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## Article 1 Establishment of the Land Development Ordinance for the Town of Gaston, South Carolina

### 1:1 Title

This Ordinance shall be known as the Land Development Ordinance for the Town of Gaston, South Carolina. The short title shall be: Gaston Land Development Ordinance.

### 1:2 Authority

This Ordinance is adopted pursuant to the authority granted under the General Statutes of South Carolina, 1976 Code of Laws, Title 6, Chapter 29, *South Carolina Local Government Comprehensive Planning Enabling Act of 1994* (as amended).

### 1:3 Purpose

The purpose of this Ordinance is in keeping with the declaration of intent by the State of South Carolina (6-29-1120) to require harmonious, orderly, and progressive development of land in pursuit of public health, safety, economy, good order, appearance, convenience, morals, and the general welfare. In furtherance of this general intent, the regulation of land development is authorized for the following purposes among others:

- A. To encourage the development of an economically sound and stable town;
- B. To assure the timely provision of required streets, utilities, and other facilities and services to new land developments;
- C. To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments;
- D. To assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, transportation and other public purposes;
- E. To assure, in general, the wise and timely development of new areas and redevelopment of previously developed areas in harmony with the Town of Gaston Comprehensive Plan.

### 1:4 Coordination Interpretation, and Conflict

The provisions of this Ordinance shall be held to be minimum requirements. Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than any other applicable Federal, State, Lexington County, or Town of Gaston statute, the more restrictive statute, imposing higher standards or requirements, shall govern.

#### *1:4.1 Coordination of this Ordinance with the Lexington County Land Development Manual*

The Town of Gaston, along with the other Lexington County municipalities, has entered into an agreement with Lexington County for the Lexington County Stormwater Division to administer the Lexington County Land Development Manual within incorporated Gaston. “The purpose of the Land Development Manual (LDM) is to establish minimum standards of site grading, land development, and re-development projects within the unincorporated areas of Lexington County and other municipalities as approved by the Lexington County Council. This document contains the policies and procedures used by the Lexington County Public Works Stormwater Division (PW/SWD) to interpret and implement the Lexington County Stormwater Management Ordinance. The Manual provides parameters and criteria for addressing some of the specific issues which must be resolved during the planning, designing, construction and permanent stormwater maintenance phases of land development. The minimum standards for site grading, soil

protection, and land development are intended to protect and promote the general welfare of all citizens by accomplishing these goals:

- A. Clearly document the land disturbance permit application requirements and approval process;
- B. Require the design and construction of safe and durable streets, right-of-ways, and parking lots;
- C. Require the design, construction and maintenance of stormwater drainage systems that maintain, to the maximum extent practicable, a site's pre-development drainage characteristics in terms of flow rates, runoff volume, velocities, and pollutant load/concentrations;
- D. Require complete and accurate designs and construction documents to ensure that grading and property issues are addressed;
- E. Require land disturbance projects to contain the necessary measures to control erosion and sediment during construction;
- F. Require land disturbance projects to contain the necessary measures to reduce stormwater pollution and protect water quality through good design features, maintenance requirements, and encouragement of the latest stormwater treatment technologies (engineered devices) and approaches (e.g. Low Impact Development, or LID);
- G. Provide minimum standards for methods to improve water quality, prevent illicit discharges, and minimize stormwater runoff impacts due to increased flow volumes, velocities peak discharge rates, and pollutant loads from developed areas;
- H. Prevent the alteration, diversion, or disturbance of watercourses that lie within a special flood hazard area without the prior approval from the Federal Emergency Management Agency (FEMA) and the U.S. Army Corps of Engineers (USACE) through submittals of Letters of Map Revision (LOMRs), No-rise Certifications, or other appropriate documentation. Development in the floodplain shall be discouraged until all other possible alternatives have been exhausted and a reasonable and necessary use exists to develop in the floodplain. The PW/SWD shall be notified of any and all plans to develop areas within a floodplain;
- I. Protect wetlands. All wetlands within a new development shall be delineated and verified by the USACE and protected to the maximum extent possible or mitigated through other projects/mitigation banks. No disturbance of wetlands shall be allowed unless proper approval has been received from the USACE and Lexington County has been notified of such approval. Disturbance includes, but is not limited to, draining, grading, filling, discharging untreated and uncontrolled stormwater runoff, and removal of vegetation." (LDM 1:1)

The intent of the Gaston Land Development Ordinance (LDO) is to provide land development standards not covered in the LDM, and to provide the submission, review, and approval process for land development projects within incorporated Gaston. If both Gaston Land Development and a LDM regulations are applicable to a specific land development activity, both shall apply under the provisions of section 1:4 above.

#### *1:4.2 Supersede and Repeal of Prior Ordinances*

Where specifically cited in this Ordinance, provisions of this Ordinance supersede and repeal in its entirety the cited sections, passages, or definitions of the Gaston General Ordinance.

#### *1:4.3 Interpretations and Conflicts*

The provisions of this Ordinance shall be held to be minimum requirements. Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than any other

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applicable Federal, State, Lexington County, or Town of Gaston statute, the more restrictive statute, imposing higher standards or requirements, shall govern.

#### 1:5 Severability

If any portion of the Land Development Ordinance is ruled to be invalid or unconstitutional by any court with adequate jurisdiction over the Town of Gaston, then such portion shall be considered to have been selectively severed from this Ordinance without affecting the Ordinance's overall applicability and legal standing.

#### 1:6 Effective Date

The effective date of this Ordinance shall be the date of passage of this Ordinance by second reading of the Gaston Town Council.

## Article 2 Regulations for the Subdivision of Land and the Creation of Lots

### 2:1 Definition of Subdivision, SC Code of Laws 6-29-1110

According to SC Code of Laws 6-29-1110, the term *subdivision* means all divisions of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, and includes all division of land involving a new street or change in existing streets, and includes re-subdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or, the alteration of any street or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, and includes combinations of lots of record.

#### 2:1.1 Exemptions (Under SC Code of Laws 6-29-1110)

The following are exempt from the definition of a subdivision and, as such, are not governed by the regulations for subdivisions of this Ordinance; however, exempt subdivisions are subject to applicable zoning district regulations. These exceptions are included within this definition only to require that the Planning Official be informed and have a record of the exempt subdivisions:

- A. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this Ordinance and other applicable regulations.
- B. The division of land into parcels of five acres or more where no new street is involved (refer to the definition of street). Plats of these exceptions must be received as information by the Planning Official, which shall indicate that fact on the plats.
- C. The combination or recombination of entire lots of record where no new street or change in existing streets (refer to the definition of street) is involved.

### 2:2 Lots

Lots include existing lots of record and lots created by the subdivision of a tract or parcel of land. The word *lot* includes the words *parcel*, *plot*, *property*, and *tract*. As of the effective date of this Ordinance, the following regulations apply to the creation of all new lots of record including lots exempt for the definition of subdivision.

