

ARTICLE 12C, SUBDIVISION REGULATIONS

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CHAPTER 1. GENERAL PROVISIONS

12C-101 **TITLE**

This Ordinance shall be known and may be cited as the Subdivision Regulations of the Town of Kiawah Island, South Carolina ("Subdivision Regulations").

12C-102 **JURISDICTION AND AUTHORITY**

The jurisdiction of these regulations shall include all incorporated portions of Kiawah Island and the Town of Kiawah Island ("Town"), pursuant to Sections 6-29-1110 through 6-29-1200, of the South Carolina Code of Laws, Title 6, Chapter 29, South Carolina Local Government Comprehensive Planning Enabling Act of 1994, as amended, and which Subdivision Regulations have been drafted in accordance with the Comprehensive Plan for the Town of Kiawah Island.

12C-103 **PURPOSE**

1. The purpose of these regulations, to the extent practicable, is to:
 - A. Provide for the harmonious development of the Town;
 - B. Control the subdivision of land;
 - C. Control the opening or extensions of any streets or roads;
 - D. Secure a coordinated major street and road layout which also provides necessary access to local and collector streets which, in turn, access adjoining subdivisions;
 - E. Protect residential areas from through traffic and other traffic hazards;
 - F. Ensure proper street intersection design;
 - G. Achieve individual property lots of maximum utility;
 - H. Secure adequate provisions for light, air, water supply, drainage and sanitary sewer facilities and other public health requirements;

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- I. Secure adequate provisions for transportation and circulation (vehicular and pedestrian);
 - J. Assure the timely provision of required streets, utilities, and other facilities and services to new land development;
 - K. Negotiate for 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;
 - L. Assure the wise and timely development of new areas, and redevelopment of previously developed areas in harmony with the Comprehensive Plan;
 - M. Provide accurate land records for the convenience and protection of the public and for adequate identification and permanent location of real estate boundaries;
 - N. Ensure the recording of necessary survey data prior to selling land; and
 - O. Provide for Planning Commission review and action on:
 - (1) land development plans and subdivision specifications;
 - (2) the width, character and location of streets, alleys and roads; and
 - (3) water mains, sewer lines and other utilities.

12C-104 ADMINISTRATION

1. Planning Director.

The Planning Director is hereby designated to administer these Subdivision Regulations for the Town.

2. Planning Commission.

The Kiawah Island Planning Commission shall act to approve, disapprove, approve with conditions all preliminary plats and final plats; review concept or site plans; and consider any waiver requests with respect to the requirements contained in these Regulations.

12C-105 **SCOPE AND APPLICABILITY**

1. Within the jurisdiction of these Subdivision Regulations, except as hereinafter provided, no subdivision, plat or land development plan shall be made, platted or recorded for any purpose nor shall parcels resulting from such subdivisions be sold or offered for sale, and no building permit may be issued unless the proposed subdivision meets all requirements of these Subdivision Regulations, has been approved in accordance with the requirements of these regulations and until the plat or plan bears the stamp of approval and is properly signed by the designated authority.
 - A. All plats shall have the Town of Kiawah Island Stamp of Approval, or an exemption stamp on the plat.
 - B. The Register of Mesne Conveyance shall not record any plat without the Town of Kiawah Island Stamp of Approval.
 - C. Lands that were recorded by deed or plat prior to January 1, 1955, the effective date of the Charleston County Subdivision Regulations, and not subsequently subdivided, will receive automatic approval under a "grandfather clause," provided the parcel involved is the same size and shape as when initially recorded and is properly platted in accordance with standards set forth in this Ordinance. The recording information must be provided by the owner and attested to by a registered surveyor.
 - D. Lot(s) resulting from the subdivision of previously combined lots (two or more lots were combined to form a single lot) will receive automatic approval under a "grandfather clause" provided the lot(s) created shall result in lot sizes that are the same size and shape as when initially recorded and are properly platted in accordance with the standards set forth in this Ordinance.
 - E. The plat for an individual lot exempted by virtue of preexistence must be accompanied by a surveyor's statement that the lot is a single, individual lot and that it is not newly created.
2. The following shall be exempt from the requirements of Subsection 1 above:
 - A. The combination or re-combination of portions of previously platted lots where the total number of lots is not increased and the resultant lots thus created conform to these Subdivision Regulations.

- B. The combination or recombination of entire lots of record where no new street or change in existing streets is involved.
- C. The public acquisition of land for the widening of existing streets or the opening of new streets.
- D. Lots created and recorded prior to August 15, 1971 (the effective date of the Charleston County Zoning Ordinance which has subsequently been adopted and revised by the Town of Kiawah Island) providing the lot:
 - (1) Was or is surveyed and platted in accordance with prescribed standards;
 - (2) Has the approval of the Charleston County Health Department; and
 - (3) Contains no drainage ways or easements needed to drain surrounding properties.
- E. A division of land into parcels of five (5) or more acres is deemed an exception where no new street is involved. A copy of the plat showing such a division must be remitted to the Planning Commission as information.

12C-106 AMENDMENTS TO SUBDIVISION REGULATIONS

For the purpose of protecting the public health, safety and general welfare, the Town Council may, from time to time, amend these Subdivision Regulations after a public hearing, giving at least thirty (30) calendar days notice of the time and place, by publication, in a newspaper of general circulation in the Town.

