

Ordinance 2024-13
Subdivision Ordinance

AN ORDINANCE TO ADOPT A SUBDIVISION ORDINANCE.

WHEREAS, it is in the best interest of the Town to adopt subdivision regulations to match the desired outcome of future development within the Town of Chesterfield.

BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL FOR THE TOWN OF CHESTERFIELD, SOUTH CAROLINA THAT:

Ordinance 2024-13 being named the Subdivision Ordinance.

Section 2. All ordinances in conflict herewith are repealed to the extent of such inconsistency.

Section 3. This ordinance shall become effective upon its adoption.

FIRST READING: November 14, 2024

SECOND READING: December 12, 2024

Mayor John H. [Signature]
Attest: Clerk/Treasurer Betty Lynn Watson



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CHAPTER 30. SUBDIVISIONS

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ARTICLE E. IN GENERAL

30.101 Short title.

These regulations shall hereafter be known, cited, and referred to as the Subdivision Regulations of the Town of Chesterfield.

30.102 Jurisdiction.

These regulations shall govern any and all subdivision of land within the corporate limits of the Town of Chesterfield.

30.103 Authorizing statute.

The Town of Chesterfield hereby exercises the authority granted under South Carolina Code Article 7, Section 6-29-1110 through 6-29-1210 (1994, 1997, 2016) to adopt regulations governing land development and the subdivision of land.

30.104 Definitions.

For the purposes of these regulations, certain terms shall be defined as follows. Certain other terms in the text of these regulations are defined in the zoning code.

Building setback line. A line establishing the minimum allowable distance between the nearest portion of any building, excluding steps, gutters, and similar fixtures, and the front, side, and rear property line when measured perpendicularly thereto.

Density. The quantity of anything per unit of volume or area, e.g., persons per acre, dwelling units per

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

Lot. A parcel of land recorded in the Office of the Clerk of Court or a parcel described by metes and bounds the description of which has been so recorded.

Monument. A permanent monolithic structure marking the intersection of property lines in subdivisions of land, being at least four (3) inches in diameter or four (4) inches square by two (2) feet long and constructed of concrete or ferrous metal without voids. Concrete monuments shall have a rebar not less than one-half inch in diameter placed in the center throughout its length and have a yield strength of at least three thousand (3,000) pounds per square inch. Monuments shall be placed such that a mark is stamped or placed near its center delineating property lines intersecting on the monument.

Governing body. The Town Council of the Town of Chesterfield.

Official maps or plans. Any maps or plans officially adopted by the town council as a guide for the development of the town.

Right-of-way. The property, improved or unimproved, dedicated to and accepted by a unit of government or street or road purposes for vehicular or pedestrian travel. The right-of-way line generally separates abutting private property from that reserved for public use.

Street. A public thoroughfare that affords the principal means of access to abutting properties. For the purposes of these regulations, "street" also means avenues, boulevards, roads, lanes, and other public ways.

Street, alley. A narrow public or private vehicular way used for providing access to the rear or side of properties which are also served by one of the other types of streets defined herein.

Street arterial. A street designed for through traffic with high vehicular speeds or heavy volumes of traffic on a continuous route.

Street collector. A street designed to connect local streets with arterial streets or to provide a direct connection between two arterial streets and including the principal entrance and circulation routes for residential subdivisions.

Street cul-de-sac. A short street having one end permanently terminated by a vehicular turnaround.

Street, major thoroughfare. Street or highway used primarily to move fast or heavy traffic from one section of the urban area to another.

Subdivider. Any party who subdivides, or proposes to subdivide, land so as to constitute a subdivision as defined herein.

Subdivision. For purposes of this ordinance, the word subdivision shall mean 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, legacy, or building development, and includes all divisions of land involving a new street or a change in existing streets, and includes re-subdivision and, where appropriate, to the process of subdividing or to the land area subdivided.

30.105 Policy.

A. It is hereby declared to be the policy of the Town of Chesterfield to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the Town Council and to the official land development plan of the Council for the orderly, planned, efficient, and economic development of the town.

B. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace and land shall not be subdivided until available public facilities and improvements exist and proper provisions have been made to drainage, water, sewage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and improvements.

C. These regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, zoning ordinances, comprehensive plans, official maps, and land use plans.

30.106 Purpose.

These regulations are adopted for the following purposes:

1. To protect and provide for the public health, safety, and general welfare of the town.
2. To guide the future growth and development of the town in accordance with a comprehensive
3. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
4. To protect the character and the social and economic stability of all parts of the town, and to encourage the orderly and beneficial development of all parts of the town.
5. To protect and conserve the value of land throughout the town and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.

6. To guide public and private property and action in order to provide adequate and efficient transportation, water, sewage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
7. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the town, having particular regard for the avoidance of congestion in the streets and in the highways, and pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building fines.
8. To establish reasonable standards of design and procedures for subdivisions and re-subdivisions, in order to further the orderly layout and use of land, and to ensure proper legal descriptions in monumenting of subdivided land.
9. To ensure that public facilities are available and with have a sufficient capacity to serve the proposed subdivision.
10. To prevent the pollution of air, streams, and ponds, to assure the adequacy of drainage facilities, to safeguard the water tables, and to encourage the wise use and management of natural resources throughout the town in order to preserve the integrity, stability, and beauty of the community and the value of the land.
11. To preserve the natural beauty and topography of the town and to ensure appropriate development with regard to these natural features,
12. To provide for open spaces through the most efficient spacing and layout of the land, including the use of average density in providing for minimum width in area of lot, while preserving the density of land as established in the zoning code in the town.