### 2:2.1 Terms and Definitions

- A. **Driveway** - A paved or unpaved area used for ingress or egress of vehicles, allows access from a street to a building, lot, structure, or facility, and that provides access to no more than two (2) parcels of land. Access to multiple Group Developments is excluded from the two-parcel restriction.
- B. **Easement** - A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures. Access easements providing vehicular access to no more than two (2) parcels of land, or access easements to multiple parcel Group Developments, shall be classified as driveways for the purpose of this Ordinance. Access easements providing vehicular access to more than two (2) parcels of land shall be classified as streets.
- C. **Lot** - A parcel of land considered as a unit. The terms *lot*, *property*, *plot*, *parcel*, or *tract*, whenever used in this Ordinance, are interchangeable.
- D. **Lot of Record** - A lot that is recorded by plat or deed with the Lexington County Register of Deeds.
- E. **Street** - Any publicly or privately maintained thoroughfare (street, road, drive, avenue, circle, way, lane, boulevard, etc.) or space which has been dedicated, deeded, designed, or used for vehicular traffic that provides access to more than two (2) parcels of land. Multiple parcel Group Developments are excluded from the two-parcel restriction. Streets constructed after the effective date of this Ordinance shall be constructed to all applicable engineering specifications. The terms *street* and *road* shall be used interchangeably in this section.  
**Street, Improved** – Street constructed to Lexington County standards.

### 2:2.2 Accessibility of Lots

No lot, including lots exempted from the definition of subdivisions, may be created without vehicular and pedestrian access. All new lots must have direct access to a publicly dedicated street or an approved private street as provided for in this Ordinance. All publicly dedicated and approved private streets must be constructed to applicable engineering standards.

### 2:2.3 Zoning District Dimensions

All lots shall meet the minimum lot size, setbacks from property lines, and minimum street frontage width requirements of the zoning district regulations in which they are located.

### 2:2.4 Lot Configuration and Orientation

The lot size, width, depth, shape, grade, and orientation shall be in proper relation to street and block design, to existing and proposed topographical conditions, and for the type of development and use contemplated.

- A. Unless specifically allowed by this Ordinance, all lots shall have street frontage no less than the minimum width requirements of the zoning district regulations in which they are located. Note that the Zoning Ordinance makes exceptions to the street frontage requirements for lots located on cul-de-sacs or curves less than ninety (90) degrees.
- B. All lots shall have a configuration so that the depth of the lot shall not exceed the frontage of the lot by a ratio greater than six (6) to one (1) (6 depth/1 frontage).
- C. The frontage of the lot shall be determined by the frontage that abuts a public or approved private street. Side lot lines shall be aligned at approximately right angles to straight street lines and radial to curved street lines.

- D. Consideration for irregularly shaped lots may be given to overcome unusual topographic conditions in new subdivisions and to allow for subdivision of existing irregularly shaped lots of record if zoning dimensional requirements can be met.
- E. Where proposed for areas adjacent to arterial streets and roads, major subdivisions shall be denied direct access to, and shall be separated from, such streets and roads by reverse frontage lots. Elsewhere, double frontage lots shall be prohibited.

#### *2:2.5 Flag Lots*

A flag lot is a lot with a dedicated access to a public road provided to the bulk of the lot by means of a narrow corridor. Flag lots and lots accessed by access easements are not allowed for new lots created after the effective date of this Ordinance and flag lot subdivisions shall not be allowed. The Planning Commission may allow the creation of a flag lot to permit full use of a lot of record (existing lot) created and existing prior to the adoption of this Ordinance that does not meet the minimum street frontage requirements of the zoning district in which the lot is located. When meeting the above, as determined by the Planning Commission, flag lots may be created, and access easements may be permitted in accordance with the following development standards:

- A. The other lot of record (lot providing access) meets all zoning requirements specified for the respective zone in which it is located, both before and after the subdivision, to create the access easement or flag lot.
- B. The “flag” section of an existing flag lot, or an existing lot accessed by the access easement, shall meet or exceed the requirements other than the minimum street frontage specified for the respective zone. The area of the access driveway of the flag lot or access easement shall not be included in computing minimum lot area requirements. Title to the access driveway must be conveyed by general warranty deed in the same manner as the title to the “flag” portion of the lot; or in the case of an easement, recorded with the deeds to the accessed lot and the lot providing access.
- C. The driveway section of the flag lot or access easement shall be not less than 30 feet wide. Flag lot access driveways shall be separated from other driveways by the required minimum lot width for the zoning district in which the flag lot is to be created, measured from the front property line unless shared driveways are provided.
- D. Once subdivided to include a flag lot or access easement, the other lot of record (lot providing the access) shall not be further subdivided for a period of twelve (12) months after the creation and recording of the flag lot.
- E. Flag lots created under this section may not be further subdivided.

#### *2:2.6 Subdivision of Parcels on Unimproved (Non-paved) County-Maintained Roads*

Subdivision of existing lots, parcels, and tracts of record (recorded with the Register of Deeds) fronting on an unimproved (dirt) County-maintained road that does not meet Lexington County standards shall require the road to be paved the road to Lexington County standards per provisions of the Land Development Manual.

Note that if said subdivision requires a road (street) to be created to provide access, this subdivision shall be a Major Subdivision with all required standards as prescribed by this Ordinance.

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### *2:2.7 Subdivision of Parcels on Pre-existing Private Roads*

Per the Lexington County Subdivision Ordinance, this provision applies to those roads that existed prior to January 10, 1979; are not in the County, State, or Federal Road Maintenance System; and that access two or more parcels of land under different ownership. This type of private road shall not suffice as approved access for further subdivision of land without approval by the Lexington County Planning Commission. Approval shall also be required by the Gaston Planning Commission for such roads within the Town Limits. Per this Ordinance, any private right-of-way, access easement, driveway, path, or any other access that is used for vehicular traffic and provides access to more than two lots is considered a road or street.

## Article 3 Land Development Submittal Requirements and Approval Process

### 3:1 General Application Process

This section establishes the procedure for processing land development applications. The application process consists of the pre-application conference, application, review, and approval.

