....3-2

    Section 7. Land Subject to Flooding .....3-2

    Section 8. Survey Accuracy.....3-2

    Section 9. Vested Right .....3-2

ARTICLE IV. PLAT REQUIREMENTS .....4-1

    Section 1. The Sketch Plan .....4-1

ARTICLE V. PROCEDURE FOR TENTATIVE APPROVAL .....5-1

    Section 1. Application for Preliminary Plat Approval .....5-1

    Section 2. Review of Preliminary Plat .....5-1

    Section 3. Time Limit, Record Appeal.....5-1

    Section 4. Disapproval or Conditional Approval.....5-2

ARTICLE VI. PRELIMINARY PLAT SPECIFICATIONS .....6-1

    Section 1. Contents of the Preliminary Plat.....6-1

    Section 2. General Information .....6-1

    Section 3. Existing Site Data .....6-1

    Section 4. Proposed Site Data.....6-1

    Section 5. Other Information.....6-1

ARTICLE VII. FINAL PLAT PROCEDURE .....7-1

    Section 1. The Final Plat.....7-1

    Section 2. Certificates.....7-3

    Section 3. Planning Commission Action .....7-3

4/1/2011

|  |      |
|--|------|
| ARTICLE VIII. MINIMUM DESIGN STANDARDS .....   | 8-1  |
| Section 1. General Standards.....  | 8-1  |
| Section 2. Streets .....   | 8-1  |
| Section 3. Alleys.....   | 8-4  |
| Section 4. Easements.....  | 8-4  |
| Section 5. Blocks .....  | 8-5  |
| Section 6. Public Site and Open Space .....  | 8-6  |
| Section 7. Areas Subject to Flooding.....  | 8-6  |
| <br>   |      |
| ARTICLE IX. REQUIRED IMPROVEMENTS .....  | 9-1  |
| Section 1. Monuments and Markers .....   | 9-1  |
| Section 2. Performance Guarantee .....   | 9-1  |
| Section 3. Streets and Alleys.....   | 9-2  |
| Section 4. Curbs and Gutters .....   | 9-3  |
| Section 5. Water Lines .....   | 9-3  |
| Section 6. Sanitary Sewers.....  | 9-4  |
| Section 7. Storm Sewers and Drainage .....   | 9-5  |
| Section 8. Culverts and Bridges.....   | 9-5  |
| Section 9. Street Signs .....  | 9-5  |
| Section 10. Oversized Improvements .....   | 9-5  |
| <br>   |      |
| ARTICLE X. PARTICIPATION BY THE COUNTY IN INSTALLATION OF WATER AND<br>SEWER MAINS IN SUBDIVISIONS ..... | 10-1 |
| <br>   |      |
| ARTICLE XI. APPROVAL OF STREET NAMES .....   | 11-1 |
| Section 1. Violation A Misdemeanor .....   | 11-1 |
| Section 2. Changing Street Name .....  | 11-1 |
| Section 3. Recording .....   | 11-1 |
| <br>   |      |
| ARTICLE XII. ADMINISTRATION AND AMENDMENT .....  | 12-1 |
| Section 1. Variance .....  | 12-1 |
| Section 2. Conditions.....   | 12-1 |
| Section 3. Amendment .....   | 12-1 |
| Section 4. Validity .....  | 12-1 |
| Section 5. Conflict With Other Regulations.....  | 12-2 |
| <br>   |      |
| APPENDIX.....  | A-1  |
| A. Certification.....  | A-1  |
| An Engineer's or Surveyor's Certification.....   | A-1  |
| Certification of Approval of Water Supply and Sewage Disposal Systems.....                               | A-1  |
| An Owner's Certification .....   | A-2  |
| Certificate of Ownership and Dedication.....   | A-2  |
| A Certificate of Approval of the Final Plat by the Planning Commission.....                              | A-2  |
| <br>   |      |
| B. Preliminary Plat Check List .....   | B-1  |
| Plat Approval Procedure.....   | B-2  |
| <br>   |      |
| C. Unpaved Roads.....  | C-1  |

**ARTICLE I**

**SHORT TITLE, PURPOSE, JURISDICTION, AUTHORITY**

**Section 1**      **Short Title**

This ordinance shall be known and may be cited as the "Land Development Regulations of Bamberg County, South Carolina."

**Section 2**      **Purpose**

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

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

**Section 3**      **Jurisdiction**

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

An official copy of the map showing the unincorporated area of jurisdiction of Bamberg County is on file in the office of the Clerk of Council. This map bears the seal of the Bamberg County under the following words: "This is to certify that this is the official Land Development Jurisdiction Map referred to in Article I, Section 3, of the Land Development Regulations adopted by the Bamberg County Council on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_."