12C-107 COORDINATION WITH OTHER REGULATIONS

- 1. It is the intent of the Town of Kiawah Island that these Subdivision Regulations be applied in a manner consistent with other regulations governing the use and development of land, including but not limited to zoning regulations, road specifications, floodplain regulations and other applicable Town regulations. Applications for permits required by other development regulations may be submitted simultaneously with applications for permits required by the Subdivision Regulations wherever feasible.

2. The use of buildings and land within the Town shall be subject to all other applicable provisions of the Town of Kiawah Island Municipal Code as well as these Subdivision Regulations, whether or not such other provisions of the Code are specifically cross-referenced herein.
3. In interpreting and applying the provisions of these regulations, they shall be construed to be the minimum requirements necessary for the promotion of public health, safety or general welfare. Whenever these regulations impose a more restrictive standard than required by any other law or regulation (e.g. Federal, State or County), these regulations shall govern.

12C-108 CONFORMITY WITH ZONING ORDINANCE

All plats and land development plans submitted under and reviewed pursuant to these Subdivision Regulations shall conform to all applicable zoning district regulations, zoning ordinance provisions, road code provisions and other relevant Town regulations and legislation. Any required zoning change shall be made prior to approval of a final plat.

12C-109 FEES

1. Fees will be levied in order to defray expenditures incurred by the Town in the provision of application processing, document copying, and other administrative services as required by these Subdivision Regulations. All processing fees are due upon submission of an application.
2. The amount of the processing fees required shall be determined by the Town Council.

12C-110 CONFLICT

These Subdivision Regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.

12C-111 PENALTY

The submission for filing or the recording of a subdivision plat or other land development plan without proper approval as required by these Subdivision Regulations, and any violation of these regulations or amendments thereof shall be a misdemeanor, and the offender, upon conviction, shall be punished as for a misdemeanor and any court of the Town having jurisdiction of misdemeanor cases shall have jurisdiction to try such offenders and, upon

conviction, to so punish them; and each day that any structure or land is used in violation of these regulations shall constitute a separate offense.

12C-112 **WAIVERS**

1. Where extraordinary hardships may result from strict interpretation of these Subdivision Regulations, the Planning Commission may, by an affirmative vote of at least two-thirds (2/3) of its members present at a meeting, approve a waiver from strict compliance with these Subdivision Regulations so that fairness is realized and the public interest is protected, provided that such waiver does not have the effect of nullifying the intent and purpose of the Comprehensive Plan, the Zoning Ordinance or these Subdivision Regulations.
 - A. The applicant shall submit a petition in writing stating clearly and definitely the reason for the waiver request. Consideration will be given if each of the following factors is found:
 - (4) Special and/or unique conditions affecting the property;
 - (5) Undue hardships that will result from adherence to one (1) or more of the relevant requirements; and
 - (6) Granting of the waiver will not be detrimental to adjacent properties, property owners or to the public interest.

12C-113 **SEVERABILITY**

If any part or provision of these Subdivision Regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment has been rendered and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The Town Council hereby declares that it would have enacted the remainder of these regulations without any such part, provision, or application which is judged to be invalid.

12C-114 **EFFECTIVE DATE**

These regulations shall take effect and be in force from and after the date of their adoption by the Town Council.

CHAPTER 2. PROCEDURE FOR SECURING APPROVAL OF A SUBDIVISION PLAT

12C-201 COORDINATION OF ZONING APPLICATION WITH SUBDIVISION APPROVAL

1. Where the Zoning Ordinance authorizes flexible zoning applications through a Planned Development process that permits the use of land and the density of structures to differ from that allowed as a use of right, approval by the Planning Commission shall be required. This is in addition to all other procedures and approvals required by the zoning ordinance, regardless of whether applicable zoning procedures require Planning Commission or Board of Zoning Appeals approval, review or recommendation.
2. In order to fully implement such flexible zoning techniques, applicants shall be required to submit applications for subdivision review simultaneously with applications for zoning approval. Depending upon the size and location of the proposed development, such applications shall conform with the subdivision application requirements of these regulations.

12C-202 GENERAL PROCEDURAL REQUIREMENTS FOR ALL PLAT APPLICATIONS

1. The overall procedure for plat applications is summarized in Figure 12C-1.
2. Attend a Pre-Application meeting (refer to Section 12C-203).
3. A complete application for approval of a Preliminary or Final Plat of a proposed subdivision shall be submitted to the Planning Director at least thirty (30) calendar days prior to a scheduled meeting of the Planning Commission at which the applicant desires the proposal to be considered. The Planning Director must certify the application as being complete prior to the application being submitted for review for approval by the Planning Commission. The Planning Director shall determine the completeness of an application within fifteen (15) calendar days of receiving an application. Incomplete applications shall be returned to the applicant. Any subsequent submission shall also be made at least 30 calendar days prior to a scheduled Planning Commission meeting.
4. The Planning Commission must receive each complete application for plat approval presented fourteen (14) calendar days or more prior to a scheduled meeting at which the applicant would like the application reviewed. The Planning Commission

shall "approve," "approve with conditions" or "disapprove" the complete subdivision application before them.