- A. **Pre-application Conference** - At the request of the applicant, the Planning Official shall arrange a pre-application conference to discuss requirements of this Ordinance, land development practices, proposed plans of the applicant, applicable provisions of the Comprehensive Plan, and related matters. The Planning Official shall invite all affected or interested agencies, and may invite consultants and other persons with knowledge of land development practices and regulations.
- B. **Sketch Plan Review** - In addition, or as an alternative to the pre-application conference, the applicant may request an informal review of a Sketch Plan for the proposed Minor Subdivision or subdivision exemption. Applicants for a Major Subdivision, Group Development, or Mixed-Use Development have the option to submit a Sketch Plan to the Planning Commission for formal review prior to submitting Preliminary Plans.
- C. **Applications** - Applications will be assigned to one (1) of the following five categories, as determined by the Planning Official, and processed accordingly:
  1. Exempt Subdivision (exempted from the definition of subdivision)
  2. Minor Subdivision
  3. Major Subdivision
  4. Group Development
  5. Mixed-Use Development
- D. **Review**
  1. **The Planning Official** shall review and stamp for recording plats for subdivisions meeting the exemption requirement as well as plats of re-surveys of previously recorded lots.
  2. **The Planning Commission** shall review and approve Major and Minor Subdivisions, Group Developments, and Mixed-Use Development (MD) applications.

### 3:2 Submittal Requirements and Approval Processes for Exempt Subdivisions and Re-Survey Plats

- A. The Planning Official shall make a determination that the proposed subdivision qualifies for and meets the requirements of an exempt subdivision, or The Planning Official shall make a determination that the submitted plat is a re-survey of a previously recorded plat.
- B. Within ten (10) working days of submission of the plat, the Planning Official shall make a determination that the proposed exempt subdivision conforms to applicable zoning district regulations of this Ordinance and shall approve, approve with changes, or reject the plat. If



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rejected, changes, additional analysis, or other information necessary to make an approval determination shall be identified and transmitted to the applicant.

- C. Upon determination that all conditions for approval have been met, the Planning Official shall sign and stamp the plat as approved for recording.

### 3:3 Minor Subdivisions

A Minor Subdivision is a subdivision which does **not** involve any of the following:

- A. The creation of more than five (5) lots.
- B. The creation of any new street.
- C. The extension of public water or sewer lines.
- D. The installation of drainage improvements through one (1) or more lots to serve one (1) or more other lots.
- E. The extension of an existing Minor or Major Subdivision or development under the same ownership or control which would in effect create more than five contiguous lots.
- F. The creation of lots that cannot meet the driveway maximum number and separation standards.

#### 3:3.1 Minor Subdivision Submittal Requirements

Applicants requesting approval of a proposed Minor Subdivision, as defined by this Ordinance, shall submit to the Planning Official original copies (with original Registered Land Surveyor stamp or seal) of a plat displaying the Lexington County Tax Map Survey (TMS) number, drawn to the requirements of the *Minimum Standards Manual for the Practice of Land Surveying in South Carolina*, the prescribed fee, and evidence that no taxes or assessments are outstanding against the property.

#### 3:3.2 Minor Subdivision Approval Process

- A. The Planning Official shall make a determination that the plat has been properly prepared and shall place the application on the agenda of the next regularly scheduled Planning Commission meeting that is scheduled at least twenty (20) days after the application is filed.
- B. The Planning Commission shall make a determination that:
  - 1. The proposed subdivision qualifies for and meets the requirements of a Minor Subdivision
  - 2. The proposed Minor Subdivision conforms to all applicable Zoning and Land Development Ordinances regulations
- C. The Planning Commission shall approve, approve with changes, or reject the plat. If rejected, changes, additional analysis, or other information necessary to make an approval determination shall be identified and transmitted to the applicant.
- D. Upon determination that all conditions for approval have been met, the Planning Commission shall instruct the Planning Official to sign and stamp the plat as approved for recording.

### 3:4 Major Subdivisions

A Major Subdivision is any subdivision other than an exempt subdivision or a subdivision which does not qualify as a Minor Subdivision or Mixed-Use Development.

#### 3:4.1 Major Subdivision Submittal Requirements

##### 3:4.1-1 Optional Sketch Plan

If the developer wishes a determination on proposed subdivision prior to submitting a Preliminary Plan for a subdivision, a Sketch Plan may be submitted for formal review and approval by the Planning

Commission. Sketch Plans shall be prepared in accordance with the regulations for the subdivision of land and the creation of lots and with the design standards and required improvements of this Ordinance and shall contain the following:

**A. General Information**

1. Name and address, including the telephone number of the developer/applicant and/or owner/applicant, and licensed contractor.
2. North arrow, scale, and date, including revision dates.
3. Tract boundaries and acreage.
4. Tax Map Survey Number(s).
5. Vicinity map.

**B. Site Information**

1. Floodplain areas, wetlands, and storm drainage ditches.
2. Location, names, and right-of-way widths of existing or platted streets within and adjacent to the subject tract.
3. Location and dimensions of all existing rights-of-way and easements.
4. Political lines, if applicable, and the position of the proposed development in relation to its surroundings indicating current land use and zoning of the subject site and adjacent property.

**C. Planned Improvements**

1. Approximate location and layout of proposed streets, roads, and sidewalks.
2. Approximate locations, dimensions, and area of all proposed lots.
3. Layout of all existing lots including scaled dimensions of lots and lot numbers.
4. Total number of lots (existing and/or proposed).

**D. Phased Development**

If the applicant intends future phases of development, location of future phases shall be shown on the Sketch Plan. The applicant is encouraged to submit a Sketch Plan of the entire track ultimately to be developed, although the present plans may only call for development of part of the development or part of the property.

**3:4.1-2 Optional Sketch Plan Approval Process**

- A. The applicant shall submit to the Planning Official ten (10) copies of the Sketch Plan drawn per the requirements stipulated in this section.
- B. The Planning Official shall review the Sketch Plan for completeness per the Sketch Plan submittal requirements of this section. A Sketch Plan deemed complete by the Planning Official will be placed on the agenda for the next regular Commission meeting scheduled at least twenty (20) days after the Sketch Plan is filed and distribute copies of the Sketch Plan to the Planning Commission.
- C. The Planning Commission shall consider compliance of the proposed Major Subdivision with the applicable subdivision regulations and design standards and required improvements per this Ordinance, the impact on public facilities, compliance with the Zoning Ordinance, and the goals and objectives of the Comprehensive Plan.
- D. The Planning Commission shall approve, approve conditionally, or disapprove the Sketch Plan. If the Sketch Plan is disapproved or approved conditionally, the reasons for such action shall be conveyed to the applicant. The reasons for disapproval shall refer specifically to those parts of the Comprehensive Plan, Ordinance, or regulation with which the Sketch Plan does not conform. If granting a conditional approval, the Planning Commission may require the applicant to resubmit the Sketch Plan with all recommended changes before approving said Sketch Plan. The Planning

Commission may direct the Planning Official to review the resubmitted Sketch Plan and to make a determination of approval, or it may require that the resubmitted Sketch Plan be brought before the Planning Commission for review at the next regular Planning Commission meeting scheduled at least twenty (20) days after the resubmitted Sketch Plan is filed. Alternately, the Planning Commission may direct the applicant to address the conditions in the Preliminary Plan.

- E. If the Sketch Plan is approved, the applicant may proceed to prepare a Preliminary Plan for Planning Commission review and approval.