**Section 4**      **Authority**

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

**ARTICLE II**

**DEFINITIONS OF CERTAIN TERMS USED HEREIN**

**Section 1**      **Definitions**

As used in these regulations:

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

- 1.1**      **Building Line** - A line establishing the minimum allowable distance between the nearest portion of any building, excluding steps, gutters, and similar features, and the front, side and rear property line when measured perpendicularly there to.
- 1.2**      **Density** - The quantity of anything per unit of volume or area: e.g., persons, lots, homes per acre, families per acre.
- 1.3**      **Group Development** - A combination or arrangement of two (2) or more separate buildings, each containing one or more dwelling units, on a single parcel of land which has not been subdivided into customary streets, lots, and blocks.
- 1.4**      **Developer** - A person, including a governmental agency, who intends to undertake any development and who has a legal or equitable interest in the property to be developed.
- 1.5**      **Land Development** - The changing of land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, mobile home parks, and similar developments for sale, lease, or any combination of owner and rental characteristics.
- 1.6**      **Lot** - A portion or parcel of land having its boundaries marked by irons at each change in direction of its boundaries and designated as a part of a legally approved and recorded subdivision plat or as described by metes and bounds, and intended for transfer of ownership or for building development.
- 1.7**      **Lot, Corner** - A lot abutting upon two or more streets at their intersection, or upon two parts of the same street, forming an interior angle of less than 135 degrees. The point of intersection of the property lines or of the property lines as extended in the corner.

- 1.8 Official Maps and Plans - Any maps or plans officially adopted by the County Council as a guide for the development of the County.
- 1.9 Planning Commission - The Bamberg County Planning Commission which was established in 2006 by Resolution of the Bamberg County Council pursuant to the provisions of the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 (Code of Laws of South Carolina Title 6, Chapter 29).
- 1.10 Street - A dedicated public right-of-way which affords the principal means of access to abutting property and which has been accepted for maintenance by Bamberg County or the South Carolina Department of Transportation (SCDOT). For the purpose of these regulations, the term street or streets shall also mean avenues, boulevards, alley, roads, lanes, and other public ways.
- (a) Alley - A vehicular way used primarily for providing service access along the rear or sides of properties which are also served by one of the other types of streets defined herein.
  - (b) Collector Street - A public way designed to connect residential service streets with arterial streets or to provide a direct connection between two arterial streets and may be expected to carry a significant volume of traffic, having neither origin nor destination on the street.
  - (c) Commercial Service Street - A Street that is predominately used to provide access to abutting commercial or industrial properties.
  - (d) Cul-de-sac - A short street having one end permanently or temporarily terminated by a vehicular turn-around.
  - (e) Major Thoroughfare - (Arterial Street) - A street or highway which is used primarily to move fast or heavy traffic from one section of the urban area to another.
  - (f) Service Street - A street, located parallel to and adjacent to a major thoroughfare; and which provides access to abutting properties and protection from through traffic.
  - (g) Residential Street - A street which is used primarily for access to abutting residential properties.
  - (h) Non-Dedicated Streets - This term does not apply to streets or roads which are not to be dedicated as a public right of way or intended for public acceptance and/or maintenance.
- 1.11 Street Right-of-Way - The distance measured perpendicular to the edges of

land in common with front lot lines opposite sides of that land dedicated to public use or in public use. Such width shall be not less than that set forth in Article VIII, Section 2.14 of these regulations, and may be increased if in the discretion of the Commission the future needs of the community will be better served.

- 1.12 **Frontage** - The distance for which property abuts one side of a street, road, highway, or other public way measured along the dividing line between the public and private property.
- 1.13 **Lot Depth** - The distance between front and rear lot lines. If these lines are not parallel, the mean dimension shall be deemed to be the lot depth.
- 1.14 **Lot of Record** - A parcel of land, the dimensions of which are shown on a map on file with the Clerk of Court for Bamberg County, South Carolina. All lots of record shall front on and have ingress and egress by means of a public street or road.
- 1.15 **Structure** - Anything constructed or erected, the use of which requires more or less permanent or semi-permanent location on the ground or the attachment to something having a permanent location on the ground. This includes gasoline pumps, signs, trailers, vending machines, etc.
- 1.16 **Building Line** - That line which represents the distance a building or structure must be set back from a lot line or a street right-of-way line according to the terms of this resolution.
- 1.17 **Building Line Setback** - The distance between the building line and the street line in a lot, tract, or parcel of land.
- 1.18 **Subdivider** - This is an individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity (or agent therefore) that undertakes the activities covered by those regulations. The word "subdivider" is intended to include the terms "developer" and "builder" even though the persons involved in successive stages of the project may vary.
- 1.19 **Subdivision** - All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, and includes all division of land involving a new street or a change in existing streets, and includes resubdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or, the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, and includes combinations of lots of record; however, the following exceptions are included within this definition only for the purpose of requiring that the local planning agency be informed and have a record of the subdivisions:

- (a) the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the governing authority;
- (b) the division of land into parcels of five acres or more where no new street is involved and plats of these exceptions must be received as information by the planning agency which shall indicate the fact on the plats; and
- (c) the combination or recombination of entire lots of record where no new street or change in existing streets is involved.
- (d) the division of a tract of land into lots by a single or family owner where the property is sold or given to the children or relatives of the owner, where no new street dedication is involved, provided such lot sizes shall equal or exceed the standards set forth in these regulations and by SC DHEC and provided such resulting lots are directly accessible by means of a public road or by means of a legal and duly recorded ingress-egress easement, a minimum of twenty (20) feet in width, which serves a maximum of two (2) parcels which would constitute a dominant tenement. If a plat is recorded showing such easement, there must be a deed of conveyance to the children or relatives of the owner that references the easement as shown on the plat in order to qualify as a duly recorded ingress-egress easement.
- (e) the partition of land by Court decree.