5. When a complete application for approval of a plat has been submitted to the Planning Commission, pursuant to Subsections 3 and 4 above, the Planning Commission shall grant approval, grant approval with conditions or disapprove the application within thirty (30) calendar days. Notice of the Planning Commission's action shall be mailed to the applicant within fifteen (15) calendar days after the meeting at which such action was taken. The thirty (30) calendar day time limit may be extended by mutual agreement between the applicant and the Planning Commission. Failure of the Planning Commission to act within sixty (60) calendar days from the time a complete application was received is deemed to constitute approval and the developer will be issued a letter of approval and authorized to proceed on the plans or plats and supporting documentation presented to the Planning Commission. The sixty (60) calendar day time limit for action by the Planning Commission may be extended by mutual agreement of the applicant and the Planning Commission.

12C-203 **PRE-APPLICATION MEETING**

1. Purpose and Intent.

The purpose and intent of a Pre-Application meeting is to review the concept and overall layout of the proposed development prior to the applicant making a formal submission of an application to the Planning Commission for review, approval or disapproval.

2. Before any application is made pursuant to these regulations, the owner, the owner's agent, the applicant and/or the owner's engineer or land planning consultant shall meet with the Planning Director to review the procedures for submitting a complete application to the Planning Commission. This review shall include: the procedures and requirements for subdivision and/or site plan approval pursuant to these regulations, and more specifically, the tentative development plans of the applicant. Discussion shall focus on applicable provisions of these regulations, physical features of the proposed development, the availability of public facilities and services, the timing and placement of public improvements and the Comprehensive Plan, Zoning Map and street plan requirements for land use, parks, schools and public open spaces. Following this meeting, the applicant should contact the South Carolina Department of Health and Environmental Control to secure any permits required by that agency prior to submitting an application pursuant to these regulations.

Figure 12C-1

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12C-204 PRELIMINARY PLAT - PROCEDURAL REQUIREMENTS¹

1. Purpose and Intent.

Approval of a Preliminary Plat by the Planning Commission shall constitute general acceptance of the overall planning concepts for the proposed subdivision and is a prerequisite for the filing of a Final Plat application.

2. The following procedure shall apply to all subdivisions seeking Preliminary Plat approval:

A. Submission of a complete Preliminary Plat application (refer to Section 12C-205) by the subdivider's agent or property owner shall be made to the Planning Director at least thirty (30) calendar days prior to a scheduled meeting of the Planning Commission at which the applicant desires the proposal to be considered.

B. Upon receipt of an application, copies of the preliminary plat shall be submitted by the Planning Director to the County Health Department and the Department of Public Works for review and recommendation. Their recommendations shall become part of the Planning Commission's records.

C. No improvements shall be made nor shall permanent markers or monuments be installed prior to a granting of approval of the preliminary plat by the Planning Commission.

D. Approval of the preliminary plat shall apply for three (3) years. Where a subdivision is being developed in phases or sections, the three (3) years shall be measured from the date of approval granted to that phase or section of the subdivision. The developer may apply in writing to the Planning Commission for a single six month time extension. It is the Developer/Property Owner and or Applicant's responsibility to submit a written request including/but not limited to all documentation identifying the progression of the project (example-land disturbance permits, approval letters from SC-DHEC for the construction of public water and sewer installation, etc.). All Documentation is to be submitted to the Planning Director and to be considered by the Planning Commission at minimum of two (2) months prior to the expiration date of the Preliminary Plat, but not more than six (6) months prior to the expiration date of the Preliminary Plat.

¹ Amended by Ordinance 2009-1. Effective 2/3/2009.

The Planning Commission may terminate approval, for cause, at any time after three (3) years.

12C-205 **PRELIMINARY PLAT - APPLICATION REQUIREMENTS**

1. Application for preliminary approval shall be made in the office of the Planning Director and shall include such information as set forth below:
 - A. Ten (10) prints of the preliminary plat shall be filed with the Planning Director at the time of application. The Planning Director shall thereafter file such prints as follows:
 - B. One (1) print shall be filed with the County Health Department;
 - C. One (1) print shall be filed with the Department of Public Works;
 - D. One (1) print shall be filed with the County Building Inspection Department;
 - E. One (1) print shall be filed with the appropriate Public Service District Commission;
 - F. One (1) print shall be filed with Berkeley Electric Co-op or its successor;
 - G. One (1) print shall be filed with Bell South Telephone Company or its successor;
 - H. One (1) print shall be filed with the Tax Assessor; and
 - I. One (1) print shall be filed with the Clerk of the Town of Kiawah Island.
2. Preliminary plats shall be drawn to scale no smaller than 1" = 200'. Where large areas are being platted, they may be drawn on one or more sheets not to exceed thirty (30) inches by forty-two (42) inches in size. For small areas being platted, a scale of 1" = 100' shall be used, provided the drawing does not exceed thirty (30) inches by forty-two (42) inches increase in size.
3. Even though a subdivider intends to subdivide only a portion of a parcel or tract of land initially, the preliminary plat shall show a proposed street and lot layout, drainage plan, and other requirements for the entire parcel or tract of land in which such portion is contained.