### 3:4.1-3 Preliminary Plans Submittal Requirements

Applicants for a Major Subdivision shall comply with all requirements of the Land Development Manual for General Land Disturbance Permit application, including an application form, site narrative, technical report, construction plans, and stormwater pollution prevention plan. The Town of Gaston Planning Commission shall review and approve a separate Preliminary Plan that will satisfy the Planning Commission that the Town of Gaston Zoning and Land Development Ordinances' regulations are addressed. Some information will be required on both the County and Town plans. Plan sheets shall be of a convenient scale of no less than one (1) inch equals 100 feet and plan sheets no smaller than 24" x 18". The applicant shall submit to the Planning Official 10 copies of the Preliminary Plan. The Preliminary Plans submittal shall comply with the Sketch Plan (if submitted) as approved by the Planning Commission and shall incorporate the subdivision regulations and design standards and required improvements of this Ordinance.

#### A. General Information

1. Proposed name of subdivision which shall be in compliance with the County 911 requirements.
2. Name, address, and telephone number(s) of the developer/applicant and/or owner/applicant.
3. Name, address, and telephone number(s) of the professional person(s) responsible for the subdivision's design, or for the design of any public improvements, and responsible for the surveys.
4. North arrow, scale, and date, including revision dates.
5. Tract boundaries and acreage.
6. Phase boundaries and acreage.
7. Tax Map Survey number(s).
8. Vicinity map.

#### B. Site Information

1. Current zoning and land use (e.g. residential, commercial, timberland, etc.) of subject site.
2. Presentation of existing and proposed contours at the development site.
3. Political lines, if applicable, and identification of all surrounding land use and zoning. Any adjoining subdivision shall be identified by name.
4. Location, names, and right-of-way widths of existing or platted streets within and in the vicinity of the tract. In case of re-subdivisions, a copy of the existing plat with proposed re-subdivisions superimposed shall be submitted on a separate sheet.
5. Location and dimensions of all existing rights-of-way and easements either on or adjacent to the property to be subdivided. Specifics must be given as to whether utilities are located within the easements or rights-of-way, and the location of poles and/or towers must be shown.

6. Size and location of existing sewers, water mains, drains, culverts, or other underground facilities within the street or within the right-of-way of streets or roads adjoining the tract.
  7. Elevations where public water and/or public sewers are to be installed, referencing the most recent vertical datum (if applicable).
- C. Planned Improvements
1. Layout of streets, alleys, sidewalks, paths, and/or greenways.
  2. Layout of all blocks and lots, including building setback lines, scaled dimensions of lots, consecutive lot and block numbers, and total number of lots.
  3. Layout of all easements and rights-of-way, indicating width and use.
  4. The location, dimensions, and acreage of all common open space property proposed to be set aside for the common use of property owners in the proposed subdivision with designation of the purpose thereof and conditions, if any, of the dedication or reservation. Refer to the Common Open Space requirements of the Town of Gaston Zoning Ordinance.
  5. Indication of the use of all lots (single-family, two-family, multi-family, townhouse, offices, commercial, warehousing, industrial, etc.). Proposed uses shall not be contrary to those permitted by the zoning district regulations of the Zoning Ordinance.

#### 3:4.1-4 Preliminary Plan Approval Process

- A. The Planning Official shall decide that the Plans have been properly prepared and shall place the application on the agenda of the next regularly scheduled Planning Commission meeting that is scheduled at least twenty (20) days after the Plans are filed.
- B. The Planning Commission shall approve, approve conditionally, or disapprove the Preliminary Plan. If the Preliminary Plan is disapproved or approved conditionally, the reasons for such action shall be conveyed to the applicant. The reasons for disapproval shall refer specifically to those parts of the Comprehensive Plan, Ordinance, or regulation with which the Preliminary Plan does not conform. If granting a conditional approval, the Planning Commission may require the applicant to resubmit the Preliminary Plan with all recommended changes before approving said Preliminary Plan. The Planning Commission may direct the Planning Official to review the Preliminary Plan and to make a determination that the conditions have been met and grant an approval, or it may require that the resubmitted Preliminary Plan be brought before the Planning Commission for review at the next regular Planning Commission meeting scheduled at least twenty (20) days after the resubmitted Preliminary Plan is filed.
- C. If the Preliminary Plan is approved, construction may begin provided that all applicable County, State, and/or Federal approvals have been granted.

#### 3:4.1-5 Final Plat Approval Procedure

- A. Prior to recording the Final Plat with the Lexington County Register of Deeds, thus creating individual lots of record that can be sold or transferred, the Final Plat must be submitted to the Planning Commission for review and approval for recording. Approval is contingent upon all Lexington County approvals. The Final Plat shall conform substantially with the approved Preliminary Plan and meet all minimum standards of the Land Development Manual and, in addition to the information required on the Preliminary Plan, submittals shall include all requirements of the Lexington County Subdivision Ordinance including, as applicable:
  1. Final plan of sanitary sewer system detailing an "as built" condition
  2. Final plan of water distribution system detailing an "as built" condition
  3. Final plan of road system detailing an "as built" condition

4. Final approval to operate water distribution and sanitary sewer systems or final approval to install individual wells and/or septic tanks for each applicable lot
  5. SC Department of Transportation encroachment permits for any driveways or roads accessing a state-maintained road
  6. Owner certifications as required by Lexington County
- B. **Performance Guarantee** - The developer/owner shall deposit with the Town a performance financial guarantee in the amount of fifteen (15) percent of the total cost of improvements to cover any expenses associated with correcting and repairing any defects which may surface during the warranty period. The Lexington County Public Works Department shall review and approve documentation of the total cost of improvements made under County requirements. In the event defects do surface and the developer does not correct said defects, the Town, in coordination with the County, may take action to do so using the deposited funds. In the absence of any defects or where the cost of any needed repairs is less than the amount deposited, the balance shall be returned to the developer/owner. At the conclusion of the warranty period, the County may accept said dedicated streets and other improvements into the County maintenance system. The warranty period shall be the one (1) year period commencing on the date the Final Plat is recorded with the Register of Deeds. The performance financial guarantee shall be one of the following and approved by the Town Attorney:
1. Surety bond made out to the Town of Gaston from a surety bonding company authorized to do business in South Carolina.
  2. Irrevocable letter of credit from a bank or other reputable institution.
  3. Escrow account where applicant may deposit cash or other instruments readily convertible into cash at face value with the Town or to the Town in escrow with a bank.
  4. Prepayment to the Town with any unexpended funds to be returned to the applicant.
  5. Other Financial Assurances - Such other financial assurances that the Town Attorney finds will reasonably guarantee the availability of fifteen (15) percent of the total cost of improvements to cover any expenses associated with correcting and repairing any defects which may surface during the warranty period.

