

ARTICLE SEVEN
SUBDIVISION AND SITE PLAN PROCEDURES

SECTION A: PURPOSE

7.a.1. The purpose of this article is to fully implement the South Carolina Code of Law, Title 6, Chapter 29, Section 1130, (i.e., S.C. 6-29-1130), which regulates applications for subdivisions and/or site plans. The procedures herein are intended to provide for the orderly and expeditious processing of each application.

7.a.2. Exempt subdivisions as defined in this Ordinance in Article Ten, Definitions, shall take precedence over any rules and procedures set forth in Articles Seven or Eight of this Ordinance. All notifications to the Planning Commission as set forth in S.C. Code 6-29-1110 regarding Exempt Subdivision shall be followed.

SECTION B: PRE-APPLICATION

7.b.1. Pre-application Conference: For the purpose of expediting applications and reducing subdivision and site plan design and development costs, the developer may request a pre-application conference for a subdivision and/or sketch plan. The pre-application conference shall allow the applicant to meet with appropriate city and county representatives. These individuals shall include:

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| a. The Planning Director; | g. County Engineer; |
| b. The Zoning Administrator; | h. Police/Sheriff/Fire Reps; |
| c. County Public Works Director; | i. Soil Conservation Reps; |
| d. Director of Engineering for the City; | j. SCDOT Reps; |
| e. Utility Company Representatives; | k. Building Official; |
| f. City Public Works, Assistant Director | |

7.b.2. Site Plan & Subdivision Review Committee: The Sumter City-County Planning Commission shall administer the regulations set out in this Ordinance. To assist the Commission, the individuals cited in 7.b.1. shall work with developers to ensure compliance with the requirements of this Ordinance.

7.b.3. Applications: All applications will fall into one of six (6) categories. The Zoning Administrator shall instruct the applicant as to the assignment of his/her application, which shall be one of the following:

- a. Minor site plan approval;
- b. Minor subdivision application;
- c. Major site plan approval;
- d. Major subdivision application
- e. Exempt subdivision notification (See Article 10, Section B for definition)
- f. General Development Plan (See 9.c.3. for requirements).
- g. (Note: Certain applications may involve a combination of actions).

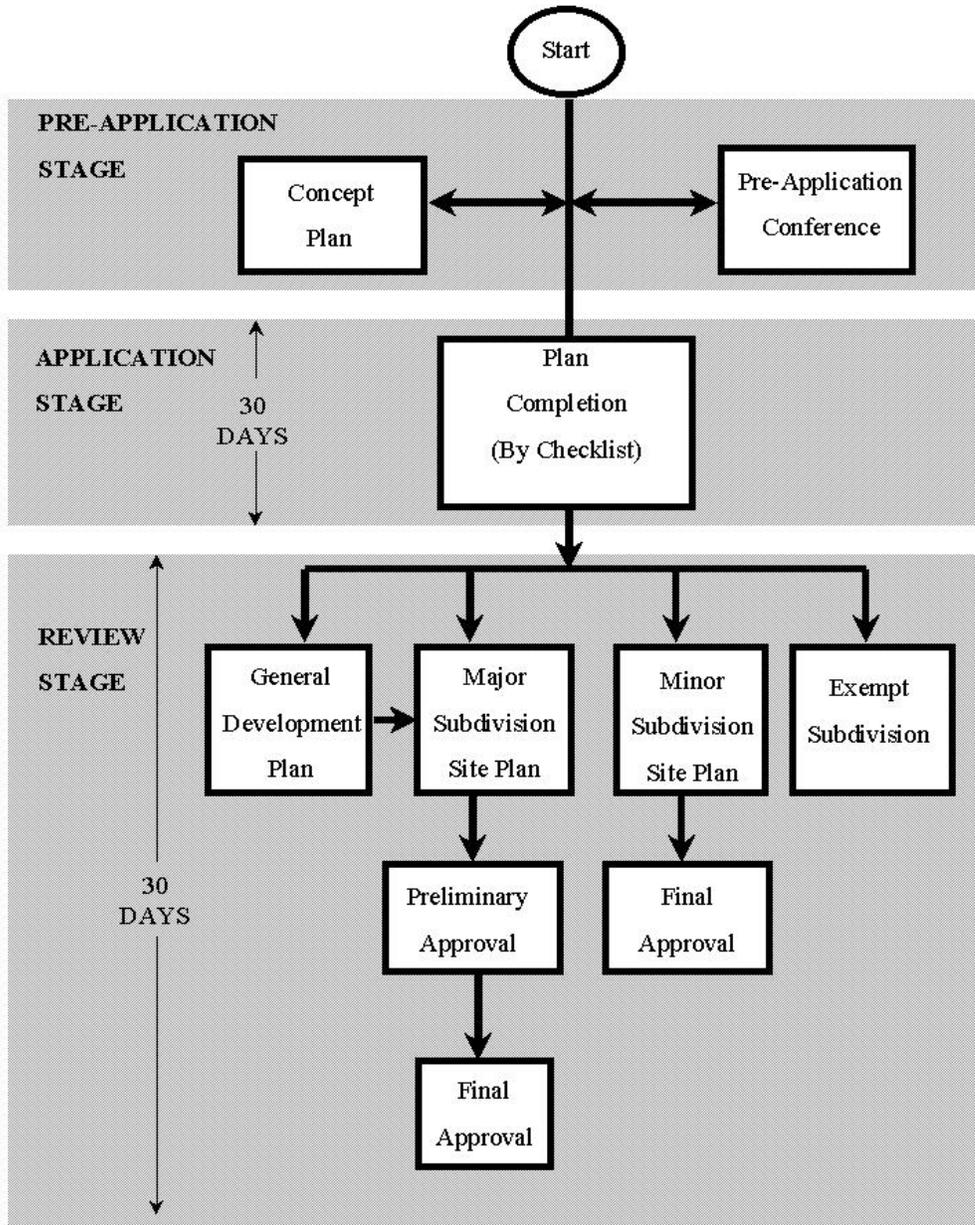
7.b.4. Content: An application for development shall include the items specified in Article Nine, Section C, which constitutes a checklist of items to be submitted for subdivision and /or site plan review (See Exhibit 13 for stages of development).