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



**ARTICLE III**

**GENERAL PROVISIONS**

**Section 1**      **Official Recording**

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

**Section 2**      **Application of Regulations**

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

**Section 3**      **Effect of Plat Approval and Dedications**

The approval of a land development plan or subdivision plat may not be deemed to automatically constitute or effect an acceptance by the county or the public of the dedication of any street, easement, or other ground shown upon the plat. Public acceptance of the lands must be by action of the County Council customary to such transactions.

**Section 4**      **Violation and Penalty**

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

4/1/2011

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

Section 5      Filing Fees

At the time of submission of the Final Plat, the developer shall pay to the Bamberg County Planning Administrator's Office a fee of \$25.00 plus \$10.00 per lot to defray administrative costs.

Section 6      Interpretation of Subdivision Jurisdiction

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

Section 7      Land Subject to Flooding

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

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

Section 8      Survey Accuracy

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

Section 9      Vested Right

9.1      Definitions

- (a) Except as hereinafter set forth, the words, terms and phrases when used in this chapter shall have the meaning as set forth in §6-29-1520 of the Code of Laws of South Carolina, 1976 as amended.
- (b) Site specific development plan means those documents that comprise a complete application for a zoning permit, certification of zoning compliance, variance, special exception, planned unit development, sketch plat or plan, or other similar approval that authorizes the developer or landowner to proceed with investment in grading, installation of utilities, streets, and other infrastructure, and to undertake other significant expenditures necessary to prepare for application for a building permit.

## 9.2 Establishment and conditions of vested right

- (a) A vested right is triggered only upon the approval or conditional approval of a site specific development plan.
- (b) Except as hereinafter set forth, a vested right established by this division is subject to the conditions and limitations as proscribed by §6-29-1540 and 1550 of the Code of Laws of South Carolina, 1976 as amended.
- (c) No vested rights are established for phased development plans, including phased development plans applicable to real property proposed for annexation.
- (d) A vested right for a site specific development plan expires after two (2) years after vesting. No extensions of the vested right are authorized. Any requests for an extension of a vested right shall be denied.
- (e) A vested site specific development plan may be amended if the amendment conforms to, or does not cause greater nonconformity with, the current provisions of this chapter. Approval or conditional approval of an amendment does not reset the expiration period of a vested right.

## 9.3 Conflicting provisions

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

**ARTICLE IV**

**PLAT REQUIREMENTS**

**Section 1**     **The Sketch Plan**

Prior to filing an application for Preliminary Plat approval, the developer or his representative may submit a Sketch Plan of the proposed development to the Bamberg County Planning Administrator. This plan shall be submitted at a regular meeting of the Planning Commission. At the meeting the developer or his representative should present the plan for the new development and seek the advice and assistance of the Planning Commission.

**1.1**     **Information to be Shown on Sketch Plan**

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

**ARTICLE V**

**PROCEDURE FOR TENTATIVE APPROVAL**

**Section 1**      **Application for Preliminary Plat Approval**

Following the preapplication review of a proposed development, the developer shall submit to the secretary of the Bamberg County Planning Administrator, at least fifteen (15) days prior to the next regular meeting of the Planning Commission, the following:

- A.      A letter requesting review and approval of a preliminary plat and giving the name and address of a person to whom the notice of the hearing by the Planning Commission on the preliminary plat shall be sent.
- B.      Five (5) copies of the preliminary plat as specified in Article VI; to provide a review and record copy for the Planning Commission, developer, county engineer, or street department, building inspector, and the county health department.
- C.      A preliminary plat filing fee of Fifty Dollars (\$50.00).

**Section 2**      **Review of Preliminary Plat**

The Planning Administrator shall check the plat for conformance to the rules and regulations of this resolution, and report his finding and recommendations to the Planning Commission, which shall afford a hearing on the preliminary plat, notice of the time and place of which shall be sent by the Planning Administrator by registered or certified mail to the person designated by the developer in the letter requesting preliminary plat review and approval, not less than five (5) days prior to the date of the hearing.

Before taking final action on the Preliminary Plat, the Planning Commission shall refer copies of the plat and attachments to those public officials and agencies which are concerned with new developments, including the Directors of the Street, Water, and Sanitary Sewer Departments, the Building Inspector, the Bamberg County Health Department, and the District Engineer of the South Carolina Department of Transportation, for their review and recommendations.

**Section 3**      **Time Limit, Record, Appeal**

Review and approval or disapproval by the Planning Commission or staff if authorized, must be accomplished within sixty (60) days of the date of submission of sketch plans, preliminary plans and final plans. Failure of the designated authority to act within sixty (60) days of receipt of development plans or subdivision plats with all documentation required by these regulations is deemed to constitute approval and the developer must be issued a letter of approval and authorization to proceed based

4/1/2011

on the plans or plats and supporting documentation presented. The sixty-day time limit may be extended by mutual agreement.