Any document providing such financial guarantee required under this section shall be in such form and substance as specified by and satisfactory to the Town Attorney. The required performance financial guarantee (completed and fully executed) shall be a condition of Final Plat approval and shall be delivered to and approved by the Town Council prior to the recordation of the Final Plat and/or the subdivision of the affected property by plat, deed, or otherwise. Written approval from the Lexington County Public Works Department shall mean the Final Plat accurately depicts as-built conditions as approved and inspected by County Public Works Department, and/or other applicable departments.

### 3:5 Group Developments

A Group Development is a development of a single tract of land or adjacent tracts of land under the same ownership or control. Group Developments include commercial, retail, industrial, institutional, multi-family residential, recreational camps, and recreational vehicle parks. A Group Development may consist of a single-use, single-occupant building or a multi-use, multi-occupant complex. Examples are shopping centers and malls, a single commercial business, office parks, industrial parks, apartment buildings and complexes, and “big box” retail.

*3:5.1 Zoning and Land Development Site Plan for Group Developments*

*3:5.1-1 Zoning and Land Development Site Plan for Group Developments Submittal Requirements*

The applicant shall submit to the Planning Official ten (10) copies of the Zoning and Land Development (ZLD) Site Plan drawn per the requirements as stipulated below:

A. General Site Plan Information

1. Tax Map Survey (TMS) number(s) for the subject parcel(s).
2. Contact information for the responsible party.
3. The ZLD Site Plan shall be on one plan sheet and must be of sufficient scale to show the entire subject parcel, adjacent boundary lines of adjoining properties, and abutting roads.
4. TMS number, owner information, and land use (commercial, residential, vacant, etc.) of adjoining properties.
5. Right-of-way of abutting road(s).
6. Existing and proposed encroachments (curb cuts).
7. All existing and proposed structures, their size, height, elevation, and their setbacks from property lines.
8. Flood zone and wetlands verification and base flood elevation as applicable.
9. Total acreage in the tract proposed for Group Development and a statement of total contiguous acreage owned by the developer(s).
10. The location and size of all proposed utilities and storm drainage easements.
11. The location of topographical lines (closest available contour intervals - United States Geological Survey, USGS contours acceptable).
12. The intended use of each building and (if multiple use) number of units the building is designed to accommodate.
13. Vicinity map.

B. Landscaping

A landscape plan including all required buffers, screening, landscaping, open space, and tree protection provisions of the Zoning Ordinance. The landscape plan shall:

1. Designate areas to be reserved for landscaping. The specific design of landscaping shall be sensitive to the physical and design characteristics of the site.
2. Indicate the location and dimensions of landscaped areas (including required buffers, screening, interior parking, and other landscaping), plant materials (planting schedule), decorative features, etc.
3. Identify all existing healthy pine trees of twenty (20) inches or greater diameter at breast height (DBH) and all other tree species of eight (8) inches or greater DBH.

C. Parking

The Site Plan must include an off-street parking facilities plan designed in accordance with the off-street parking regulations of the Zoning Ordinance. The plan must include:

1. The required number of parking spaces per the zoning district regulations of the Zoning Ordinance.
2. The required number of handicapped parking spaces and their locations.
3. Parking slip and aisle dimensions.
4. Off-street loading.
5. Parking area landscaping per the landscaping provisions of the Zoning Ordinance.
6. Site parking, aisles, vehicular and pedestrian ingress and egress, loading zones, etc., shall be laid out to facilitate safe and efficient internal vehicular and pedestrian traffic circulation.

D. Signage

The applicant is not required to submit sign permit applications at the time of Group Development application submittal. The developer may, however, opt to include the signage plan per the signage regulations of the Zoning Ordinance. Final certification (certificate of occupancy) shall not be granted until any required sign permits have been applied for and approved per the provisions of the Zoning Ordinance.

3:5.1-2 Zoning and Land Development Site Plan for Group Developments Approval Process

- A. **Planning Commission Review** - The Planning Official shall review the ZLD Site Plan for completeness. A Site Plan deemed complete by the Planning Official will be placed on the agenda for the next regular Planning Commission meeting scheduled at least twenty (20) days after the Site Plan is filed. The Planning Official shall distribute copies of the Site Plan to all affected Town and/or County agencies for review and comment. The Planning Official shall present the application to the Planning Commission in a staff report with the Planning Official's analysis and recommendations and any other County agency's comments that have been received by the Planning Official. The Planning Commission shall consider the prevention of traffic hazards and the provisions of off-street parking and required utilities. In addition, the Commission will consider compliance of the proposed Group Development with the applicable design standards and required improvements per this Ordinance, the Zoning Ordinance, and with the goals and objectives of the Comprehensive Plan.
- B. The Planning Commission shall approve, approve conditionally, or disapprove the ZLD Site Plan. If the Site Plan is disapproved or approved conditionally, the reasons for such action shall be conveyed to the applicant. The reasons for disapproval shall refer specifically to those parts of the Comprehensive Plan, Ordinance, or regulation with which the Plan does not conform. On conditional approval, the Planning Commission may require the applicant to resubmit the Site Plan with all recommended changes before approving said Plan. The Planning Commission may direct the Planning Official to review the resubmitted Site Plan and to make a determination that the conditions have been met and grant approval, or it may require that the resubmitted Plan be brought before the Planning Commission for review at the next regular Planning Commission meeting scheduled at least twenty (20) days after the resubmitted Site Plan is filed.
- C. Final approval of the ZLD Site Plan is contingent upon County approval under the Land Development Manual.

3:6 Mixed-Use Developments

These provisions apply to the development of Mixed-Use Development Districts (MD) after final MD zoning designation has been received per the MD zoning provisions of the Zoning Ordinance. The MD Site Plans submitted for the MD re-zoning application shall serve in lieu of a Sketch Plan. The Zoning Ordinance MD Site Plan requirements are repeated below.

3:6.1 MD District Site Plan

- A. The proposed title of the project, project designer, and the developer.
- B. The boundaries of the property involved; the general location of all existing easements, property lines, existing streets, and buildings; and other existing physical features on the project site.
- C. The approximate location of existing and proposed sanitary and storm sewers, water mains, street lighting, and other service facilities in or near the project.
- D. The general location and dimensions of proposed streets.
- E. The conceptual land use plan:



1. Area by land use (i.e., retail, single-family detached residential, multi-family, townhouses, office, park, green space, etc.).
  2. Specific allowable uses for each area.
  3. A tabulation of the number of acres in each use area.
  4. Maximum densities expressed in dwelling units per gross acre for residential uses, and floor/area ratio for non-residential uses.
  5. Building setbacks.
  6. Maximum building heights.
- F. The position of the proposed development in relation to its surroundings. Current land use and zoning of the subject site and adjacent property and a site location (vicinity) map shall be provided.
- G. Proposed plan for development in phases, as applicable
- H. Alternate design standard plans to include, as applicable:
1. Parking and loading.
  2. Buffers, landscaping, and common open space.
  3. Street design.
  4. Signage plan.