7.b.5. Complete Application: A subdivision and/or site plan application shall be complete for the purposes of commencing the applicable time period for action when so certified by the Zoning Administrator. In the event such certification of the application is not made within thirty (30) days of the date of its submission, the application shall be deemed complete unless:

- a. The application lacks information indicated on the checklist of items to be submitted specified in Article Nine, Section C;
- b. The Zoning Administrator has notified the applicant, in writing, of the deficiencies in the application;
- c. The Planning Commission requires corrections to items submitted with the application.

7.b.6. Planning Commission Quorum: If the Planning Commission is unable to officially review an application due to a lack of a quorum, then the Planning Commission shall meet at the earliest possible time, not to exceed seven (7) days from the date of the originally scheduled meeting.

EXHIBIT 13 FLOW CHART FOR THE PLAN REVIEW PROCESS



SECTION C: MINOR SUBDIVISION APPROVAL AND MINOR SITE PLAN APPROVAL

7.c.1. Definitions:

- a. Minor Site Plan: A minor site plan shall have the following characteristics:
 1. Legal access is to an existing publicly or privately maintained paved road or street;
 2. Encompasses less than five (5) acres, and is occupied by only one building containing less than twenty thousand (20,000 sq. ft.) feet;
 3. Off-street parking requirements are less than thirty-five (35) spaces;
 4. Meets all other standards for development as set forth in the Ordinance;
- b. Minor Subdivision: A minor subdivision shall have the following characteristics:
 1. Contains no new roads or changes to existing roads;
 2. All resulting lots front directly on and have legal access to an existing publicly or privately paved and maintained road or street;
 3. Encompasses no more than twenty-five (25) acres and contains no more than fifty (50) lots;
 4. Meets all other standards for development as set forth in this Ordinance;

7.c.2. Submittals: Applicants requesting approval of a proposed minor subdivision or minor site plan shall submit to the Zoning Administrator five (5) copies of the items required in Article Nine, Section C, together with an executed application form, and the prescribed fee.

7.c.3. Declaration of Completeness: The application shall be declared to be complete or incomplete within the time frame established in 7.b.5.

7.c.4. Staff Action: If a minor subdivision or site plan is submitted which meets all development standards established for the various zoning districts of the City of Sumter or the unincorporated portions of Sumter County, as well as the information requirements outlined in Article Nine, Section C, then, the staff may approve the application without referral to the Planning Commission. However, all minor subdivisions or site plans approved at the staff level shall be presented to the Sumter City-County Planning Commission as information only within thirty (30) days of the staff action. A record of all said approvals shall be incorporated into the Planning Commission Minutes.