4. The preliminary plat shall include the information listed in Table 12C-1.

TABLE 12C-1: SUBDIVISION PLAT INFORMATION REQUIREMENTS

Data To Be Submitted	Preliminary Plat	Final Plat
Title, scale, north arrow, date, names of developer and engineer/surveyor (with South Carolina registration number shown)	✓	✓
Perimeter land computations	✓	✓
Topographic data, with contours at 1-foot intervals, accurate to .5-foot, the Bench Mark and datum, and drainage features (proposed direction of flow, ditches)	✓	
References to known points and/or street intersections	✓	✓
The South Carolina Coastal Critical Line and Mean High Water Line	✓	✓
Total acreage and acreage above the Mean High Water Line	✓	✓
Adjacent and intersecting property boundary lines and names of adjacent landowners	✓	✓
Existing and proposed roads (width, type) and street rights-of-way (width)*	✓	✓
Lot lines, dimensions and angles other than ninety degrees (90°)	✓	✓
Key Location information	✓	✓
Wooded areas and sites reserved or dedicated for public uses (including bicycle paths)	✓	✓
Location of proposed apartments, churches and commercial uses	✓	✓
Availability of water and sewer service noted	✓	✓
Property lines with bearings and distances shown	✓	✓
Property lines with accurate bearings, points of intersection, deflection angles and arc curve data (points of curvature, delta angle, tangency, tangent distance, curve length and radius)		✓
Block and lot numbers, suitably arranged by a simple system	✓	✓
Easements (width, centerline)	✓	✓
Certificate: "I hereby state that to the best of my knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the <i>Minimum Standards Manual for the Practice of Land Surveying in South Carolina</i> , and meets or exceeds the requirements for a Class _____ survey as specified therein"		✓

Signature and seal of the registered land surveyor in accordance with the <i>Minimum Standards Manual for the Practice of Land Surveying in South Carolina</i> .	✓	✓
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*Note: utility installations shown on construction plans.

5. Accompanying Data.

- A. The preliminary plat shall be accompanied by a statement as to the availability of, and specific indication of the distance to and location of, the nearest public water supply and public sanitary sewers.
- B. The preliminary plat shall be accompanied by a statement indicating what provisions are to be made for water supply and sewage disposal.

6. Sight Lines for Inspection.

Sight lines shall be cut as appropriate for the purpose of making the topographic survey and to allow visual inspection of the property after application has been made for approval of the preliminary plat.

12C-206 CONSTRUCTION PLANS

1. Purpose and Intent.

After approval of a preliminary plat by the Planning Commission and before the commencement of any construction within the proposed subdivision, road plans and profiles and a detailed drainage plan shall be submitted to the Director of Public Works as required by the Road Code for approval.

- 2. The submittal shall include the original drawing and one copy of the road plans and profiles, drawn in ink or other permanent media, prepared as specified by the Road Code. Following approval, the Public Works Director shall be furnished with three (3) copies of the approved plans by the applicant.
- 3. The road plans shall be accompanied by a detailed drainage plan prepared in accordance with the requirements of the Road Code.
- 4. The approval of the road and drainage plans shall apply only for the duration of the approval of the preliminary plat, previously granted.

12C-207 **APPEAL OF PRELIMINARY PLAT DECISION**

Any person with a substantial interest in a Preliminary Plat decision of the Planning Commission or any officer, board, or bureau of the Town of Kiawah Island may appeal the Planning Commission's decision to the Circuit Court of Charleston County. Appellants shall file with the Court Clerk a written petition plainly and fully setting forth how such decision is contrary to law. Such appeal shall be filed within thirty (30) calendar days of the date of written notice of the Planning Commission's decision.

12C-208 **CONDITIONAL PLAT APPROVAL - PROCEDURAL REQUIREMENTS**

1. Purpose and Intent.

The Conditional Plat Approval procedures allow an applicant the right to install infrastructure, sell or otherwise transfer lots, receive zoning and building permits, but not to receive Certificates of Occupancy.

2. Prior to approval of a Final Plat, the developer shall install all required public improvements or post an approved financial guarantee of performance and maintenance, in accordance with the requirements of Sections 12C-403 and 12C-406. If financial guarantees are posted, the Planning Director shall be authorized to grant conditional plat approval, with final approval contingent upon completion and acceptance of all required improvements. After conditional plat approval is granted, the sale or otherwise transfer of subdivision lots shall be permitted and zoning permits and building permits may be granted, but no Certificates of Occupancy shall be issued until all required improvements have been installed and accepted.

12C-209 **FINAL PLAT - PROCEDURAL REQUIREMENTS**

1. Purpose and Intent.

Approval of a Final Plat by the Planning Commission shall constitute acceptance of the proposed subdivision and will be recorded with the Charleston County Register of Mesne Conveyance (Recorder's Office). Development of all approved lots and

improvements shown on the final plat shall conform with the Planning Commission's approved final plat.