The Planning Commission may establish additional requirements for Site Plan approval, and in special cases, may waive a particular requirement if, in the opinion of the Commission, the inclusion of that requirement is not essential to a proper assessment of the project.

### *3:6.2 MD Preliminary Plan*

The Preliminary Plans submittal shall be in compliance with the MD Site Plan as approved by the Planning Commission and County Council during the re-zoning process.

- A. General Submittal Requirements
1. Plans sheets shall be of a convenient scale of not less than one (1) inch equals 100 feet, adjustable depending upon lot sizes and total acreage.
  2. Plan sheets should be of standard size of not greater than 24" x 36" and no smaller than 24" x 18".
  3. The number of items presented on any one (1) sheet should be limited such that each item is clearly defined and easily reviewed.
  4. Sheets overcrowded with too much information such that they are difficult and/or confusing to review shall be avoided.
  5. A line and object legend shall be located within the plans.
- B. Submittal and Distribution
1. The applicant shall submit 10 copies of the Preliminary Plan to the Planning Official.
  2. The Planning Official shall distribute the Preliminary Plan to the Planning Commission for the next regular Planning Commission meeting scheduled at least twenty (20) days after the Plan is submitted.
  3. The Planning Official will distribute relevant copies of the Preliminary Plans to affected County and Town departments for review and comment.
- C. The Preliminary Plan for Mixed-Use Developments shall contain the following:
1. General Information
    - a. Proposed name of the development.
    - b. Name, address, and telephone number(s) of the developer/applicant and/or the owner/applicant.
    - c. Name, address, and telephone number(s) of the professional person(s)



- responsible for the MD's design, or for the design of any public improvements, and for the surveys.
  - d. North arrow, scale, and date, including revision dates.
  - e. Tract boundaries and acreage.
  - f. Phase boundaries and acreage.
  - g. Tax Map Survey number(s).
  - h. Vicinity map.
2. Site Information
- a. The location of topographical lines, at two (2) foot intervals, wetlands, floodplain areas, and storm drainage ditches.
  - b. Current zoning and land use (e.g., residential, commercial, timberland, etc.) of subject site.
  - c. Political lines, if applicable, and identification of all surrounding land use and zoning. Any adjoining subdivision or development shall be identified by name.
  - d. Location, names, and right-of-way widths of existing or platted streets within and in the vicinity of the tract. In case of re-subdivisions, a copy of existing plat with proposed re-subdivisions superimposed shall be submitted on a separate sheet.
  - e. Location and dimensions of all existing rights-of-way and easements either on or adjacent to the property to be developed. Specifics must be given as to whether utilities are located within the easements or rights-of-way, and the location of poles and/or towers must be shown.
  - f. Size and location of existing sewers, water mains, drains, culverts, or other underground facilities within the street or within the right-of-way of streets or roads adjoining the tract.
  - g. Elevations where public water and/or public sewers are to be installed referencing the most recent vertical datum (if applicable).
3. Planned Improvements
- a. Layout of streets, alleys, sidewalks, paths, and/or greenways.
  - b. Layout of all blocks and lots, including building setback lines, scaled dimensions of lots, consecutive lot and block numbers, and total number of lots.
  - c. Layout of all easements and rights-of-way, indicating width and use.
  - d. The location, dimensions, and acreage of all common open space property proposed to be set aside for the common use of property owners in the proposed MD with designation of the purpose thereof and conditions, if any, of the dedication or reservation.
  - e. Indication of the use of all lots (single-family, two-family, multi-family, townhouse, offices, commercial, warehousing, industrial, etc.). Proposed uses shall not be contrary to those regulations stipulated in the approved MD.

### 3:6.2-1 Preliminary Plan Approval Process

- A. The Planning Commission shall approve, approve conditionally, or disapprove the Preliminary Plan. If the Preliminary Plan is disapproved or approved conditionally, the reasons for such action shall be conveyed to the applicant. The reasons for disapproval shall refer specifically to those parts of the Comprehensive Plan, Ordinance, or regulation with which the Preliminary Plan does not conform. If granting a conditional approval, the Planning Commission may require the applicant to resubmit the Preliminary Plan with all recommended changes before approving said

Preliminary Plan. The Planning Commission may direct the Planning Official to review the Preliminary Plan and to make a determination that the conditions have been addressed and grant approval, or it may require that the resubmitted Preliminary Plan be brought before the Planning Commission for review at the next regular Planning Commission meeting scheduled at least twenty (20) days after the resubmitted Preliminary Plan is filed.

- B. If the Preliminary Plan is approved, construction may begin provided that all applicable County, State, and/or Federal approvals have been granted.

### 3:6.2-2 MD Final Plat

- A. Prior to recording the Final Plat with the Lexington County Register of Deeds, thus creating individual lots of record that can be sold or transferred, the Final Plat must be submitted to the Planning Commission for review and approval for recording. Approval is contingent upon all Lexington County approvals. The Final Plat shall conform substantially with the approved MD Site Plan and Preliminary Plan and meet all minimum standards of the Land Development Manual and submittals shall include, in addition to the information required on the Preliminary Plan, all requirements of the Lexington County Subdivision Ordinance including, as applicable:
  - 1. Final plan of sanitary sewer system detailing an “as built” condition
  - 2. Final plan of water distribution system detailing an “as built” condition
  - 3. Final plan of road system detailing an “as built” condition
  - 4. Final approval to operate water distribution and sanitary sewer systems or final approval to install individual wells and/or septic tanks for each applicable lot
  - 5. SC Department of Transportation encroachment permits for any driveways or roads accessing a state-maintained road
  - 6. Owner certifications as required by Lexington County
- B. **Performance Guarantee** - The developer/owner shall deposit with the Town a performance financial guarantee in the amount of fifteen (15) percent of the total cost of improvements to cover any expenses associated with correcting and repairing any defects which may surface during the warranty period. The Lexington County Public Works Department shall review and approve documentation of the total cost of improvements made under County requirements. In the event defects do surface and the developer does not correct said defects, the Town, in coordination with the County, may take action to do so using the deposited funds. In the absence of any defects or where the cost of any needed repairs is less than the amount deposited, the balance shall be returned to the developer/owner. At the conclusion of the warranty period, the County may accept said dedicated streets and other improvements into the County maintenance system. The warranty period shall be the one (1) year period commencing on the date the Final Plat is recorded with the Register of Deeds. The performance financial guarantee shall be one (1) of the following approved by the Town Attorney:
  - 1. Surety bond made out to the Town of Gaston from a surety bonding company authorized to do business in South Carolina.
  - 2. Irrevocable letter of credit from a bank or other reputable institution.
  - 3. Escrow account where applicant may deposit cash or other instruments readily convertible into cash at face value with the Town or to the Town in escrow with a bank.
  - 4. Prepayment to the Town with any unexpended funds to be returned to the applicant.
  - 5. Other Financial Assurances - Such other financial assurances that the Town Attorney finds will reasonably guarantee the availability of fifteen (15) percent of the total cost of improvements to cover any expenses associated with correcting and repairing any defects which may surface during the warranty period.