7.c.5. Time Frame For Action For Minor Subdivision or Site Plan Approval: The action of the staff under this Article must be taken within thirty (30) working days of a submittal of a completed application as defined in 7.b.5., or within such further time agreed to by the applicant and the Planning Commission. Failure of the staff or the Planning Commission to act within the period prescribed above shall constitute minor subdivision or site plan approval.

7.c.6. Expiration of Minor Subdivision Plat Approval: Approval of a minor subdivision shall expire one-hundred eighty (180) days from the date of approval unless within such period a record plat in conformity with such approval and the provisions of S.C. Code Section 6-29-1140 is filed by the developer with the Sumter County Deeds Office. Any such Plat for such filing shall have been signed by the Planning Director of the Sumter City-County Planning Commission. The Sumter County Assessor's Office shall have provided to the developer street addresses corresponding to lots and parcels for the recorded plat prior to the issuance of building permits. The Planning Commission may for good cause shown, extend the period for recording for an additional thirty (30) days from the date of the signing of the plat.

7.c.7. Expiration of Approval of Minor Site Plan: Preliminary Plat or site plan approval of a minor site plan or subdivision two years from the date of approval by the Staff as a vested right. This vested right shall receive up to five (5) one year extensions upon application by the landowner to the Planning Commission staff in writing in each year that an extension is desired. The vested right for the specific site plan shall not attach until all plans have been received, approved, and all fees paid. Any appeals to this process shall go to the Sumter Planning Commission. Variances and Special Exceptions do not create a vested right. (SC law Sections 6-29-1510 through 6-29-1560).

7.c.8. Appeals of Staff Action on Minor Site Plans and Minor Subdivision Plats: Staff action to approve or disapprove a land development plan may be appealed to the Planning Commission by any party in interest. The Planning Commission shall act on the appeal within sixty (60) days, and the action of the Planning Commission is final. An appeal from the decision of the Planning Commission may be taken to the Circuit Court in and for Sumter County within thirty (30) days after actual notice of the decision.

SECTION D: MAJOR SUBDIVISION AND MAJOR SITE PLAN

7.d.1. Definitions:

- a. **Planned Development (PD):** A Planned Development shall be considered a major subdivision or site plan as per 7.b.3. The description of a Planned Development is as follows: A development of land under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements. The key distinction involved in a PD project versus a multi-phase development is that a zoning map amendment is needed to create a PD project.

- b. **Major Site Plan:** A major site plan exceeds the threshold requirements as defined for a minor site plan established in 7.c.1.a.
- c. **Major Subdivision:** A major subdivision exceeds the threshold requirements as defined for a minor subdivision established in 7.c.1.b.
- d. **Multi-phase Development:** Any phased land development project containing two phases, sections, or parcels shall require a unified land development plan to effectively coordinate the provision of on-site infrastructure and to lessen off-site impacts such as vehicular traffic and storm water drainage.

7.d.2. Submittal: Applicants of planned developments, major site plans, or major subdivisions shall submit to the zoning administrator five (5) copies of either a preliminary subdivision plat, or a site plan, together with an executed application form, prescribed fee, and evidence that no taxes, municipal and/or county utility fees or assessments are outstanding against the property.

7.d.3. Declaration of Completeness: The application shall be declared complete or incomplete within the time frame established in 7.b.5.

7.d.4. Time Frame For Action For Major Subdivision And/or Site Plans: The action of the staff together with the actions of the Sumter City-County Planning Commission under this article shall be in concert with S.C. Code 6-29-1150 (a) and 7.b.5 of this Ordinance. However, action on a completed application as determined by the Zoning Administrator shall not exceed thirty (30) days as required by state law. Any extension of time under this section shall be by mutual consent by the applicant and the Planning Commission. Failure of the staff or the Planning Commission to act within the period prescribed above shall constitute major subdivision or site plan approval.