30.107 Official filing of regulations.

Under the enactment of this chapter by the town, a copy of this chapter shall be filed in the office of the county clerk of court. After that time no subdivision plat for any land within the established subdivision jurisdiction shall be filed with or recorded by the county clerk of court until such plat has been submitted to and approved by the zoning administrator and the planning commission according to the procedure set forth in this chapter.

30.108 Application of regulations,

No street or other public way or land shall be accepted or maintained; nor shall any municipal water lines, sewerage, electricity, gas, street lighting, or similar improvements be extended or connected; nor shall any permits be issued by any department of the municipality for construction of a building or other improvement in any subdivision established hereafter which does not meet the requirements set forth in this chapter.

30109 Land subject to flooding.

Land subject to flooding and land otherwise deemed by the planning commission to be unsuited for development, shall not be platted for such 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.

30.110 inappropriate fill materials.

The use of inappropriate fill materials within the town limits shall not be allowed in areas subject to future development, such materials shall be considered to be brick, cement or concrete blocks, trash, debris, or any other materials deemed inappropriate.

30.111 Filing fees.

Fees for filing applications and other related activities are established as follows:

- | | |
|---|----------|
| 1. Subdivision preliminary Plat application | \$75.00 |
| 2. Subdivision final plat application | \$75.00 |
| 3. Subdivision variance | \$100.00 |
| 4. Road name change | \$100,00 |

ARTICLE II. PLAT REQUIREMENTS AND REVIEW PROCEDURES

30.201 Sketch plans.

A. Prior to filing an application for preliminary plat approval, the sub-divider or his representative shall submit a project description of the proposed subdivision to the planning commission. This description must contain the name of the developer, location of the project, number and types of structures to be constructed, date utilities required, and any other pertinent information. This project description may be in the form of a letter with accompanying sketches. Oral requests shall not be substituted for the written description.

B. After reviewing the project description, the planning commission shall respond as to the development's feasibility and availability of utilities. If roads are to be constructed within the subdivision the Home Owners' Association shall be responsible for maintaining all roads in the subdivision. The planning commission's review shall be presented in the form of a written report.

30.202 Preliminary plat procedures.

The subdivider shall prepare and submit four (4) copies of the preliminary plat and of any supplemental material required for submission to the zoning administrator.

The preliminary plat is a guide to the density, intensity, land uses, pedestrian and bicycle facilities, trails, parks, open space, and lot* street, and drainage patterns established for a site in the platting process. The intent of the preliminary plat requirement is to ensure that the property owner is cognizant of the effects that development will have on the site itself as well as on adjacent property and public infrastructure. Approval of a preliminary plat shall constitute acceptance of the proposed land uses, development intensity, general street pattern, drainage pattern, lot pattern, parks and open spaces, and pedestrian and bicycle ways, provided that these may be modified in conjunction with subsequent approvals if additional information reveals development constraints that are not apparent during the preliminary plat review.

30.203 Content of preliminary plat.

The preliminary plat shall be prepared by a registered surveyor or engineer and shall include existing site data as follows:

1. Town limit lines, property lines, rights-of-way, easements, streets, railroads, utility transmission lines, storm sewers, ditches, culverts, sanitary sewers, water mains, bridges, and buildings.
2. Wooded areas, marshes, watercourses, ponds, and any other similar conditions affecting the
3. Contours showing the topography of the site as determined by a certified engineer to adequately determine drainage needs,
4. Areas subject to flooding, accompanied by high water elevation, if available.

The preliminary plat will also include proposed site data as follows:

1. Street rights-of-way, pavement widths, grade, and street names. (Street profiles and cross sections shall be provided when required by the zoning administrator or the planning commission).
2. Preliminary plans prepared by an engineer for sanitary sewers, storm sewers, water, electricity, and gas lines, showing connections to existing systems or proposals for developing new water supplies, storm drainage, and sewerage disposal systems. (Storm and sanitary sewer profiles, cross sections, and sizes shall be provided.
3. Other easements and rights-of-way including locations, dimensions, and purposes.
4. Contour changes to be made by grading.
5. Lot lines, lot dimensions, lot and block numbers, and minimum building setback lines along street rights-of-way and rear and side property lines.
6. Parks, school sites, and other public areas, if any.
7. Areas to be used for purposes other than residential and public, if any, with the purpose, location, and dimension of each indicated.

30.204 Action of Planning Commission on preliminary plat.

A. Review; decision. The planning commission shall review and shall approve, approve conditionally, or disapprove the preliminary plat within sixty (60) days of the date of its submission by the applicant. if no action is taken by the town administrator at the end of sixty days after submission, the preliminary plat shall be deemed to have been approved.

B. Approval. if the preliminary plat is found to conform to all of the requirements of this chapter, approval shall be given by the planning commission. Approval shall be noted on at least two (2) copies of the preliminary plat by the planning commission and town administrator. One (1) copy shall be retained in the records of the planning commission; another copy shall be given to the subdivider.

C. Disapproval; conditional approval. if the preliminary plat is disapproved or approved conditionally, reasons for such actions shall be stated in writing and signed by the zoning administrator. The reasons for disapproval shall refer specifically to those parts of the general plan or ordinance or regulation with which the plat does not conform. One (1) copy of the reason shaft be retained in the records of the planning commission, and another shall be given to the sub-divider. On conditional approval, the planning commission may require changes before approval.

30.205 Appeal.

Any party who may have a substantial interest in any decision of the planning commission may appeal such decision of the commission to the circuit court in and for the county by filing with the clerk of said court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal shall be filed within thirty (30) days after the decision of the commission is mailed to the applicant.

30.206 Withdrawal of application.

Once submitted, a preliminary plat may be withdrawn, provided that a written notice stating the reasons for the request is submitted to the planning commission. The 60-day time limitation shall cease on the day the request is received.