Any document providing such financial guarantee required under this section shall be in such form and substance as specified by and satisfactory to the Town Attorney. The required performance financial guarantee (completed and fully executed) shall be a condition of Final Plat approval and shall be delivered to and approved by the Town Council prior to the recordation of the Final Plat and/or the subdivision of the affected property by plat, deed, or otherwise. Written approval from the Lexington County Public Works Department shall mean the Final Plat accurately depicts as-built conditions as approved and inspected by the County Public Works Department, and/or other applicable departments.

### 3:7 Bonded Plat

#### 3:7.1 Policy

It shall be the general policy of the Town of Gaston that all improvements required by this Ordinance be completed prior to approval for recording of a Final Plat of a subdivision or development, or the effect of which creates lots of record that may be sold or transferred along with site improvements. However, recognizing that completion of all required improvements prior to obtaining Final Plat approval may not in some cases be feasible, practical, or financially possible, this section provides a mechanism by which final approval may be granted, contingent upon certain required improvements being completed as and when specified by the Gaston Town Council and upon the applicant providing financial guarantees for the completion of such other required improvements.

Development projects or the approved development phase must be substantially complete prior to final approval through the improvement guarantee process. In general, the development must be completed except for final road surfacing, minor grading, and minor stormwater management controls. Substantially complete includes, but is not limited to, the following site improvements:

- A. Utilities Installed
  - 1. Water, where applicable.
  - 2. Sewer, where applicable.
  - 3. Electricity and underground communications cables.
- B. All roads completed to all-weather construction.
- C. Major stormwater utilities (retention ponds, sedimentation basins, etc.) completed.
- D. Approvals from all other applicable Federal, State, and local regulatory authorities secured.

The Town shall have the right to refuse any of the optional financial guarantees and require construction and installation of all improvements by the developer, where:

- A. Past performance of the developer has been unsatisfactory;
- B. the selected option is unacceptable; or
- C. for other reasons so stated.

#### 3:7.2 Financial Guarantee

Where a Bonded Plat approval is requested by the applicant/developer prior to the completion of all required improvements, the Planning Official shall recommend to the Town Council financial guarantees of such type and in such amounts (not less than 125 percent of cost of materials and installation) sufficient to guarantee with reasonable certainty that the required improvements will be completed as and when required by the Planning Official. Said financial guarantees to be used for such purposes may include one or more of the following types, if acceptable to the Town Attorney:

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- A. Surety bond made out to the Town of Gaston from a surety bonding company authorized to do business in South Carolina.
- B. Irrevocable letter of credit from a bank or other reputable institution.
- C. Escrow account where applicant may deposit cash or other instruments readily convertible into cash at face value with the Town or to the Town in escrow with a bank.
- D. Prepayment to the Town with any unexpended funds to be returned to the applicant.
- E. Contract for Completion - The applicant may deliver to the Town a contract for completion of the required improvements executed by the applicant and a qualified responsible and duly licensed contractor, together with an executed performance bond issued by such surety as the Town Attorney might approve. Along with said contract and performance bond, the applicant shall deliver to the Town the right and option to enforce the terms and conditions of the contract and the performance bond.
- F. Other Financial Assurances - Such other financial assurances that the Town Attorney finds will reasonably guarantee the satisfactory completion of the required improvements as and when required.

Any document providing such financial guarantee required by the Town Council under this section shall be in such form and substance as specified by and satisfactory to the Town Attorney. The required financial guarantee (completed and fully executed) shall be a condition of Final Plat approval and shall be delivered to and approved by the Planning Commission prior to the recordation of the Final Plat and/or the subdivision of the affected property by plat, deed, or otherwise.

#### *3:7.3 Allocation of Guarantee*

Any funds received from financial guarantees required by this Ordinance shall be used only for the purpose of making the improvements for which said guarantees are provided.

#### *3:7.4 Extension of Guarantee*

If it appears to the developer that he may not complete construction of required improvements before expiration of his improvement guarantee, it shall be his obligation, at least fifteen (15) days prior to the expiration period, to submit an extended guarantee request. Such extension, if approved, shall be for a period of six (6) months. A maximum of two (2) such extensions shall be allowed.

#### *3:7.5 Approval for Recording*

Any Bonded Plat that is approved for recording under an improvement guarantee must be annotated as: "Bonded Plat Approved Under Improvement Guarantee." Once the terms of the improvement guarantee have been completed and the financial guarantee has been retired, it shall be the developer's responsibility to record a Final Plat without the Bonded Plat notation, and must be done as a condition for release of the performance guarantee upon termination of the warrantee period.

### *3:8 Development Agreements*

As of the effective date of this Ordinance, the Town of Gaston may enter into a binding development agreement with the developer for long-term developments on large tracts of land. The development agreement shall meet all the requirements under SC Code of Law, Title 6, Chapter 31 § 6-31-10, et seq., *The South Carolina Local Government Development Agreement Act* (the Act). The development agreement gives the developer a vested right for the term of the agreement to proceed according to the provisions of the Ordinance in existence on the execution date of the agreement per §6-31-80 of the Act. Benefits to The Town may include enhanced development design standards, on and off-site infrastructure, public facility and other improvements and funding, affordable housing, and other

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benefits negotiated with the developer in return for vesting of development rights for the term of the agreement.

*3:8.1 Minimum Requirements*

- A. The property must contain a minimum of twenty-five (25) acres of highland as defined as land above the 100-year floodplain as delineated on the official FEMA flood maps of Lexington County.
- B. Development Time - The following table specifies the maximum term of a development agreement by the size of the project:

<b>MAXIMUM TERM OF DEVELOPMENT AGREEMENT BY SIZE OF PROJECT</b>	
<b>Size of Project</b>	<b>Maximum Term of Development Agreement</b>
25-250 acres of highland	5 years
>250-1000 acres of highland	10 years
>1000-2000 acres of highland	20 years
>2000 acres of highland	As set by the Town and the developer

The maximum term of a development agreement may be extended by a subsequent agreement.

*3:8.2 Procedures for Adoption of Development Agreements*

*3:8.2-1 Drafting of Agreement*

The developer shall consult with the Planning Official, Town Attorney, and other staff and consultants in drafting the terms and conditions of the development agreement. The development agreement shall include, but is not limited to, all elements as required by §6-31-60 of the Act.