2. The following procedure shall apply to all subdivisions seeking Final Plat approval:
 - A. Following approval of the preliminary plat, the developer, developer's agent or property owner shall provide such material as shall be required, pursuant to Section 12C-210, to the Planning Director.
 - B. If the final plat substantially conforms to the most recently approved preliminary plat and the requirements of these regulations, final approval shall be made by the Planning Commission.
 - C. When the Planning Commission has approved a final plat, it shall cause its action to be duly noted on the face of the original drawing, which is to be recorded. Such approval shall not be noted on the plat until all requirements of these regulations have been met.
 - D. The Town of Kiawah Island or its agents will record the approved final plat of more than one lot within fifteen (15) calendar days of final plat approval. Road and drainage, right-of-way, and easement maintenance will be the responsibility of the applicant until such responsibility is transferred in accordance with the covenants of the Kiawah Island Community Association, Inc. (KICA), or until such responsibility is transferred to another responsible entity. If the plat should specifically state that KICA is not obligated to maintain the road(s) and/or drainage easement(s), then the entity to assume this responsibility must be designated. If there is a delay between the date of the final plat approval and transfer of maintenance responsibility to the KICA or other responsible entity for the road and/or drainage system, then the applicant shall retain such maintenance responsibility until such transfer occurs.
 - E. When an application for final approval has been disallowed by the Planning Commission, reapplication for subdivision of the same parcel of land shall not be permitted until ninety (90) calendar days has expired from the date of official action of the Planning Commission. The Planning Commission, may, on a case by case basis, waive the waiting period requirement by a three-fifths (3/5ths) vote and direct the Planning Director, in writing, to

process the application before the waiting period has expired when to do otherwise would create substantial, unnecessary hardship.

12C-210 **FINAL PLAT - APPLICATION REQUIREMENTS**

1. Applications for final approval shall be made in the offices of the Planning Director and shall include such information as set forth below. For large subdivisions, the final plat may be submitted for approval progressively in sections conforming to the approved preliminary plat.
2. The original drawing of the final plat which is to be filed and recorded, plus eleven (11) prints of such plat, shall be submitted with the application. The Planning Director shall, thereafter, file such prints as follows:
 - A. One (1) print shall be filed with the County Health Department;
 - B. One (1) print shall be filed with the Department of Public Works;
 - C. One (1) print shall be filed with the County Building Inspection Department;
 - D. One (1) print shall be filed with the appropriate Public Service District Commission;
 - E. One (1) print shall be filed with Berkeley Electric Co-op or its successors;
 - F. One (1) print shall be filed with the Bell South Telephone Company or its successors;
 - G. One (1) print shall be filed with the Tax Assessor;
 - H. One (1) print shall be filed with the Clerk of the Town of Kiawah Island; and
 - I. One (1) print shall be filed with the Kiawah Island Community Association.
3. The final plat shall be drawn in ink, or other permanent media, on a material specified to the Planning Director by the Register of Mesne Conveyance as

acceptable to him for recording, on sheets not to exceed twenty-two (22) inches by thirty-four (34) inches, and at a scale of 1" = 100' or larger. Minimum plat size to be eight and one-half (8 ½) inches by eleven (11) inches. Where necessary, the plat may be on several sheets accompanied by an index sheet or key map insert showing the entire subdivision.

4. The final plat shall include the information listed in Table 12C-1.
5. Accompanying Data.
 - A. A certificate of title or a sworn affidavit establishing the ownership of the land to be recorded. If any change in ownership occurs subsequent to the date of the certificate of title or affidavit and prior to the granting of final approval by the Planning Commission, then a new certificate of title or sworn affidavit establishing the ownership of the land shall be submitted to the Planning Commission.
 - B. In subdivisions where existing public water and public sewer systems have been extended or a new system installed, a certification of inspection from the South Carolina Department of Health and Environmental Control shall be submitted to the Planning Commission.
6. Certification of Approval.

When the Planning Commission has approved such plat, a certificate noting such approval and carrying the signature of the Planning Director and the Chairman of the Planning Commission, or their designee, shall be placed on the original drawing of said plat.

7. Statements on Plat.
 - A. The Town of Kiawah Island reserves the right to require the following statements to be placed upon the plat:
 - (7) "The approval of this plat does not obligate the Town of Kiawah Island in any way to accept for maintenance any of the roads or easements shown hereon," and
 - (8) "WARNING! Approval of this plat by the Planning Commission does not indicate approval nor adjudicate title of the access to right-of-way shown hereon."

- B. The Planning Commission reserves the right to require additional statements to be placed upon the plat if the proposed subdivision does not meet all requirements of the Subdivision Regulations. These notes shall be included in the approval of the final plat by the Planning Commission.

12C-211 DEDICATIONS

The Final Plat shall substantially conform to the most recently approved preliminary plat. All improvements and facilities must be installed prior to the issuance of an occupancy permit, or adequate security in lieu of making improvements shall be provided in accordance with Section 12C-403 of these regulations. All required dedications and easements shall be offered by the developer; however, approval of the Final Plat shall not itself constitute acceptance of land for dedication to the Town or their assigns. Acceptance by the Town requires separate, formal action of Town Council by ordinance.

12C-212 APPEAL OF FINAL PLAT DECISION

Any person with a substantial interest in a Final Plat decision of the Planning Commission or any officer, board, or bureau of the Town of Kiawah Island may appeal the Planning Commission's decision to the Circuit Court of Charleston County. Appellants shall file with the Court Clerk a written petition plainly and fully setting forth how such decision is contrary to law. Such appeal shall be filed within thirty (30) calendar days of the date of written notice of the Planning Commission's decision.

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CHAPTER 3. DESIGN STANDARDS

12C-301 **LOCATION**

No platting of land for residential use is to occur in undrained areas or areas subject to flooding unless suitable provisions are made for satisfactory drainage. The drainage system shall be designed and constructed in accordance with the requirements of the Road Code. Soil erosion and sediment control shall meet state requirements.

