

- a. 100 year floodplain;
  - b. Riparian buffers;
  - c. Cemeteries and burial grounds;
  - d. Open space corridors of twenty-five (25) foot width or greater and all easements;
  - e. Protected trees, as identified in Section 26-176(k)(1);
  - f. Steep slopes of greater than twenty-five percent (25%);
  - g. Wetlands, including isolated wetlands.
  - h. Archeological sites, historical sites and features eligible for or listed in the National Register of Historic Places;
  - i. Rare, threatened, or endangered species/habitats, as identified by federal and state listings;
  - j. Scenic view sheds;
  - k. Unique natural features;
  - l. Forestlands; and
  - m. Prime agricultural lands.
- (3) The development review team shall have the authority to require more or less protections based on the requirements of this Chapter and the results of the Natural Resource Inventory. (Ord. 055-12HR; 10-16-12) (Ord. 045-13HR; 9-10-13)
- (h) Pervious material may be used for sidewalks and driveways. (Ord. 055-12HR; 10-16-12)

**Sec. 26-223. Financial surety.**

In lieu of the completion of a subdivision development previous to final plat approval, the county may accept a bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the county the actual construction and installation of all improvements within a specified time period as expressed in the bond documents. The following types of bonds shall be acceptable to the county, subject to review and approval by the Richland County Legal Department and/or the county engineer.

- (a) *Surety bond.* A surety bond issued by a company licensed to do business in the State of South Carolina in an amount equal to one hundred twenty-five percent (125%) of the estimated cost of improvements. The county engineer shall determine the estimated cost of improvements.
- (b) *Escrow funds.* Escrow funds in an account in the name of Richland County in an amount equal to one hundred twenty-five percent (125%) of the estimated cost of improvements. The county engineer shall determine the estimated cost of improvements. The contract may authorize a reduction of the escrow account upon completion of a portion of the improvements, but at no time shall the escrow account be less than one hundred twenty-five percent (125%) of the remaining improvements.
- (c) *Securities.* The developer may pledge securities in the form of negotiable stocks or bonds in favor of the county in an amount at least two (2) times the estimated cost of improvements. The county engineer shall determine the estimated cost of improvements.
- (d) *Performance bond for easements and right-of-way.* In the event the developer elects to dedicate easements and right-of-way to the public, the developer shall arrange for the contractor to post a performance bond in the amount of one hundred percent (100%) of the estimated construction cost holding the construction contractor liable for any problems for a minimum of twelve (12) months and a maximum of eighteen (18) months following the date of such dedication.
- (e) *Letter of credit.* An irrevocable letter of credit issued by a responsible financial institution, in an amount equal to one hundred twenty-five percent (125%) of the estimated cost of improvements. The estimated cost of improvements shall be determined by the county engineer.

**Sec. 26-224. Certain subdivisions exempt from road standards. (Ord. 064-11HR; 11-15-11)**

The planning director, or his/her designee, may exempt subdivisions from the road construction requirements of Sec. 26-181 of this chapter only if the property is being given, for no monetary compensation or any other consideration, to the owners' immediate family members or is being transferred by will or intestate succession or forced division decreed by appropriate judicial authority. The subdivider must submit legal documentation satisfactory to the planning director, or his/her designee, in order to establish eligibility for this exemption. In addition, the subdivider must submit a "Hold Harmless Agreement" as to Richland County. This exemption shall apply only to initial division of property, not to subsequent sale or further subdivision by the heirs, devisees, or transferees. Plats of subdivisions so exempted shall show an ingress/egress easement providing access to all parcels. This easement may be an existing easement maintained by Richland County. The plat shall contain the following information: (Ord. 064-11HR; 11-15-11) (Ord. 008-13HR; 2-19-13)