30.207 Criteria.

- A. The planning commission shall not approve a preliminary plat unless it complies with the standards of this chapter. Preliminary plat applications may be processed concurrently with a rezoning request. Any variances shall have been granted to permit any nonconformance.
- B. The planning commission shall not approve a plat if it fails to conform to the town's comprehensive plan, zoning ordinance, or future streets, alleys, recreation areas, public utility facilities, drainage, or other planned capital investments or improvements, with the exception that means for reconciling any differences have been addressed.
- C. In determining approval of preliminary plats, the planning commission may also consider whether:
 - 1. The proposed development including its lot sizes, density, access, and circulation is compatible with the existing and/or permissible future use of adjacent property.
 - 2. The proposed public facilities are adequate to serve the normal and emergency demands of the proposed development.

30.208 Conditions on Approvals.

In considering an application for preliminary plat approval, the planning commission may impose modifications or conditions so as to ensure conformity with the criteria in Section 30.207.

30.209 Final Plat procedures.

No final subdivision plat shall be recorded until a final plat has been approved as provided in this section.

- A. The subdivider shall submit four (4) prints of the final plat to the town before receiving final approval from the town administrator. At the same time, there shall be submitted one (1) set of the proposed plans and specifications for all improvements and any proposed deed restrictions.
- B. Time of submission. The final plat of the proposed subdivision 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 planning commission agrees to an extension of time,

C. Recording. The final plat shall constitute only that portion of the approved preliminary plat which the sub-divider proposes to record and develop at the time. The final plat shall be filed with the office of the county clerk within thirty (30) days after approval, or if not, approval shall be considered void.

30.210 Content of final plat.

The final plat shall conform substantially to the preliminary plat as it was approved. The final plat shall be prepared by a registered surveyor or engineer.

A, Site data:

1. All rights-of-way, easements, and areas to be dedicated to public use with the purpose of each stated.
2. Areas to be used for purposes other than residential and public, if any, with the purpose, locations, and dimensions of each indicated.
3. Lot and block numbers, street names.
4. Such cross-section and profiles of streets as may be required by the town administrator and public utility director.
5. Such plans for water and profiles of streets as may be required by the town administrator and public utility director.

B. Other information:

1. Name of subdivision, owner, surveyor, and engineer.
2. Date of survey and plat preparation, north arrow, graphic scale.
3. Deed restrictions proposed for the subdivision, if any.
4. Any other information considered by either the sub-divider or the town administrator to be pertinent to the review of the final plat.

C. The following signed certificates shall be shown on the original and all copies of the final plat submitted to the planning commission.

1. Certificate of ownership and dedication.
2. Certificate of approval of water supply and sewage disposal system (where necessary).
3. Certificates of surveying and mapping.

D. A statement signed by the town administrator as to the town's acceptance of utilities.

30.211 Action of Planning Commission on final plat.

A. Approval. 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 known on the plat over the signature of the town administrator. If no action is taken by the planning commission at the end of sixty (60) days from the date of submission, the Plat shall be deemed to have been approved.

B. Disapproval. 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 regulation 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 subdivider.

C. Reconciliation with preliminary plat. During review of the final plat, the zoning administrator shall check the final plat against the preliminary plat. The town administrator, shall appoint an engineer or surveyor to check the accuracy of the subdivision layout and the final plat. if substantial errors are found, the cost of checking the plat shall be charged to the subdivider.

D. Conformity to land development plan. All proposed subdivision of land shall conform to the applicable portions of the land development plan for the town.

E. Post approval procedure. After final approval, the subdivider shall file the original approved final plat with certificates with the county clerk of court. The subdivider shall provide the town administrator with one print

30.212 Monuments.

The applicant shall place reference monuments in the subdivision as required by this chapter.

30.213 Scope of approvals.

At Preliminary plat approval shall entitle the applicant to prepare the final plat and to prepare street, storm drainage, and utility construction plans, if applicable.

B. if a final plat of all or part of the area shown in a preliminary plat is not recorded in the county register of deeds within twenty-four (24) months of approval of the preliminary plat, the applicant shall be required to resubmit the unrecorded portion as a preliminary plat.

C. Final plat approval shall entitle the applicant to record the final plat, A final plat must be recorded with the county register of deeds within thirty days of its approval. No final plat shall be regarded as finally approved until such plat has been recorded with the ROD.

D. No final plat shall be approved for recording until all required development improvements have been installed and approved or until the applicant supplies an appropriate guarantee of installation as provided for in these regulations. In addition, no final plat shall be approved for recording unless such plat is in substantial agreement with the approved preliminary plat. Final plats not in substantial agreement shall be resubmitted as preliminary plats as provided for herein.

E. After the final plat is recorded, lots as shown on the plat may be sold or otherwise conveyed by reference to the plat and building permits may be authorized to be issued.

30.214 Subdivisions not requiring platting.

Subdivisions which meet the following conditions may be accepted by the planning commission in the form of a final plat.

- I. 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 that govern here.

2. 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 commission which shall indicate that fact on the plats
3. The combination or recombination of entire lots of record where no new street or change in existing street is involved.

Such subdivisions shall comply with all other requirements of these regulations.

ARTICLE III. DESIGN STANDARDS

30.301 Minimum requirements.

The following design standards shall be considered minimum requirements; however, higher standards are to be encouraged in subdivision designs. If only minimum standards are used the result will be a standardized and monotonous urban area. Subdivision designs should carry out the purpose of the general plan in this chapter but not be limited to the minimum requirements as provided in this article.