12C-302 **LOTS**

1. The size, dimensions and minimum building setback lines of lots shall be consistent with the zoning regulations. The depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and the use contemplated. The area in square feet or acreage for each lot surveyed shall be shown on the plat.
2. Depth of residential lots shall not exceed four (4) times width, except in the case of attached dwellings or in cases where portions in excess of that depth are for the purpose of providing separation from major streets. Lot dimensions of non-rectangular lots adjacent to identified Office of Ocean and Coastal Resource Management Critical Line areas may vary from the ratios noted above to allow for appropriately sized buildable areas and location of access. The depth-width ratio shall not apply in cases where the width of a lot exceeds 300 feet for its entire depth or in subdivisions of three (3) or less lots.
3. The minimum frontage of any flag lot or cul-de-sac lot shall be twenty (20) feet. If the length of the flag exceeds 200 feet then a fire hydrant shall be placed near the residence side terminus of the flag lot drive.
4. A residential lot served by a water and sewer system approved by the State of South Carolina shall have the minimum lot area as specified for the zoning district, exclusive of water bodies and land below the mean high water line.

5. Residential lots that require the installation of individual wells and/or septic tanks shall be required to meet the minimum area requirements standards as designated by the South Carolina Department of Health & Environmental Control as well as the requirements of this Ordinance. Any residential lot within 600 feet of a public sewer line must be connected to the sewer system in conformance with Section 10-201, Use of Public Sewers, of the Municipal Code.
6. Corner lots shall have extra widths where necessary to permit the establishment of sight area easements. On all corner lots, there shall be provided a sight area easement. This easement shall be that triangle formed by the intersecting street right-of-way lines adjacent to each corner lot and a line across the corner of the lot between points twenty-five (25) feet from the street intersection along each street right-of-way line. Within this easement no building, no earth bank, no vegetation, and no other obstruction shall be allowed which is more than two (2) feet in height above the centerline finished grade of the road. In lieu of dedicating a sight area easement, the developer may show said area as part of the road right-of-way.
7. Lots which have double frontage shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. An easement of at least ten (10) feet in width and across which there shall be no right of access may be required along the lines of lots abutting such a traffic artery or other disadvantageous use. No right of access shall be granted except by Town Council.
8. All lots shall be provided with access (ingress and egress) by means of streets which are constructed in conformance with standards and specifications prescribed the Road Code. Approval shall be contingent upon the providing for continued maintenance of such streets by the Town of Kiawah Island, Kiawah Island Community Association, Inc. or other responsible entity. Such association or entity shall be an organization operating under agreements of public record that have been reviewed and considered legally binding by the attorney for Town Council and to also ensure that the Town of Kiawah Island shall not be liable for any maintenance and upkeep responsibilities. The agreements shall provide for an easement and lien against abutting lots or membership in favor of said association or entity for the continued maintenance of such streets.
9. All quadrangular lots and, so far as practical, all other lots should have side lines at right angles to straight street lines or radial to curved street lines.

10. Lots for other than residential use shall have sufficient space for off-street parking, loading and unloading, and circulation of traffic as stipulated in the Zoning Ordinance.

12C-303 EASEMENTS

1. Drainage easements or sewer easements along rear and side property lines shall be required where necessary. Drainage easements across lots shall not be allowed without a waiver from the Planning Commission. Redesign of the lot arrangement may be required to meet extreme drainage conditions.
2. Drainage easements shall be provided to the Kiawah Island Community Association, Inc. or other responsible entity in accordance with the requirements of the Kiawah Island Covenants recorded in the Charleston County Register of Mesne Conveyance Office.
3. Easements shall be centered along or be adjacent to a common property line where practical.
4. No subdivision shall block or obstruct the natural drainage of an adjoining area.
5. Existing natural drainage shall be retained or adequately relocated.
6. All easements for drainage or sewer shall be selectively cleared of undergrowth, trees and other obstructions by the developers prior to final approval. This does not apply to easements which are provided for possible future use.
7. Any existing or proposed utility line easement shall be located.
8. Any conservation easement or otherwise restricted land shall be located.

12C-304 BLOCKS

The lengths, widths and shapes of blocks shall be determined by consideration of the following factors:

1. Provisions of adequate building sites suitable to the special needs of the type of land use (residential, commercial or other) considered for development;
2. Zoning requirements defining lot sizes and dimensions;

3. Requirements for convenient access, circulation, control and safety of street traffic;
4. Recognition of topographical and drainage features.

12C-305 STREETS

1. The layout of streets as to arrangement, character, width, grade and location shall generally conform to the comprehensive plan, to adjoining street systems or adjoining properties, and to the topography, natural features and drainage systems.
2. Minor streets shall be so laid out that their use by through traffic will be discouraged.
3. Where a subdivision abuts or contains an existing or proposed arterial 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.
4. The minimum distance between two streets intersecting with another street shall be 125 feet.
5. A tangent of at least 100 feet shall be introduced between reverse curves on arterial streets.
6. When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius of not less than 100 feet for minor and collector streets and of such greater radii as the Planning Commission shall determine for special cases.
7. Streets shall be laid out so as to avoid acute angles between streets at their intersections.
8. Property lines at street intersections shall be rounded with a radius of not less than fifteen (15) feet. Larger radii may be required by the Planning Commission when, in its opinion, such design is advisable to permit the construction of curbs of large radius.
9. Street right-of-way widths shall be not less than the following:

<u>Street Type</u>	<u>Minimum Right-of-Way Width (Feet)</u>
Arterial Street	60
Collector Street	60

Minor Street (for row houses & apartments)	60
All Other Minor Streets	50
Cul-de-sac Street	40
Alley	24

10. Street right-of-way widths of over sixty (60) feet, for other than Arterial or Collector Streets, will be required only when justification of traffic need or street drainage can be shown. Where streets of arterial nature (80 to 120 feet right-of-way) are needed, the applicant shall convey the full width.
11. Half streets along property lines shall be prohibited.
12. No street names shall be used which will duplicate or be confused with the names of existing streets. Street names proposed by the applicant shall be checked by the Planning Director and, where duplication or confusion with the names of existing streets occurs, the Planning Director shall require the applicant to substitute names free from duplication or confusion. The Planning Director shall maintain an up-to-date file of all street names in use in the Town, which shall be available to all developers.
13. Streets and intersection approaches shall not be excessive in grade nor be less than three-tenths (0.3) of one (1) percent in the profile. Variation from these grades may, however, be recommended by the Planning Commission, where advisable, to adjust to topographical conditions.
14. Alleys are permitted and shall be constructed in conformance with the requirements of the Road Code and shall also comply with the Zoning Ordinance. Utilities will not be permitted in alleys unless additional right-of-way is provided.
15. Meandering or winding roadways shall be permitted and constructed in conformance with the Road Code.
16. Center line striping and/or roadbed centerline reflectors may be required for streets and portions of streets at the discretion of the Director of Public Works or the Director of Planning.
17. Stub streets extending to the boundary line of the subdivision shall be constructed as part of the development at the time of construction of the other streets in the development and shall be of the same construction as other streets in the subdivision.

18. Inverted crown sections, with or without adjoining roadside parking, are permitted and will be privately maintained by the Kiawah Island Community Association, Inc. or other responsible entity. While portions of such sections may be used for parking facilities and/or access from these facilities, they must connect to service or collector streets. All sections shall be constructed in conformance with the Road Code.

12C-306 BOUNDARY SURVEYS

On the basis of the size, zoning and character of the land, boundary surveys shall be classified as follows:

1. (CLASS A) URBAN LAND SURVEYS (1:10,000)

Urban surveys include land properties which lie within, abut or within an are nearly surrounded by incorporated limits or are located within public service districts providing water and sewer service.

2. (CLASS B) SUBURBAN LAND SURVEYS (1:7,500)

SUBURBAN surveys shall include land properties located outside of incorporated limits or public service districts meeting one or more of the following criteria:

- A. Lots subdivided into 30,000 square feet or less.
- B. Lands with a zoning district designation other than AG (General Agriculture) or AC (Conservation Agriculture).
- C. Available public water within 500 feet of property.
- D. Available public sewer within 500 feet of property.

3. (CLASS C) RURAL LAND SURVEYS (1:5,000)

Included in the rural land survey are all properties zoned AG (General Agriculture) or AC (Conservation Agriculture) greater than thirty thousand (30,000) square feet and less than five (5) acres.

4. (CLASS D) FARM LAND SURVEYS (1:3,000)

Included in the farm land surveys are properties five (5) acres or greater zoned AG (General Agriculture) or AC (Conservation Agriculture).

CHAPTER 4. REQUIRED IMPROVEMENTS

12C-401 MARKERS

1. Markers shall be placed as specified below:
 - A. A marker shall be set on the right-of-way line at the end of the block for every block length of street. When blocks occur that have a curve or curves in them, markers shall be set on both sides of the street at the ends of tangents. Markers shall also be set on right-of-way lines (on each side of the centerline) at angle points when curves are not used. All interior lot corners shall be marked.
 - B. Markers shall be one of the following:
 - (1) A reinforced concrete marker with brass or copper pin in the top. Concrete markers shall be a minimum of three (3) feet long and have a minimum cross sectional area of nine (9) square inches. They shall protrude above the ground not less than 2 inches and not more than six (6) inches; or
 - (2) An iron pipe or pins having a minimum diameter of 3/4 inches hollow or 1/2 inch solid steel. Such iron pins will be a minimum of 2 feet in length and shall extend above the ground at least 1 inch.
2. Markers shall be installed prior to the submission of and approval of the final plat.
3. The location and type of all markers used shall be indicated on the final plat.
4. All surveys shall conform to the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina

12C-402 UTILITY, DRAINAGE AND STREET IMPROVEMENTS

1. Utility, drainage and street improvements shall be as required by and in conformance with the standards and specifications of the current edition of the Road Code and Zoning Ordinance, and pursuant to regulations promulgated by the South Carolina Office of Ocean and Coastal Resources Management and the South Carolina Water Resources Department.