A record of all actions on all land development plans and subdivision plats with the grounds for approval or disapproval and any conditions attached to the action will be maintained as a public record. In addition, the developer must be notified in writing of the actions taken.

Action by the Planning Administrator, if authorized, to approve or disapprove a land development plan, may be appealed to the Planning Commission by any party in interest. The Planning Commission shall act on the appeal within sixty (60) days and the action of the Planning Commission is final. An appeal from the decision of the Planning Commission may be taken to circuit court within thirty (30) days after actual notice of the decision.

If the Preliminary Plat is found to conform to all of the requirements of this resolution, preliminary approval shall be given by the Planning Commission. Approval shall be noted on at least two (2) copies of the Preliminary Plat by the Chairman and two (2) other members of the Commission; another shall be given to the developer.

Upon approval of the Preliminary Plat, the developer may proceed with the installation of or arrangements for required improvements in accordance with the Preliminary Plat and proceed with the preparation of a Final Plat. Approval of the Preliminary Plat constitutes final approval only of the required improvements unless unforeseen problems arise.

#### Section 4      Disapproval or Conditional Approval

If the Preliminary Plat is disapproved or approved conditionally, the reasons for such actions shall be stated in writing and signed by the Chairman of the Planning Commission. The reasons for disapproval shall refer specifically to those parts of the General Plan or resolution or regulations with which the plat does not conform. One (1) copy of the reasons shall be retained in the records of the Commission; another shall be given to the developer. In all cases of conditional approval, the developer shall resubmit, for the Planning Commission's review, the Preliminary Plat with all recommended changes before the Commission gives approval of the Plat.

**ARTICLE VI**

**PRELIMINARY PLAT SPECIFICATIONS**

**Section 1**      **Contents of the Preliminary Plat**

The Preliminary Plat shall be prepared by a registered surveyor or engineer on page(s) not larger than 18 inches by 26 inches. The plat shall be drawn to scale of one (1) inch equals one hundred (100) feet or one (1) inch equals fifty (50) feet, or at a scale determined by the Planning Administrator, and shall contain or be accompanied by the following information.

**Section 2**      **General Information**

- A.      Names and locations of adjoining development, subdivisions, streets and the location and ownership of adjoining undeveloped property.
- B.      Boundaries of the tract to be developed with all bearings and distance indicated.
- C.      Existing zoning classification of the tract.

**Section 3**      **Existing Site Data**

- A.      City limits lines; property lines; rights-of-ways; easements; streets; railroads; utility transmission lines; storm sewers, ditches, and culverts; sanitary sewers; water mains; bridges; and buildings.
- B.      Wooded areas, marshes, water courses, ponds, and any other similar conditions affecting the site.
- C.      Contours showing the topography of the site at a vertical interval of five (5) feet, or as required by the Planning Commission.
- D.      Areas subject to flooding, accompanied by high water elevation, if available.

**Section 4**      **Proposed Site Data**

- A.      Street right-of-way, pavement widths, grades, street names, street profiles and roadway sections shall be provided.
- B.      Preliminary plans prepared by an engineer for sanitary sewers, storm sewers and water lines showing connections to existing systems or proposals for developing new water supply, storm drainage, and sewage disposal systems (storm and sanitary sewer profiles, and sizes shall be provided).
- C.      Specify the type of all materials to be used in items listed above.

4/1/2011

- D. Other easements and rights-of-way including location, dimensions, and purpose.
- E. Contour changes to be made by grading.
- F. Lot lines, lot dimensions, lot and block numbers, and minimum building setback lines along street right-of-way and rear and side property lines.
- G. Parks, school sites, and other public areas, if any.
- H. Areas to be used for purposes other than residential and public, if any, with the purpose, location, and dimensions of each indicated.

Section 5      Other Information

- A. Name of development and surveyor or engineer.
- B. Name and address of owner or owners.
- C. Date of survey and plat preparation, north point, graphic scale.
- D. Surveyor's certificate of accuracy, certifying that the error of closure of the boundary is no greater than 1:5000. See Appendix B.
- E. Site data: Total acreage in tract; acreage in public or other land usage; each lot size; total number of lots; linear feet in streets.
- F. Other supplemental material; any deed restrictions proposed for the development and any other information considered by either the developer or the Planning Commission to be pertinent to the review of the Preliminary Plat.



**ARTICLE VII**

**FINAL PLAT PROCEDURE**

**Section 1**      **The Final Plat**

The developer shall submit one (1) Final Plat on film and three (3) dark line prints to the Planning Administrator at least fourteen (14) days prior to the regularly scheduled meeting of the Commission at which the plat is to be considered for final approval. If available, a submission of GIS shapefiles or CAD files is preferred. At the same time, there shall be submitted one (1) set of the plans and specifications for all improvements and the proposed deed restrictions. The filing fee for a final plat application is Twenty-five dollars (\$25.00) plus Ten dollars (\$10.00) per lot.