30.302 Appropriate to physical conditions.

The general design of the development shall take advantage of and be adjusted to the contour of the land so as to produce usable building sites and streets of reasonable gradients. Development plans shall be drawn in consideration of the suitability of the land and its capability to support and maintain the proposed development. Due consideration shall be given to such factors as topography, soil conditions, flood damage prevention, erosion control, wetland preservation, storm water management, solar energy, tree preservation, noise and pollution control, habitat for endangered species, areas of historical, archaeological or architectural significance, and land use relationships in addition to other factors including those prescribed by these regulations.

30.303 Reserve strips half streets and private streets.

Reserve strips and non-access easements adjoining street rights-of-way for the purpose of preventing access to or from adjacent property, private streets, and half-streets shall not be permitted under any condition.

30.304 Intersections.

Streets shall be designed so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at an angle less than sixty (60) degrees. Streets crossing natural areas or streams shall cross at or near to right angles as possible within limits of topographic conditions.

30.305 Streets.

- A. All streets within the subdivision shall be paved and meet Chesterfield County paving specifications.
- B. The developer must maintain all streets until the street is accepted by Chesterfield County, SCDOT, or a Homeowners Association

- C. All street rights-of way must be at least sixty (60) feet.
- D. Street names must be submitted to the Chesterfield Planning Commission for approval. Street names must receive 911 approval prior to submission to the Chesterfield Planning Commission.
- E. The developer shall provide street signs as required by the public works director.
- F. A current and approved SCDOT encroachment permit with supporting documentation (contingently approved upon the Town's approval is adequate).
- G. All other applicable permits- current and approved,
- H. Fire Marshall and/or fire chief approval of the plans as submitted including but not limited to, fire hydrant placement, fire flow analysis, and cul-de-sac diameters and lengths, etc.
- I. All supporting documentation such as geotechnical reports; stormwater reports, and calculations, etc.
- I. Completed construction plan set (hard copy & digital) signed and sealed by a SC licensed professional engineer included but not limited to:
 - a. Utility locations- fiber, cable, water, sewer, gas, etc.
 - b. Plan, profile, and cross-section views for the roadway, culverts, swales, or ditches, and ponds, etc.
 - c. Sign and pavement marking locations.
 - d. Right-of-way and easement locations and dimensions.
- J. A copy of each applicable ordinance with notes next to each item notating where documentation can be found that certifies the proposed plans meet the specific ordinance) i. e. plan sheet number, permit page number, et.)
- K. Written request(s) for variance(s) from Ordinance item(s) with detailed explanation(s) on how approving the variance(s) will be beneficial to the taxpayers of the Town of Chesterfield.

30.306 Alleys.

- A. Commercial and industrial areas. Alleys shall be provided in commercial and industrial districts, except that this requirement may be waived where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed. Alleys serving commercial and industrial areas shall be not less than thirty (30) feet in width.
- B. Residential areas, Alleys are not required for residential areas, but when provided shall be not less than twenty (20) feet in width. C. Intersections, Alley intersections and sharp changes in alignment should be avoided, but where necessary, the curve radius shall permit safe vehicular movement,
- C. Intersections. Alley intersections and sharp changes in alignment should be avoided, but where necessary, the curve radius shall permit safe vehicular movement.
- D. Dead-ends. Dead-end alleys should be avoided, but where necessary shall be provided with adequate turnaround facilities at the dead end.

30.307 Sidewalks.

The subdivider may be required to construct sidewalks within the right-of-way of public streets to connect with existing or proposed sidewalks in areas where sidewalks are needed for pedestrian circulation. Sidewalks shall be constructed in accordance with town specifications and standards. Sidewalks and curb ramps shall meet ADA requirements at all intersections and driveway entrances. Existing and new driveways shall be brought in compliance with applicable ADA standards.

Sidewalks shall be required in all residential developments of 20 homes or more, and subject to the following:

- A. Along all arterial and collector roadways internal and external*
- B. At least one (1) sidewalk shall run down every street within a subdivision. Sidewalks on both sides of the street are not required.
- C. At least one (1) sidewalk shall connect to the exterior sidewalk system if one exists or to the adjacent right-of-way line if an external sidewalk/pathway doesn't exist.
- D. Design.
 - i. Sidewalks shall be a minimum of 5 feet wide with a minimum 2-foot separation from the back of curb, or a minimum 4-foot separation from the edge of pavement. Sidewalks will be required to have a 4" depth of concrete or 6" depth of concrete plus of Graded Aggregate Base Course (GABC) where crossed by a driveway. Sidewalks must be ADA compliant,
 - ii. Sidewalks shall be incorporated within the right-of-way.
 - iii. Alignment of sidewalks shall continue to the point where a street stub terminated at an intersecting street's pavement edge and shall continue to where a street stub terminates or temporary cul-de-sac begins. Depending on utility placement and natural features or obstructions, sidewalks may meander in limited areas shall not be a justification for locating long sections of sidewalk near the back of curb or edge of roadway where there is not a safety buffer for the pedestrian.

30.308 Easements.

- A. Easements not less than twenty (20) feet wide centered on side or rear lot lines shall be provided where necessary for use by public or private utilities. Where a subdivision is traversed by a water course, drainage way, channel, or stream, they shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and of sufficient width to carry off storm water.
- B. The governing body concerned shall maintain only those easements it accepts for public maintenance as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.

30.309 Blocks.

- A. Lengths. The lengths, widths, and shapes of blocks shall be determined with due regard for the following:

1. Provisions of adequate building sites suitable to the special needs for the types of use contemplated.
2. Zoning requirements as to lot size and dimensions.
3. Needs for convenient access, circulation, control, and safety of street traffic.
4. Limitations and opportunities of topography.