2. No road improvements shall commence until the Director of Public Works shall affix his signature to the original drawing of the plans and profiles as submitted, and all improvements shall conform to the set plans and profiles so signed.
3. Curbs and gutters, where provided for by the Road Code, shall be provided in accordance with the standards and specifications of the Road Code.
4. The developer shall install approved water lines where private water service is available within 500 feet of the property.
5. The developer shall install approved sanitary sewer lines where private sanitary sewer service is available within 500 feet of the property.
6. Street name signs and traffic control signs conforming to standards of the Kiawah Island Architectural Review Board shall be installed by the developer prior to any road being accepted by the Kiawah Island Community Association, Inc. or other responsible entity.
7. All required drainage facilities shall be properly constructed in accordance with the standards and specifications of the Road Code.
8. Utility lines shall be located so that they will not interfere with the proper functioning of other utilities or right-of-way.
9. All lots not exceeding 200 feet in depth shall be provided with means for positive drainage. Larger tracts of land shall be properly drained.

12C-403 PERFORMANCE BONDS

1. In lieu of completing the required improvements listed in this section, a no-contest, irrevocable bank letter of credit, or performance and payment bond underwritten by an acceptable South Carolina licensed corporate surety, or a cashier's check may be accepted by the Planning Commission, providing the attorney for the Town of Kiawah Island has, in each instance, reviewed each letter of credit or bonding agreement and has presented his opinion that the interests of the Town of Kiawah Island are fully protected. Where a cashier's check is utilized, opinion of counsel may be waived.
2. The amount of the bond for a corporate surety, irrevocable bank letter of credit, or cashier's check will be determined by the appropriate governmental body that exercises operational control and the Director of Public Works for all other improvements covered under this section. Surety shall be sufficient to guarantee completion of the required improvement.

Sufficient surety shall be one and one quarter (125%) of the actual cost of the improvement, with a minimum of \$2,000.00, for a time period specified by the governmental agency, not to exceed two years. The governmental agency determining the amount of bond (bondholder), irrevocable bank letter of credit or cashier's check shall provide a letter to the Planning Commission (copy to the subdivider) setting forth the amount of bond, conditions of acceptance, and the period covered. The Planning Director will inform all interested governmental agencies, including the Building Inspection Department.

3. Upon completion of the improvements as required by this section, written notice thereof shall be given by the subdivider to the bondholder, who shall cause an inspection of the improvements to be made. The bondholder will, within 30 days of the date of notice, authorize in writing the release of the security given, provided improvements have been completed in accordance with the required specifications. Should the improvements not be completed in accordance with the required specifications by the date originally stipulated in writing by the bondholder, the funds derived from said bond or cashier's check will be used by the bondholder to complete the improvements, according to required specifications, at the earliest reasonable time. Where it appears that the bond was insufficient to finance the required improvements after the applicant has defaulted, the Planning Commission will assess the individual applicant the cost of the improvements over and above the surety amount.
4. In no instance will the bondholder be authorized to extend for the applicant the completion date originally stipulated.
5. Prorated refunds based on a percentage of overall completion shall not be authorized, with the exception of an irrevocable bank letter of credit. The Planning Commission, may, at its discretion, refund no more than 90% of the original estimated completion cost of that portion of the project requested by the applicant.
6. The Planning Commission shall review, approve or reject each acceptance of surety in lieu of completion of improvements. In making its determination, the Planning Commission shall give due consideration to the commitments made by the applicant to individual purchasers.

12C-404 ACCEPTANCE OF GUARANTEE OF A GOVERNMENTAL AGENCY

In lieu of completed improvements required in Chapters 3 and 4 of this Ordinance, the Planning Commission may accept the written guarantee of a governmental body to complete required improvements within ninety (90) days of the date of such acceptance by the Planning Commission.

12C-405 OCCUPANCY CONTROL

The acceptance of performance bonds or a cashier's check in lieu of completed performance is made possible only by the introduction of effective occupancy control. This control will be coordinated with final approvals so as to ensure that all required improvements are installed and all conditions covered by one or more bonds are completely fulfilled, except as specified in Section 109.1 of the Town of Kiawah Island Building Code, before an occupancy permit can be issued by the Town of Kiawah Island Inspection Department.

12C-406 MAINTENANCE GUARANTEE

Street and Stormwater management/drainage systems that are to be dedicated to the Town of Kiawah Island, the Kiawah Island Community Association, or other responsible entity, or their assigns, for public maintenance shall be under warranty for all defects and failures for a period of one (1) year from the time of approval by the Public Works Director following a final inspection of improvements to be dedicated. Prior to Final Plat approval, the developer shall provide written verification of financial responsibility for the correction of any defects and/or failures in those related improvements that will be dedicated. The warranty (minimum 10 percent of the construction costs) shall be in an amount and a form satisfactory to the Public Works Director and effective for a period of one (1) year. The financial warranty shall be in the form of a no-contest, irrevocable bank letter of credit, a performance and payment bond underwritten by an acceptable South Carolina licensed corporate surety, or a cashier's check. Payment is subject to the Town Attorney's approval of the guarantee to determine that the interests of the Town of Kiawah Island are fully protected, except when a cashier's check is utilized opinion of counsel may be waived. The Public Works Department shall maintain surveillance over the system and provide written notification to the developer if repair work is required during the warranty period. The Public Works Department shall identify defects not considered to be public safety and notify the developer of such defects. The developer shall then have 30 days to prepare a schedule of corrective actions and begin such corrective actions. If not complete with the approved schedule, the Public Works Department shall make the repairs and bill the bonding company. Public safety defects shall be addressed immediately by the Public Works Department, with reimbursement from the bonding company.