7.d.5. Effect of Preliminary Plat or Site Plan Approval: Preliminary approval of a major subdivision and/or a major site plan shall confer upon the applicant the following rights:

- a. The approval of the preliminary plat or site plan constitutes approval of the subdivision or the land development as to its character, intensity of development, general lay-out, and the approximate dimensions of streets, lots, and other planned features. Such approval binds the developer to the general scheme of the subdivision or land development, and permits the subdivider or developer to proceed with the installation of site improvements, subject to obtaining other necessary permits;
- b. The approval of the preliminary or site plan does not constitute approval of the final plat or cause the issuance of a certificate of occupancy; and accordingly, does not authorize the sale of lot(s) or the occupancy or use of a parcel of land;
- c. The applicant may request final approval for the whole or in sections of a preliminary plat; however, sections of a preliminary plat shall be approved in increments of not less ten (10) lots and/or ten (10) acres of land whichever is greater. A final plat may

only be approved as a whole unless specific phased approval by sections is granted by the Planning Commission;

- d. Preliminary plan or site plan approval for a major site plan or major subdivision shall expire two (2) years from the date of approval by the Planning Commission as a vested right. This vested right shall receive up to five (5) one year extensions upon application to the Planning Commission by the landowner in writing in each year that an extension is desired. The vested right for the site specific plan shall not attach until all plans have been received, approved, and all fees paid. Any appeal to this process shall follow the procedures set upon in Section 1.g.5 of this Ordinance. Variances and Special Exceptions do not create a vested right (SC Law 6-29-1510 through 6-29-1560).

7.d.6. Final Approval of a Major Subdivision and/or Site Plan: An applicant requesting final approval of a proposed major subdivision and/or site plan shall:

- a. **Submittal:** Submit to the Zoning Administrator seven (7) copies of the materials specified in Article Nine, Section C;
- b. **Declaration of Completeness:** The application for final subdivision or site plan approval shall be declared complete within thirty (30) working days from the submission of items required in Article Nine, Section C. The Zoning Administrator shall determine if an application is complete.
- c. **Time Frame for Final Subdivision or Site Plan Approval:** Final approval shall be granted or denied within thirty days *after* submission of a complete application. Within this thirty (30) day time period the City or County Engineer shall inspect the subdivision or the site development to insure all infrastructure facilities are installed according to plans and specifications as shown on the as-built survey. Following the outcome of the engineering inspections and the subsequent engineering approvals, the Planning Commission shall act within such time as necessary to complete their review the period prescribed. A certificate as to the failure of the Planning Commission to act shall be issued by the Secretary of the Sumter City-County Planning Commission.
- d. **Filing of a Final Plat:** Final approval of a major subdivision shall expire ninety (90) days from the date of the signing of the final plat by the Chairman of the Sumter City-County Planning Commission unless within such period the plat shall be duly filed by the developer with the Sumter County Deeds Office and mapped by the Sumter County Assessor's Office. The Planning Commission for good cause shown, may extend the period not to exceed one hundred and twenty (120) days from the date of signing of the plat.
- e. **Guarantees and Signature of the Planning Commission Chairman:** The signature of the Chairman of the Planning Commission shall not be affixed until the developer has posted the guarantees required pursuant to 7.d.8. or 7.d.9.

7.d.7. Effect of Final Approval of A Major Subdivision and/or Site Plan:

- a. The final approval of the land development plan or subdivision plat shall not automatically constitute or effect an acceptance by the City of Sumter or the County of Sumter of the dedication of any street, utility easement, infrastructure facility, or other public ground shown upon the final plat or site plan. Public acceptance of the lands must be by action of the City Council or County Council. Sumter City Council will not accept streets in gated communities and from small business parks with extended driveways.
- b. The developer shall be responsible for the submission of the required paperwork in order for the City or the County to consider accepting ownership of infrastructure or public ground. In this regard, the developer shall submit a *Warranty Deed of Dedication* conveying ownership of the of the infrastructure system to the City or County; *Owner's Affidavit* to certify the condition of the title of said property; and a *Title Certificate* by the examining attorney indicating the contents of the public record concerning the real estate being conveyed to the City or County.
- c. Suspension of Permitting: If at any time after final plat approval the Planning Commission is required to suspend Building Permits and/or inspections for a major subdivision, a written notice of the suspension will be provided to the developer as soon as possible. The notice shall include the agency directing the suspensions so the developer may contact them ASAP and any information they may have provided to the Planning Commission. If the Planning commission requires the suspension, the notice will include the reason, required action to remedy the problem and if appropriate, a time frame to comply before the suspension takes effect. The suspension will be released upon notice by the requesting agency.