Blocks for residential use shall be no longer than 500 feet and shall not be less than 200 feet in length, measured along the center line of the block or as directed by the town administrator.

B. Width. Blocks used for residential purposes in the interior of the subdivision should be of sufficient width to allow for two (2) tiers of lots and appropriate depth where practical considering natural topography or manmade boundaries. One tier of required block width is permitted in blocks adjacent to arterial or collector streets or waterways. Not more than two tiers of lots shall be provided for any block. Blocks intended for business and industrial use shall be of a width suitable for the intended use, with due allowance for off-street parking and loading facilities.

30.310 Lots.

Lot size, width, depth, shape, and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated. All lots shall conform to the requirements of the Zoning Ordinance of the Town of Chesterfield.

A. Double frontage lots or reverse frontage lots shall not be permitted, except when necessary to separate development from traffic arteries or to overcome specific disadvantages of topography and orientation, A planting screen easement of at least 20 feet shall be provided along the portion of such lot abutting such traffic artery or use where screening is required. There shall be no right of access across a planting screen easement.

30.311 Lots.

The creation of new flag lots shall not be permitted, except under the following circumstances:

1. To avoid providing direct access onto arterial or collector streets.
2. When a property owner demonstrates that, because of the irregular shape of a tract or its difficult topography or for some other substantial reason, the creation of a flag lot is reasonably necessary to avoid extreme hardship to the property owner and can be accomplished without creating substantially adverse effects on neighboring properties or the public health or safety.
3. The minimum driveway width for a flag lot is 9 feet.
4. The minimum frontage at the right-of-way line for any flag lot is equal to the minimum required driveway width plus four feet.
5. The flagpole portion of the lot shall not be used in determining the lot area.

30.312 Building Lines.

In all residential subdivisions the minimum setback from the street right-of-way or property line shall be in conformance with the applicable zoning classifications.

30.313 Public sites and open spaces.

Where a proposed park, playground, school, or other public use shown in the comprehensive plan is located in whole or in part of a subdivision, the town administrator may require the reservation of such area for a period not exceeding ninety (90) days from the date of approval of the preliminary plat in order to give the public body concerned opportunity to acquire such site for that expressed purpose.

30.314 Areas subject to flooding.

A plat of a proposed subdivision submitted to the zoning administrator and public utility director for approval which contains land subject to flooding shall have such areas delineated as being subject to flooding. No new construction shall take place within fifty (50) feet of a natural drainage way or any area so designated as a flood prone area by the Federal Emergency Management Agency.

- A. A lot having more than one-quarter of its area subject to flooding shall not be approved.
- B. An exception to this requirement shall be given to a lot or lots created for conservation purposes.
 1. Lots created for conservation purposes shall be allowed to have any or all of the land to be subdivided, subject to flooding. Conservation purposes means the land is to be acquired by a duly recognized land trust, conservation group or other duly recognized group or individual, for the purpose of preserving land areas.
 2. A note shall be added to all plats created and approved for this type of lot which shall read as follows: "This lot is being created for conservation purposes and need not have access or be adjacent to a public street, highway, road or other public way nor shall provisions of areas subject to flooding be applicable, pursuant to local regulations."

ARTICLE IV. IMPROVEMENTS

30.401 Generally.

Final plat approval shall not be given until the subdivider has installed the required improvements or has guaranteed to the satisfaction of the governing body that such improvements will be installed. One (1) set of as-built plans and specifications, certified by a registered engineer, shall be filed with the zoning administrator prior to any improvement installed by the subdivider.

- A. Prior to final plat approval, the subdivider shall complete in a manner satisfactory to the zoning administrator and the town administrator all subdivision requirements in this ordinance and specified in the approved subdivision preliminary plat. Final plat approval shall not be granted until the dedication of the improvements has been accepted by the Town of Chesterfield, Chesterfield County, SCDOT, or the subdivision HOA/POA, as appropriate.
- B. Entrance features, signs, street lighting, sidewalks, trees, and landscaping may be permitted within rights-of-way subject to review by the Chesterfield Planning Commission and approval from Chesterfield Town Council. The HOA will be responsible for maintenance of said items.

C. Artificially splitting subdivisions to circumvent these listed requirements will require that all subdivisions by the same developer in the adjacent area meet the requirements.

30.402 Monuments and markers.

A. Permanent monuments, four (4) inches in diameter or square and three (3) feet long, shall be placed at four (4) locations in each subdivision or portion of subdivision to be developed at one time. Three permanent monuments, four inches in diameter or square and two (2) feet long shall be placed in each block*

B. All lot and block corners, angle points, and points of curve in each street shall be marked with rebar not less than one-half inch in diameter and not less than twenty-four (24) inches long, placed so as to be one (1) inch above finished grade.

30.403 Water lines: fire hydrants.

Every lot in every subdivision shall be provided with an approved water supply. It shall have an adequate supply of water for domestic and fire purposes, with sufficient pressure in the main to meet the minimum standards for fire purposes at all times, in accordance with underwriters' standards. The water mains in the subdivision shall:

1. Be of sufficient size to provide at least one (1) standard fire hydrant within 400 feet (to be measured along rights-of-way of streets or public ways) of each residence or other structures and within 500 feet of any commercial or industrial buildings and at locations designated by the fire chief. Water lines shall be submitted to the Town for approval before submission to SCDHEC.
2. Provide looping circulation within the system where practical.
3. Approval of the town's engineer.
4. Comply with all rules and standards of the water and fire departments of the town.

The subdivider shall connect with such water main and provide a connection and water meter for each lot. All water meters shall meet the Town of Chesterfield's specifications and be approved by the Town of Chesterfield before installation. The installation shall include a stretch box and cutoff behind the meter box.