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

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

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

**1.3**      **Content of the Final Plat** - The Final Plat shall conform substantially to the Preliminary Plat as it was approved and shall be considered an "as built" plat. The Final Plat shall be prepared by a registered surveyor or engineer and shall be drawn to a scale of one (1) inch equals one hundred (100) feet or one (1) inch equals fifty (50) feet on page(s) not larger than 18 inches by 26 inches, or in a scale as specified by the Planning Administrator. It shall contain or be accompanied by the following information:

**1.3.1**              **Survey Data**

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

- (d) Accurate location and description of all monuments, markers, and control points.
- (e) Sufficient engineering data to determine readily and reproduce on the ground every straight or curved boundary line, street line, right-of-way line, easement line, and setback line, including linear dimensions, bearings or deflection angles, tangents, radii, arcs, chords, and central angles. (All dimensions shall be measured to the nearest one-hundredth of a foot and all angles to the nearest minute.)

### 1.3.2 Site Data

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

### 1.3.3 Other Information

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

## Section 2 Certificates

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

- A. Certificate of surveying and mapping. See Appendix A.
- B. Certificate of approval of the design and installation. See Appendix A.

4/1/2011

- C. Certificate of ownership and intent. See Appendix A.
- D. Certificate of approval of water supply and sewage disposal systems. See Appendix A.
- E. Certificate of approval of street names by the Postmaster and the Bamberg County Emergency Preparedness Division.
- F. Certificate of approval of the Final Plat by the Planning Commission. See Appendix A.

Section 3      Planning Commission Action

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

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

Prior to recording, the Final Plat shall be submitted to the County Council for approval and consideration for acceptance of public streets, utilities, easements and land dedicated to public use.

After final approval, the Planning Administrator shall file the original approved Final Plat with certificates with the Bamberg County Clerk of Court and obtain a receipt that the Final Plat was filed. The Planning Administrator shall provide the Planning Commission and the developer with one (1) dark line print thereof.

**ARTICLE VIII**

**MINIMUM DESIGN STANDARDS**

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

**Section 1**      **General Standards**

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

**1.2**      **Municipal Water and Sewer System Preferred** - New development of land will be approved for individual water supply and/or sewage system disposal unless within a reasonable period of time, but no later than at first occupancy, it is possible for a town or the county to supply water mains and sanitary sewer trunks within 200 feet of the property under consideration for development.

If the development under consideration involves no more than one single family residential structure, "on-site" facilities will be allowed, provided the lot is of sufficient size to accommodate the required (DHEC) septic drainage field which can be constructed in an area no closer than twenty feet to a boundary line of any adjacent property.

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

**Section 2**      **Streets**

**2.1**      **Conformity to Existing Maps or Plans** - The location and width of all proposed streets shall be in conformity with official plans and maps of Bamberg County and with existing or amended plans of the Planning Commission. Additional requirements for the naming of streets can be found in Article IX, Section 3 of these regulations.

- 2.2 Public Streets - All streets which are to be dedicated shall be public streets and shall be opened to the exterior property lines of the development unless permanently terminated by a vehicular turnaround or an intersection with another street.
- 2.3 Continuation of Adjoining Streets - Proposed streets shall be coordinated with the street system in the surrounding area and provide for the continuation of principal streets.
- 2.4 Reserve Strips - Reserve Strips controlling access to streets shall be prohibited except where their control is placed with the county under conditions approved by the Planning Commission.
- 2.5 Residential - Residential streets shall be laid out so their use by through traffic will be discouraged in that 3-way intersections ("T" intersections) shall be used as much as possible.
- 2.6 Service Streets with Major Thoroughfares - Where a subdivision abuts or contains an existing or proposed major thoroughfare, the Planning Commission may require service streets, reverse frontage with screen planting line, deep lots, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- 2.7 Service Streets with Highways and Railways - Where land to be subdivided borders or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require a service street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
- 2.8 Street Jogs - Street jogs with centerline offsets of less than two hundred (200) feet shall be avoided.
- 2.9 Tangents - A tangent of at least one hundred (100) feet on minor streets; one hundred and fifty (150) feet on collector streets; and as determined by the South Carolina Department of Transportation on major thoroughfares shall be introduced between reverse curves.
- 2.10 Intersections - The center lines of no more than two (2) streets shall intersect at any one point. Streets shall be laid out to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than sixty (60) degrees. The maximum grade approaching intersections shall not exceed five (5) percent for a distance of not less than one hundred (100) feet from the center line of said intersection. The radius of edge of pavement or face of curb shall be not less than thirty-two (32) feet at the intersection of collector streets and major thoroughfares.

2.11 Property Lines at Intersections - Property lines at street intersections shall be rounded with a radius of twenty (20) feet.

2.12 Horizontal Curves and Vertical Curves - All horizontal and vertical curves shall be in compliance with the regulations and standards established by the South Carolina Department of Transportation.

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

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

|                                 |                 |
|---------------------------------|-----------------|
| Alley.....                      | 20 feet         |
| Collector Street .....          | 50 feet         |
| Commercial Service Street ..... | 50 feet         |
| Cul-de-sac.....                 | 100 feet (dia.) |
| Major Thoroughfare .....        | 80 feet         |
| Residential Service Street..... | 50 feet         |
| Residential Street.....         | 50 feet         |

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

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

2.16 Cul-de-sac - Dead end streets designed to be permanently terminated shall not exceed six hundred (600) feet in length, except where no other access is practical due to topographic reasons. Such streets shall be provided at the end with a circular turnaround. A minimum turnaround shall have a radius of not less than fifty (50) feet at the property line and not less than forty (40) feet at the curb line.