7.d.8. Maintenance Guarantee:

- a. In order to assure the satisfactory condition of completed improvements (i.e., water delivery system, sewerage disposal system, and road system) the developer at the time of final subdivision plat approval shall post a *Maintenance Guarantee*. The Maintenance Guarantee shall be equal to fifteen (15%) percent of the estimated cost of the improvements as determined by the City Engineer or the County Engineer.
- b. The Maintenance Guarantee shall be in the form of a letter of credit, surety bond, certified check, or other instruments readily convertible to cash. The letter of credit shall expire twenty-four (24) months from the approval of the final subdivision plat by the City or County of Sumter;
- c. The Maintenance Guarantee shall be released twenty-four (24) months after posting unless the City Engineer or the County Engineer determines that there is work to be done;

- d. If such a determination is made, the City Engineer or the County Engineer shall notify the developer of the deficiencies, and the developer shall be given sixty (60) days to complete the work aimed at correcting the deficiencies. If the work is not completed, the proceeds from the Maintenance Guarantee shall be used by the City or County for such work. The balance of the Maintenance Guarantee (if any) shall be released when the City Engineer or the County Engineer deems the work has been satisfactorily completed, and the City or the County has been reimbursed for any and all expenses incurred.

7.d.9. Performance Guarantee:

- a. A Performance Guarantee may be required and / or used in two different scenarios.
 - 1. Its primary use would be if all the improvements (infrastructure) approved by the Sumter City-County Planning Commission as part of the Preliminary Plat are not properly installed and constructed in accordance with the required standards in Appendix B prior to the submission of the Final Plat for approval either due to weather or other acts of God, a Performance Guarantee may be entered into with the developer / subdivider.
 - 2. The other use of a Performance Guarantee would be when the developer desires to expedite Final Plat approval and Council enters into the agreement to allow construction of all required improvements (infrastructure) after the final plat is approved, lots are sold, and construction is started.
- b. In either case, the Performance Guarantee will be a binding agreement between the Council and developer / subdivider. The agreement will be accompanied by an irrevocable financial instrument (Letter of Credit, Bond, or other instrument acceptable to Council) in an amount equal to one hundred twenty-five percent (125%) of the cost of the required improvements (unfinished for (1) above and all for (2) above) as certified by the City Engineer or Manager to enter into a Performance Guarantee with the developer / subdivider.
- c. The Performance Guarantee must be accepted by the Council and must include a specific, reasonable, and satisfactory date for the completion of the necessary improvements. In no case shall a Performance Guarantee be accepted for more than two (2) years. The date for completion will be at least three (3) months prior to the expiration of the financial instrument accepted by the Council.
- d. When the improvements have been completed and approved for conformity with the regulations and Appendix B, and accepted by the Council with the appropriate Maintenance Guarantee, the financial instrument and Performance Guarantee shall be released and returned.

- e. In the event the developer/ subdivider fails to construct the required improvements and have them accepted in the time accepted by the Council, the Performance Guarantee and financial instrument shall be forfeited to the City to be used for the completion of the improvements. A Performance Guarantee will initially be accepted for a maximum time of two (2) years. That time frame and its associated financial instrument may only be extended by the Council after a demonstrated hardship shown by the developer / subdivider.
- f. The successful conclusion of the Performance Guarantee shall include the automatic initiation of the Maintenance Guarantee and Council action to accept the improvements.
- g. Building permits may be issued during the Performance Guarantee process provided the Final Plat has been approved and recorded and proper applications with required fees has been submitted. However, no Certificate of Occupancy (CO) shall be issued until all the improvements are in place, accepted by the Council, and Maintenance Guarantee is in place. This provision applies to all construction including commercial and residential.

7.d.10 Traffic Study for Major Subdivision and/or Site Plans:

- a. Major subdivision and site plans can substantially impact environmental features, surrounding land uses, traffic conditions and facilities, and public utilities.
- b. A threshold is hereby established for major subdivisions and site plans that will trigger a detailed traffic study as defined in the following:
 - 1. Any project that generates a need for 100 or more off-street parking spaces as determined in Article Eight, Section J;
 - 2. A truck or bus terminal, including service facilities designed principally for such uses;
 - 3. Any project with two (2) or more principal uses or buildings and one hundred thousand square feet (100,000 sq. ft.) of gross floor area.
- c. The internal design criteria for projects defined in 7.d.5.b. shall observe the following:
 - 1. Streets, drives, parking, and service areas shall be for safe and convenient access for service and emergency vehicles. Streets shall be laid out to not encourage outside traffic to traverse the development or create unnecessary fragmentation of the project into small blocks. In general, the project shall be consistent with uses and shape of the site and convenience and safety of occupants and persons frequenting the project.