The developer shall be required to furnish the following documents to the town upon the installation of such water lines:

1. Certificate of approval from DHEC for use of water system.
2. As built drawings of all work completed,
3. Approval of the town's engineer.
4. A one (1) year warranty on all lines installed by the developer.

30.404 Sanitary sewage system.

A. Where a public sanitary sewer is within 200 feet from the property proposed to be subdivided, the sub-divider shall connect with such sanitary sewer and provide a connection with clean-out for each lot. The design, grade, and capacity shall be approved by the public utility director, town administrator, and town engineer. The town shall not be required to furnish sewer service to persons or subdivisions

outside the corporate limits of the town. Plans shall be submitted to the town for approval before submission to SCDHEC.

B. The developer shall be required to furnish the following documents to the town upon pre-installation of such sewer lines:

1. Certificate of approval by DHEC.
2. As-built drawings of all work completed.
3. Approval of the town's engineer.
4. A one (1) year warranty of all lines installed by the developer.
5. The submission of an acceptable CCTV inspection of all sewer lines.

30.405 Sanitary sewer lines.

The subdivider shall install sanitary sewers that are large enough to provide adequate service to every house in the subdivision when it is completely developed. Sanitary sewers shall be installed in accordance with town specifications and standards. Should the town require a larger sewer line to be installed in order to allow for future growth, the town will be responsible for the cost between the larger size line and that required for development. A cleanout shall be installed at the property line as specified by the Town of Chesterfield.

30.406 Storm sewers and drainage.

An adequate storm drainage system designed to protect the proposed development from flooding shall be installed in accordance with good engineering practice. The system shall be adequate to carry all storm water in its drainage area and shall complement systems on adjacent property upstream and downstream. Where a public storm sewer is reasonably accessible, as determined by the zoning administrator and public works director, the sub-divider shall connect with such drainage system. The developer shall also be required to submit to the town an easement for any drainage ditch draining more than one lot, The size of such easement shall be determined by the public works director.

30.407 Completion of street and road improvements.

Prior to final plat approval, the subdivider shall complete in a manner satisfactory to the subdivision inspector and the town administrator, all road improvements required in this chapter and specified in the approved subdivision preliminary plat. Final plat approval shall not be granted until the dedication of the improvements has been accepted by the Town of Chesterfield, Chesterfield County, SCDOT, or the subdivision HOA/POA, as appropriate.

A. In lieu of requiring the completion of road improvements prior to final plat approval, the Town Administrator may, at his or her discretion, enter into a contract with the subdivider whereby the subdivider shall guarantee to complete all road improvements as required by this chapter.

B. Prior to the granting of final plat approval by the subdivision inspector, the Town Administrator and the subdivider shall agree upon a deadline for the completion of all road improvements, the deadline

not to exceed one year from the date of final plat approval. The Town Administrator shall have the right to extend the deadline for an additional 6 months when the subdivider can present a substantial reason in writing for doing so. The extension may be conditioned upon the submission by the subdivider of updated cost estimates, and where necessary, provision of additional securities in lieu of completion of improvements.

C. To secure the contract between the subdivider and the town, the subdivider shall provide, subject to the approval of the Town Administrator, one of the following guarantees:

1. Surety performance bond. The subdivider shall obtain a security bond from a surety bonding company authorized to do business in the state. The bond shall be payable to the town and shall be in an amount sufficient to cover the entire cost plus 25%, as estimated by the subdivider, and approved by the subdivision inspector and Town Administrator. The duration of the bond shall be until a time as the improvements are accepted by the Town Administrator.
- 2, Escrow account. The subdivider shall deposit cash, or other instrument readily convertible into cash at face value, either with the town, or in escrow with a financial institution in the state. The use of any instrument other than cash, and, in the case of an escrow account, the financial institution with which the funds are deposited, shall be subject to the approval of the Town Administrator. The amount of the deposit shall be at least equal to the cost plus 25%, as estimated by the subdivider and approved by the subdivision inspector and the Town Administrator.
3. Letter of credit. The subdivider shall provide, from a bank or other financial institution or individual, subject to the approval of the Town Administrator, a Fetter of credit certifying the following.
 - i. The creditor does guarantee funds in an amount equal to the cost plus 25% for completing all required road improvements as estimated by the subdivider, verified by the subdivision inspector and approved by the Town Administrator.
 - ii. In the case of failure on the part of the subdivider to complete the specified improvements within the required time period, the creditor shall pay to the town immediately, and without further action, funds as are necessary to finance the completion of those improvements, up to the limit of credit stated in the letter.
 - iii. This letter of credit may not be withdrawn or reduced in amount until released by the town.

30.408 Private streets and roadways.

Roadways and streets within subdivisions are private streets unless accepted within the public road system by the Town of Chesterfield, Chesterfield County, or South Carolina Department of Transportation.

A.Private street maintenance. Private streets within a private road right-of-way or easement shall be maintained by an HOA, POA, property management firm, or other entity. Such road maintenance agreement shall be included in the governing HOA, POA, or other development documents establishing covenants and restrictions for the development. Shared driveways are not subject to the standards contained within this section.

30.409 Roadside parking.

Roadside parking within a subdivision is only allowed on one side of the roadway and marked as such with approved signage. The Town Administrator or designee shall have final approval of roadside parking.