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

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

- 2.19 Street Names - No street names shall be used which will duplicate or be confused with existing streets. Street names shall be subject to the approval of the Planning Commission. A street name certificate must accompany all Final Plats for approval. Refer to Article XI for further guidance on the naming of streets.
- 2.20 Additional Right-Of-Way - Where streets in existing subdivisions do not meet the standard for maintenance of the South Carolina Department of Transportation, and residents wish to dedicate said streets for public maintenance and/or acceptance, property owners abutting on said streets shall provide a minimum of one-half (1/2), measured from the center line of the existing right-of-way, of the total right-of-way required by these regulations.

Section 3 Alleys

- 3.1 Residential Areas - Alleys are not required for residential areas, but when provided shall not be less than twenty (20) feet in width and fully paved.
- 3.2 Intersections - Alley intersections and sharp changes in alignment should be avoided, but where necessary, the curve radius shall permit safe vehicular movement.
- 3.3 Dead-Ends - Dead-end alleys should be avoided, but where necessary shall be provided with adequate turnaround facilities at the dead-end, as determined by the Planning Commission.

Section 4 Easements

Easements not less than ten (10) feet wide centered on side or rear lot lines shall be provided where necessary for use by public or private utilities.

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

- 4.1 Water Flow Right-Of-Way - Where proposed land development will materially alter the natural drainage pattern within and/or increase the rate of discharge of drainage water from its own borders, and will thereby materially affect the discharge of drainage water onto properties lying below and beyond its own borders, the developer will secure from the owner or owners of affected properties an adequate drainage easement in favor of the County through and across properties to a point where drainage water passing along such right-of-way is discharged into a natural drainage way adequate to handle the drainage without effect upon other properties.

The developer will make improvements within the right-of-way areas as may

be required to properly cause the drainage water to flow along and within the limits of the right-of-way. The nature and extent of the right-of-way and improvements necessary to properly handle the drainage water to be discharged along the right-of-way will be certified by a registered engineer.

Section 5      Blocks

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

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

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

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

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

Section 6      Undeveloped Open Space

Design of the development shall take into consideration all existing local and regional plans for the surrounding community. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alteration of natural features.

The following specific areas shall be preserved as undeveloped and unplatted open space, to the extent consistent with the reasonable utilization of land, and in accordance with applicable federal, state or local regulations:

- (a)      Wetlands, except as permitted by applicable regulations and as delineated by the U.S. Army Corps of Engineers.
- (b)      Steep slopes in excess of twenty (20) percent unless appropriate engineering measures concerning slope stability, erosion, and



4/1/2011

resident safety are taken.

- (c) Lands in the floodplain, except as permitted by applicable regulations and as delineated by the Federal Emergency Management Agency.
- (d) Streams, creeks and other naturally existing water courses.

Section 7      Area Subject to Flooding

A plat of a proposed development submitted to the Planning Commission for approval which contains lands subject to flooding shall have such areas delineated as being subject to flooding. Federal Emergency Management Agency 100-year Floodplain Maps should be referred to for floodplain delineation. The building located on such land must be set back a minimum of twenty-five (25) feet on all sides from the high water mark for that particular lot, unless in the opinion of the Planning Commission such use is deemed to endanger health, life or property, or aggravate the flood hazard.

**ARTICLE IX**

**REQUIRED IMPROVEMENTS**

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

**Section 1**      **Monuments and Markers**

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

**Section 2**      **Performance Guarantee**

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

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

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

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

**Section 3**      **Streets and Alleys**

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

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

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

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

3.3     Unpaved roads - In subdivisions in rural and predominately agricultural locations, the Planning Commission may recommend that streets and roads be left unpaved. In making such recommendations, the Planning Commission must consider the following:

- 1) Density and lot size.
- 2) Soils and topography of development.
- 3) Drainage and erosion control.

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

Specifications for the construction of unpaved roads are set forth in Appendix D.

#### Section 4     Curbs and Gutters

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

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

Section 5      Water Lines

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

The water mains in the development will:

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

5.1      Connection to a Public System - Where an existing public water main, in the opinion of the Commission, is reasonably accessible, and for the purpose of this section "reasonably accessible" is considered one-thousand five hundred (1,500) feet from the property proposed to be developed, the developer will connect with the water main and provide the required connection for domestic and fire purposes.

5.2      Separate System - Where a public water main is not reasonably accessible, or planned, the developer may provide a central water system, according to standards and specifications of the local provider and must receive approval of the SCDHEC and must comply with all provisions established in these regulations for water for domestic and fire purposes.

- 5.3     Regulations May Be Waived - Where the lot is one-half acre or more in size, this regulation may be waived, provided the SCDHEC concurs that the source of individual water supply is adequate and safe for human consumption.

Section 6     Sanitary Sewers

- 6.1     Connection to Public System - Where an existing public sanitary sewer is reasonably accessible and for the purpose of this section “reasonably accessible” is considered one-thousand five hundred (1,500) feet from the property proposed to be developed; the developer will connect with the sanitary sewer and provide an adequate connection for each lot. The design, grade, and capacity will be approved by the public system operator.