- (a) Names of owners of each parcel being created; and (Ord. 064-11HR; 11-15-11)
- (b) Purpose of the subdivision; and (Ord. 064-11HR; 11-15-11)
- (c) A note stating that “ROAD ACCESS NOT PROVIDED”; and (Ord. 064-11HR; 11-15-11)
- (d) A note stating “THESE LOTS/PARCELS MAY NOT BE FURTHER SUBDIVIDED UNTIL ROAD ACCESS IS PROVIDED AND A REVISED PLAT IS APPROVED BY RICHLAND COUNTY”. (Ord. 064-11HR; 11-15-11)
- (e) Should the planning director, or his/her designee, exempt a proposed subdivision from the construction of the private roadway, the property shall also be exempt from delineation of jurisdictional and non-jurisdictional wetlands (for purposes of approving the plat for recordation only; this section shall not supersede any state and/or federal requirement for construction in, around or through a jurisdictional wetland or flood zone). In the situation that a property owner requests exemption from road construction as outlined in this section, the property owner shall sign a statement that he/she understands that the proposed subdivision of land shall not be exempted from any other minimum standard set forth in this chapter; provided, however, all Planning Department subdivision plan review fees shall be waived. (Ord. 064-11HR; 11-15-11) (Ord. 008-13HR; 2-19-13)

**Sec. 26-225. Private road subdivisions. (Ord. 051-11HR; 10-18-11)**

- (a) *Purpose.* It is the intent and purpose of this section to furnish a means of subdividing property in the RU zoning district of the county without incurring the costs associated with major subdivisions. (Ord. 051-11HR; 10-18-11)
- (b) *Applicability.* The provisions of this section shall only apply to the RU (Rural) zoning district. (Ord. 051-11HR; 10-18-11)
- (c) *Special requirements for private road subdivisions. (Ord. 051-11HR; 10-18-11)*
  - (1) *Review.* Subdivision of property for a private road subdivision is subject to the minor subdivision review procedure found at Sec. 26-54(c)(2). All Planning Department subdivision plan review fees shall be waived; provided, however, all fees charged by DHEC (and collected by the Richland County Public Works Department) shall be paid by the applicant. (Ord. 051-11HR; 10-18-11)
  - (2) *Roads.* Roads within a private road subdivision shall be exempt from the road paving requirements of Sec. 26-181 of this chapter, but shall not be exempt from any other road design requirement. Roads within a private road subdivision shall not be eligible or accepted for county maintenance,

which is otherwise provided pursuant to Section 21-5 of the Richland County Code of Ordinances, until they meet the road construction standards provided in Chapter 21 of the Richland County Code. The roadway shall have a minimum right-of-way width of fifty (50) feet and minimum twenty (20) foot wide passable surface, which meets the standards established and set forth by the county engineer. The subdivision documents shall include a conspicuous statement stating that improvements to the roadway without the approval of the county engineer are prohibited. (Ord. 051-11HR; 10-18-11)

- (3) *Sidewalks.* Private road subdivisions shall be exempt from the sidewalk requirements of Sec. 26-179 of this chapter. (Ord. 051-11HR; 10-18-11)
  - (4) *Size of lots.* Any and all lots created in a private road subdivision shall conform to the RU zoning district's requirements. (Ord. 051-11HR; 10-18-11)
  - (5) *Number of lots.* An owner of land may subdivide a tract of land pursuant to this section provided that no more than seven (7) lots result from the subdivision. (Ord. 051-11HR; 10-18-11)
  - (6) *Number of dwelling units.* Only one (1) dwelling unit shall be permitted on each lot. (Ord. 051-11HR; 10-18-11)
  - (7) *E-911 requirements.* The road, and each lot, shall conform to the county's E-911 system addressing and posting requirements. (Ord. 051-11HR; 10-18-11)
- (d) *Legal documents required.* An applicant for a private road subdivision shall submit: (Ord. 051-11HR; 10-18-11)
- (1) The necessary legal documents that:
    - a. Clearly provide permanent access to each lot.
    - b. State that the county shall not be responsible for either construction or routine (i.e. recurring) maintenance of the private road.
    - c. Clearly state that the parcels created by this process shall not be divided again, except in full compliance with all regulations in effect at the time.
  - (2) A "Hold Harmless Agreement" as to Richland County.

All legal documents shall be provided in a form acceptable to the county legal department. (Ord. 051-11HR; 10-18-11)