30.410 Traffic and speed calming.

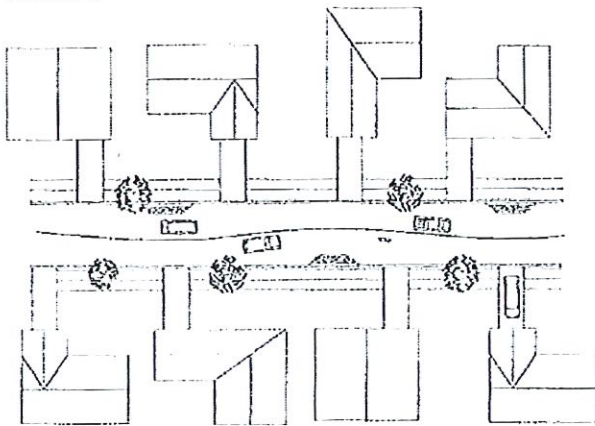
Traffic and speed calming measures should be incorporated into subdivisions when feasible. Such measures include the following:

1. Speed hump. Raised sections of pavement constructed along a street which cause drivers to reduce their speed. Speed humps are typically 3 inches at the highest point and have a gradual ramp up to and down from that point. Emergency response vehicles must go slower than automobiles when passing over a speed hump to reduce the jarring effects of the hump. For this reason, speed humps on primary and secondary emergency response routes should be avoided.



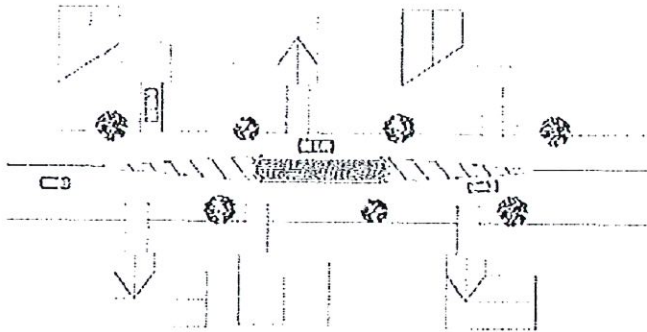
Speed hump.

2. Chicane. A series of two or more staggered curb extensions on alternating sides of the roadway. Chicanes create a serpentine route along the street. Drivers must slow to maneuver through the chicane.



Chicane.

3. Median. Raised island in the center of the roadway separating two directions of traffic. Medians may be landscaped to provide a visual enhancement and to create the perception of a narrower roadway. A median at the entrance to the neighborhood indicates to drivers that they are entering a residential area.



Median.

30.410 Sidewalks.

Sidewalks are to be owned and maintained by the HOA/POA unless otherwise decided upon by majority of Chesterfield Town Council vote.

A. To ensure that sidewalks are provided within a subdivision the developer is required to post check, money order, or surety bond with the Town Administrator for the amount of 110 percent of the actual cost of constructing the required sidewalk. This bond shall be posted before final plat review.

B. Prior to the granting of final plat approval by the subdivision inspector, the Town Administrator and the subdivider shall agree upon a deadline for the completion of all sidewalk improvements, the deadline not to exceed 6 months from the date of final plat approval. The Town Administrator shall have the right to extend the deadline for 6 additional months where the subdivider can present a substantial reason in writing for doing so. The extension may be conditioned upon the submission by the subdivider of updated cost estimates, and where necessary, provision of additional securities in lieu of completion of improvements.

c. The duration of the surety shall be until such time as the improvements are accepted by the Town Administrator.

30.411 Curbs and gutters.

Combination curbs and gutters may be required on all major thoroughfares and collector streets in accordance with applicable town standards.

3.412 Storm sewers.

An adequate storm drainage system designed to protect proposed development from flooding shall be installed in accordance with applicable town standards and best engineering practice. Such system shall

be adequately designed to convey all stormwater in its drainage area and shall complement systems on adjacent properties. Where a public storm sewer is reasonably accessible, as determined by the public works director, the subdivider shall connect with such drainage system. The town reserves the right to require that any construction or development plans be reviewed by a design professional engaged by the town. All costs associated with such services engaged at the discretion of the town shall be paid by the owner, agent, or developer.

30.413 Street lighting.

Before final approval is given to a subdivision plat, the subdivider shall submit a street lighting plan to adequately serve the area.

A. Developers shall have a lighting plan for the subdivision of more than 10 homes prior to final plat review. Lighting requirements include streetlights being staggered on both sides of the road. The lights shall be located 12 to 20 feet above ground level. A streetlight is to be placed every 200 feet. Should there be an area that is more than 145 feet from the last streetlight at the end of a roadway, another streetlight shall be placed.

B. All cul-de-sacs and intersections shall require at least one streetlight.

c. Streetlights are to be maintained by the HOA/POA unless otherwise decided upon by a majority of Chesterfield Town Council vote.

30.414 Street signs.

The subdivider shall place street name signs which meet town specifications at all street intersections within the town subdivision jurisdiction.

30.415 Street name change.

The planning commission is responsible for naming new streets and approving the renaming of existing streets in its jurisdiction. It is a misdemeanor to show an unapproved street name on a plat, street marker, or deed.

Upon reasonable notice in a newspaper of general circulation in the community, the planning commission may change the name of an existing street or road within its jurisdiction. The commission may make the change when one of the following occurs:

1. There is a duplication of names which is confusing to the public or persons delivering mail, orders, or messages.
2. A change may simplify markings or directions given to those searching for an address.
3. Any other good and just reason that may appear to the commission.

After a public hearing, the commission shall issue its certificate designating the change. It shall be recorded in the office of the clerk of court. The change and certified name become the legal name of the street. Changes to existing street names should be coordinated with local US Postal Service offices, E911 addressing office, and other relevant agencies and offices, as appropriate.

30.416 Driveway tiles.

The property owner shall be responsible for the placement of proper driveway drainage tiles, constructed of metal or concrete only, as each lot is developed or until such time that the county or SCDOT assumes such responsibility.