- 6.2     Temporary Separate System - Where a public sanitary sewer is not reasonably accessible, but where the plans for a sanitary sewer system have been prepared and installation shall occur within six months or less, the developer will install sewers in conformity with the plans, although a connection with an existing main may not be immediately practicable.

In such cases, and until the connection is made with the planned sewer system, the subdivider will provide for the disposal of sanitary sewage by a system approved by the SCDHEC.

- 6.3     Separate System - Where sanitary sewers are not available or planned, and if the proposed development is to be on open type septic tanks, which are designed and installed according to standards of the SCDHEC, will be permitted, provided no lot is less than one-half acre.

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

Section 7     Storm Sewers and Drainage

An adequate storm drainage system designed to protect proposed development from flooding shall be installed and certified by a registered engineer. The system shall be adequate to carry all storm water in its drainage area that is expected to occur during a ten (10) year period and shall complement systems on adjacent properties. Where a public storm sewer is reasonably accessible, as determined by the Planning Commission, the developer shall connect with such drainage systems.

Section 8     Culverts and Bridges

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

Section 9     Street Signs

4/1/2011

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

Section 10    Oversized Improvements

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

4/1/2011

**ARTICLE X**

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

**Section 1**      **Water and Sewer Lines**

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

**ARTICLE XI**

**APPROVAL OF STREET NAMES**

The Planning Commission shall, by proper certificate and following consultation with and the concurrence of the Bamberg County E-911 Office, approve and authorize the name of a street or road laid out within the unincorporated jurisdiction of the County.

**Section 1**      **Violation A Misdemeanor**

It is unlawful for a person in laying out a new street or road to name the street or road on a plat, by a marking or in a deed or instrument without first getting the approval of the Planning Commission. Any person violating this provision is guilty of a misdemeanor and, upon conviction, must be punished in the discretion of the court.

**Section 2**      **Changing Street Name**

The Planning Commission may, after consultation with the Bamberg County E-911 Office and reasonable notice through a newspaper having general circulation in Bamberg County, change the name of a street or road within the area of its jurisdiction:

- A.      when there is duplication of names or other conditions which tend to confuse the traveling public, public safety efforts or the delivery of mail, orders, or messages;
- B.      when it is found that a change may simplify making or giving of directions to persons seeking to locate an address; or
- C.      upon any other good and just reason that may appear to the Commission.

**Section 3**      **Recording**

On the name being changed, after reasonable opportunity for a public hearing, the Planning Commission shall issue its certificate designating the change, which must be recorded in the office of the register of mesne conveyances or clerk of court, and the name changed and certified and is the legal name of the street or road.



**ARTICLE XII**

**ADMINISTRATION AND AMENDMENT**

**Section 1**      **Variance**

Whenever the tract to be developed is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in substantial hardships or inequity, the Planning Commission may vary or modify, except as otherwise indicated, requirements of design, but not of procedure or improvements, so that the developer may develop said property in a reasonable manner, but so, at the same time, the public welfare is protected and the general intent and spirit of these regulations is preserved. Also, the developer shall be required to make his intentions for variance known by public notice; this notice is required to be published one time in the local newspaper ten (10) days prior to submission of request for the variance. Such modification may be granted upon written request of the developer stating the reasons for each modification and by an affirmative vote of at least two thirds (2/3) of the membership of the Planning Commission.

**Section 2**      **Conditions**

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

**Section 3**      **Amendment**

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

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

**Section 4**      **Validity**

If any section, clause, paragraph, provision, or portion of this resolution shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this resolution.

4/1/2011

Section 5

Conflict With Other Regulations

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

---

This Ordinance shall take effect and be in force from and after its adoption by the Bamberg County Council this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

**APPENDIX A**  
**CERTIFICATION**

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

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

By \_\_\_\_\_ Registered C.E. No. \_\_\_\_\_  
\_\_\_\_\_ Registered South Carolina Surveyor No. \_\_\_\_\_."

\* \* \* \* \*

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

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Health Officer  
Or Authorized Representative"

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

"Owner's Certification:

State of South Carolina, County of Bamberg

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

Agent \_\_\_\_\_ Owner \_\_\_\_\_

Date \_\_\_\_\_ Date \_\_\_\_\_"

\* \* \* \* \*

Certificate of Ownership and Dedication

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

Owner \_\_\_\_\_ Date \_\_\_\_\_"

\* \* \* \* \*

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

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

Date \_\_\_\_\_ Chairman \_\_\_\_\_

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

**APPENDIX B**

**PRELIMINARY PLAT CHECKLIST**

Date Submitted \_\_\_\_\_ Public hearing date \_\_\_\_\_  
Name of Development \_\_\_\_\_ First published on \_\_\_\_\_  
Current zoning \_\_\_\_\_ Amount of fee \_\_\_\_\_  
Name and address of applicant \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Checked by:     Clerk         Deeds         Engineer         Planner

|                                     |
|-------------------------------------|
| 1. Size of tract _____              |
| 2. Number of lots _____             |
| 3. Average lot size _____           |
| 4. Width of utility easements _____ |
| 5. Width of ROW _____               |
| 6. Size of plat sheets _____        |
| 7. Number of copies _____           |

|                     |
|---------------------|
| Proposed variances: |
| 1. _____            |
| 2. _____            |
| 3. _____            |
| 4. _____            |
| 5. _____            |