2. Vehicular access to collector and arterial streets or portions of streets from off-street parking and service areas shall be so combined, limited, located, designed, and controlled as to channel traffic to and from such areas conveniently, safely, and in a manner that minimize traffic friction and promotes free flow of traffic or streets without excessive interruption.
- d. The external criteria for projects defined in 7.d.5.b. shall observe the following:
1. Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movement and minimize hazards to vehicular or pedestrian traffic. Merging and turning lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need.
 2. Such projects shall not be permitted access to a local street, but may border or front on such a street
 3. Pedestrian access, where provided, shall be by safe and convenient routes. Where there are crossings or pedestrian ways on vehicular routes at edges of the project, such crossings shall be safely located, marked, and controlled; and where such ways are exposed to substantial automotive traffic, safeguards including fencing may be required to prevent crossings except at designated points.
- e. To measure the relative impact of major subdivisions or site plans on the road network adjacent to such projects, the service levels of the affected streets shall be investigated.
1. The level of service for streets and roads is defined (according to the 1985 Highway Capacity Manual) in terms of vehicular delay. Delay is a measure of driver time. Varied and complex factors contributing to delay include intersection geometry, frequency of curb cuts, traffic volumes, signalization and cycle length, etc.
 2. The various levels of service are classified A through F, depending on the delay factor and the traffic conditions as follows:

LEVEL OF SERVICE A

- * Free flow conditions
- *Low volumes
- *Little or no delays
- *Uninterrupted flow
- *No restriction on maneuverability
- *Drivers maintain desired speed

LEVEL OF SERVICE B

- *Stable flow conditions
- *Operating speeds beginning to be restricted

LEVEL OF SERVICE C

- * Stable flow but speed and maneuverability restricted by higher traffic volumes
- *Satisfactory operating speed for urban conditions
- *Some delays at signals

LEVEL OF SERVICE D

- *High density, but stable flow
- * Restricted speeds
- * Noticeable delays at signals
- * Little freedom to maneuver

LEVEL OF SERVICE E

- *Low, but relatively uniform operating speeds
- *Volumes at or near capacity
- *Approaching unacceptable delays at signals

LEVEL OF SERVICE F

- *Forced flow conditions
- *Stop and go operation
- *Volumes below capacity may be zero
- *Average vehicle delay at signals is grater than one minute

3. Service levels by road classification shall have a target goal to be maintained as much as possible for any major subdivision or site plan.

ROAD CLASSIFICATION

SERVICE LEVEL DESIGNATIONS

Local Street	A
Collector Street	C
Arterial Street	C
Expressway	C

ADT = Average Daily Traffic (trips)

- f. Calculations: The calculation to determine the impact on service level designations shall be made by a qualified traffic engineer representing the applicant. All data, including the recommendations of the engineer, shall be made available to the Zoning Administrator, who in turn may request review, comments and verification from the South Carolina Department of Highway and Public Transportation, regional transportation officials and traffic engineers. Their suggestions and recommendations shall be reviewed with the applicant by the Zoning Administrator for possible incorporation in the final plan, where appropriate to reduce the impact of the project.
- g. Application of Standards: All proposed major subdivisions or Site Plans shall be evaluated by the Zoning Administrator on the basis of their internal and external relationships, particularly as they impact surrounding street service levels. Where data calculations indicate that a proposed project will create a lower level of service

than designated by subsection 7.d.5.e.3. for streets and roads in the City of Sumter or Sumter County said projects shall be mitigated to the satisfaction of the Zoning Administrator, or referred to the Planning Commission for review.

- h. Review by the Sumter City-County Planning Commission when referred to the Planning Commission, the Commission may consult the South Carolina Department of Highways and Public Transportation, and other local and regional agencies involved in matters of transportation.

The review of the Commission may result in: required modifications to the proposed use; required modifications to the internal and/or external roadnet serving and impacted by the proposed use; a variance to the standards contained in subsection 7.d.5.e.3. mitigation; required off-site improvements; limiting frontage and access; or denial, stating the reasons for denial.

SECTION E: EFFECT OF FINAL PLAT APPROVAL (S.C. Code Section 6-29-1190)

7.e.1 Final plat approval for all subdivision of property shall confer upon the applicant the following rights:

1. To record the plat in the Sumter County Register of Deeds Office.
2. To proceed with the sale and/or transfer of lots and parcels in accord with the approved and recorded plat.