30.417 Landscaping.

Each lot, tract, parcel, open space, or common area in the subdivision shall devote a minimum of five (5%) percent of its total area to landscaping, either through preservation of existing trees and vegetation or installation of new trees, shrubs, grasses, or other plant materials. Paved areas, gravel areas, and retention/detention ponds shall not be included in the minimum five (5%) percent calculation. Invasive non-native species are prohibited, Landscaping shall be maintained and irrigated as needed.

A. Plant materials standards.

1. Generally. All plants shall be of the type and species appropriate for the climate and location being planted. All plant material shall be commercially produced and meet the minimum standards recognized by landscape professionals, in order to reduce the threat and impact of plant disease, multiple plant types and species shall be utilized on each site.
2. Size. All required plants shall meet the size and variety requirements in the table below

Plant type	Minimum size	Minimum height
Shade trees	4.0-inch caliper	10 feet
Ornamental trees	3.0-inch caliper	6 feet
Evergreen trees		6 feet
Shrubs	7-gallon container	

B. Plant Locations. All plantings shall comply with the following:

1. Public Right-of-Way. A permit shall be obtained prior to planting any street tree or landscape material in the public right-of-way, this includes required streetscape plantings.
2. Sight Triangle. No landscaping may be planted in violation of the visibility triangle. Corner lots, and in situations where driveways and alleys intersect with street rights-of-way, shall be kept free of landscaping and plant materials that interfere with the vision of a motorist or pedestrian.
3. Easements. Shade trees shall not be placed within any public utility easement or under utility lines, The presence of overhead power lines requires street yard trees to be ornamental trees. Larger shade tree varieties are encouraged where overhead power lines are not present.
4. Fire Safety. Landscaping shall meet minimum clearances from all fire hydrants and building sprinkler systems as required by the fire department. The use of pine needle mulch is prohibited. The use of recycled rubber, hardwood, or stone mulch is acceptable.
5. Spacing. In general, all plants shall be sited and spaced in a manner to allow for appropriate growth to mature size.

ARTICLE V. CONNECTION FEES

30.501 WATER CONNECTION FEES

After approval of the final plat, the developer shall pay a connection fee of five hundred dollars (\$500.00) per lot within 120 days of final plat approval. Any commercial, industrial, or multi-family housing project will be dealt with on a case, by, case basis. However, connection fees shall be paid as determined as by the town. The town will require annexation as a condition of connecting to the town water system. For areas not contiguous, the town will require a letter of commitment of annexation.

30.502 WATER TAP FEES.

Water tap fees shall be established by Town Council.

30.503 SEWER CONNECTION FEES.

After approval of the final plat, the developer shall pay a connection fee of five hundred dollars (\$500.00) per lot within 12() days of final plat approval. Any commercial* industrial, or multi-family housing project will be dealt with on a case-by-case basis. However, connection fees shall be paid as determined by the town. The town will require annexation as a condition of connecting to the town sewer system. For areas, not contiguous, the town with require a letter of commitment of annexation.

30.504 SEWER TAP FEES.

Sewer tap fees shall be established by Town Council.

ARTICLE VI. ADMINISTRATION AND ENFORCEMENT

30.601 Variances.

Whenever the tract to be divided is of such unusual size or shape or surrounded by such development or unusual condition that strict application of the requirements contained in this chapter would result in substantial hardship 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 subdivider may develop his property in a reasonable manner, but so at the same time, the public welfare is protected and the general intent and spirit of this chapter is preserved.

30.602Amendments.

This chapter may be amended from time to time by the town council, however, no amendment shall become effective unless it shall have been submitted to the planning commission for review and recommendations. The planning commission shall have sixty (60) days within which to submit its report to the town council. If the planning commission fails to submit a report within the specified time, it shall be deemed to have approved the proposed amendment.

30.603 Enforcement.

A. No plat of any subdivision shall be entitled to be recorded in the office of the clerk of court for Chesterfield County or shall have any validity until it has been approved in the manner prescribed herein.

B. It shall be unlawful for the owner, or the agent of any owner, to transfer or sell any land by reference to or by other use of a plat unless such plat has been approved as prescribed herein. The governing body of the town may enjoin such transfer, sale, or agreement by appropriate legal actions.

C. In case of any violation of this chapter the town administrator or any appropriate official as may be designated by the planning commission is authorized and directed to institute legal action to put an end to such violations.

30.604 Interpretation and conflict.

In interpreting and applying the provisions of this chapter, the provisions shall be held to be minimum requirements necessary to uphold the purpose of this chapter.

30.605 Sale of plat before approval remedy.

After the adoption of this chapter any person who, being the owner or agent of the owner of any land located within the established subdivision jurisdiction, transfer or sells or agrees to sell or negotiates to sell any land by reference to or exhibition of or by other use of a plat of a subdivision before such plat has been approved by the zoning administrator and the planning commission and recorded in the office of the county clerk or court, shall forfeit and pay a penalty of one hundred dollars (\$100.00) to the town for each lot or parcel so transferred or sold or deeded or negotiated to be sold. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring such lot or parcel shall not exempt the transaction from such penalties or from the remedy provided in this section. The town attorney or other official designated by the town may enjoin transfer or sale or agreement by an action for injunction brought to any court of competent jurisdiction and may also recover such penalty by civil action in any court of competent jurisdiction.

30.606 Penalty

Any violation of this chapter will be punishable by a fine not exceeding two hundred dollars (\$200.00) or imprisonment not exceeding thirty (30) days.

30.607 Inconsistencies.

Regardless of this or any other policy ordinance, or regulations, the town is not obligated or required to provide water or sewer to any person, firm, corporation, or other entity.

30.608 Conflicts.

All ordinance or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of inconsistency.