CHECK IF SATISFACTORY:

- |   |  |  |  |
|---|--|--|--|
| <input type="checkbox"/> Scale                                  | <input type="checkbox"/> Legend                        | <input type="checkbox"/> North point                     | <input type="checkbox"/> Legal description           |
| <input type="checkbox"/> Title & deed check                     | <input type="checkbox"/> Water retention               | <input type="checkbox"/> Table for lot data              | <input type="checkbox"/> Name & seal of surveyor     |
| <input type="checkbox"/> Lot sizes                              | <input type="checkbox"/> Street names                  | <input type="checkbox"/> Percolation tests               | <input type="checkbox"/> Lot numbers/addresses       |
| <input type="checkbox"/> Water feasibility study                | <input type="checkbox"/> Floodplain                    | <input type="checkbox"/> Certificate of elevation        | <input type="checkbox"/> Existing features shown     |
| <input type="checkbox"/> Adjacent roads shown                   | <input type="checkbox"/> Internal road ROW             | <input type="checkbox"/> Utility easements               | <input type="checkbox"/> Adjacent tract owners shown |
| <input type="checkbox"/> Utility connection points              | <input type="checkbox"/> Drainage features/easements   | <input type="checkbox"/> Setbacks, yards & lot entrances |  |
| <input type="checkbox"/> Connecting roads to other developments | <input type="checkbox"/> Portions subdivided or phased | <input type="checkbox"/> Copy of proposed covenants      |  |

Planning Commission review notes:

Mandatory changes:

**APPENDIX C**  
**UNPAVED ROADS**

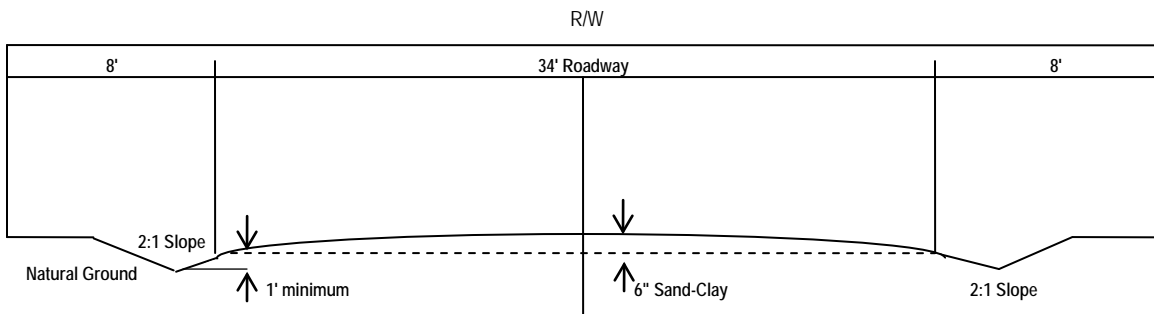
In subdivisions in predominately rural and country environments, the Planning Commission may recommend that streets and roads be left unpaved. In making such recommendations, the Planning Commission must consider the following:

1. Density and lot size.
2. Soils and topography of subdivision.
3. Drainage and erosion control.

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

New unpaved subdivision streets:

- (a) Generally: This specification is intended to establish minimum requirements for dirt roads constructed and dedicated to the public under the provisions and procedures of the Bamberg County Land Development Regulations. The specifications presume proper preparation of a subgrade including clearing, grubbing and removal of unstable or unsuitable material.
- (b) Required minimum section:



- (c) Roadway: The roadway will be a minimum of thirty-four (34) feet in width with the top six (6) inches composed of a sand-clay material, described below. Other stable roadway materials or designs which exceed this requirement may be submitted for approval. Such submittals will be at the time preliminary approval is sought.
- (d) Sand-clay: Sand-clay roadway material shall conform to the following requirements:

|   | Minimum | Maximum |
|---|---------|---------|
| Passing 1 ½ sieve, % by weight                              | 100     | -       |
| Passing No. 10 sieve, retained on No. 60 sieve, % by weight | 20      | -       |
| Silt, % by weight   | -       | 15      |
| Clay, % by weight   | 10      | 25      |
| Material passing No. 40 sieve:                              |         |         |
| Liquid limit  | -       | 35      |
| Plasticity index  | 5       | 12      |

(e) Maximum grade: Maximum grade permissible shall be five (5) percent.

(f) Culverts: All dirt roads will be constructed in accordance with the typical section which will provide either a culvert or outfall naturally across a natural slope. In cases where a culvert is constructed parallel to the roadway outfall easements will be provided as specified below:

| Road/Culvert grade (%) | Minimum distance between outfall easements (feet) |
|------------------------|---|
| 5                      | 80  |
| 4                      | 150   |
| 3                      | 500   |
| 2                      | 800   |
| 1                      | 1,000   |

Where outfall easements as described above are undesirable or otherwise cannot be provided, drainage shall be provided by means of subsurface pipes with full consideration given erosion at outfall points.