*3:8.2-2 Planning Commission Public Hearing*

The Planning Commission shall hold a public hearing. A notice of intent to consider the development agreement shall be published in a newspaper of general circulation at least fifteen (15) days prior to the hearing. The notices shall include:

- A. The specific location of the property.
- B. The proposed uses of the development.
- C. The location where a copy of the proposed agreement may be obtained.

At the conclusion of the Planning Commission Public hearing, The Planning Commission Chairman shall announce the Town Council’s public hearing and the date, time, and place that the County Council will hold a public hearing on the proposed development agreement. The Town Council public hearing shall be held at least fifteen (15) days after the Planning Commission public hearing.

*3:8.2-3 Planning Commission Recommendation to County Council*

The Planning Commission shall review the development agreement and make a recommendation to the Town Council to:

- A. Accept the development agreement as drafted;
- B. accept the development agreement with amendments; or
- C. deny the development agreement.

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#### 3:8.2-4 Town Council Public Hearing

The Town Council shall hold a public hearing. A notice of intent to consider the development agreement shall be published in a newspaper of general circulation at least fifteen (15) days prior to the hearing. The notices shall include:

- A. The specific location of the property.
- B. The proposed uses of the development.
- C. The location where a copy of the proposed agreement may be obtained.

#### 3:8.2-5 Development Agreement Ordinance

The proposed development agreement shall be approved by the Town Council by adoption of an Ordinance.

#### 3:8.3 Recording of Development Agreement

The developer shall record the development agreement with the Lexington County Register of Deeds within fourteen (14) days after the development agreement Ordinance is executed.

#### 3:8.4 Annual Review

The Planning Official shall conduct annual reviews to assess the progress of the development for the purposes of determining if the developer is demonstrating good faith compliance with the terms of the agreement. The Planning Official shall prepare a written report to the Planning Commission, Town Council, and the developer within thirty (30) days following the annual review. When the annual review reveals a material breach of the agreement, the following steps shall be taken:

##### 3:8.4-1 Notice of Breach

The Planning Official shall include in the report a notice of breach setting out the specific nature of the breach and the evidence supporting this determination.

##### 3:8.4-2 Corrective Action Plan

The developer shall have thirty (30) days to respond with a corrective action plan with the time frame to cure the material breach. The developer should be given a reasonable time to correct the breach, commensurate with the nature of the breach. The Planning Official may approve the corrective action plan. A decision of the Planning Official may be appealed to Town Council.

##### 3:8.4-3 Termination of Agreement

Upon failure of the developer to respond to the notice of breach within thirty (30) days, or to correct the breach within the time given, the Town Council may unilaterally terminate or modify the agreement. However, failure of the developer to meet a commencement or completion date shall not, in and of itself, automatically constitute a material breach of the agreement, but must be judged based on the totality of the circumstances. The developer shall have an opportunity to rebut the determination in executive session of Town Council, or consent to amend the agreement to meet the concerns raised by the findings and determination of the breach.

## Article 4 Land Development Design Standards

### 4:1 Purpose

Land development and subdivision projects within the Town of Gaston shall comply with all applicable regulations of the Town of Gaston Zoning Ordinance, the Lexington County Land Development Manual (LDM), and the Regulations for the Subdivision of Land and the Creation of Lots provisions of this Ordinance. The purpose of this Article is to provide additional design standards and required improvements that create functional, attractive, and livable land developments; to minimize environmental impacts; and to support and promote the health and safety of the community. As stated in Article 1, the intent of this Ordinance is to provide design standards and required improvements not covered in the LDM. If both Gaston Land Development and LDM regulations are applicable to a specific land development activity, both shall apply. Where the conditions imposed by any provision of this Article are either more restrictive or less restrictive than the LDM or any other applicable Federal, State, Lexington County, or Town of Gaston statute, the more restrictive statute, imposing higher standards or requirements, shall govern.

### 4:2 General Site Design

Site design shall take into consideration all existing local and regional plans. To the extent practicable, development shall be located:

- A. to preserve any natural features on the site;
- B. to minimize negative impacts and alteration of natural features;
- C. to avoid areas of environmental sensitivity;
- D. to avoid adversely affecting ground water and aquifer recharge;
- E. to reduce cut and fill;
- F. to avoid unnecessary impervious cover;
- G. to prevent flooding;
- H. to provide adequate access to lots and sites;
- I. to promote healthy activities by providing safe and accessible pedestrian and bicycle access; and
- J. to mitigate adverse effects of noise, odor, traffic, drainage, and utilities.

### 4:3 Phased Clearing During Site Development

After receiving a Preliminary Plan, or Site Plan approval from the Planning Commission, and prior to commencing site work on a land development that has been approved for the site construction phase, the applicant shall submit a clearing plan for approval. The Clearing Plan shall be submitted to the Lexington County Public Works Department (LCPWD) for review and comment. After receiving the review and comment by the LCPWD, the Planning Official shall either sign off on the Plan or refer it to the Planning Commission for further review.

#### 4:3.1 The Clearing Plan

The Clearing Plan shall include the following, as applicable:

##### 4:3.1-1 Identify the Project Footprint

- A. Infrastructure:
  1. Roads and drainage
  2. Stormwater facilities
  3. Utilities
  4. Other infrastructure



5. Site improvements:
6. Parking lots
7. Driveways and walkways
8. Buildings and other structures

#### 4:3.1-2 Identify all Protected Areas

- A. Natural open space
- B. Buffers, yards, and other areas required to be landscaped
- C. Shoreline buffers
- D. Stream buffers
- E. Significant tree protection zones
- F. Identify location of any streets and associated facilities, utility mains and easements, and/or greenways and pedestrian paths approved by the Town or County to encroach upon a protected area per the provisions of this Ordinance and/or the Zoning Ordinance

#### 4:3.1-3 Identify all significant trees (20" or greater DBH pine trees, 8" or greater DBH all other species) located within:

- A. Site improvement areas.
- B. Protected areas.

#### *4:3.2 Site Clearing Predevelopment Phase*

Once the Clearing Plan has been approved, logging for marketable timber using State (SC Forestry Commission) Best Management Practices (BMPs) as required by this Article (below), may be undertaken in the project footprint area. All significant trees located within site improvement and protected areas are to be left uncut. No stump removal, grubbing, clearing, or grading shall be allowed at this time.

#### *4:3.3 Infrastructure Construction Phase*

Once final approval for construction has been granted, the areas to receive site infrastructure, such as roads and drainage, stormwater facilities, utilities, etc., may be cleared and graded in preparation for construction. All Lexington County Land Development Manual (LDM) erosion prevention and sediment controls shall be observed.

#### *4:3.4 Building Phase*

After issuance of the building permits or individual lot building permits in the case of a subdivision, the areas to receive the principal building and accessory structures may be cleared and graded for construction. Erosion prevention and sediment control BMPs and tree and root protection during construction as required by the LDM shall be followed. Placement and location of parking lots, perimeter buffer areas, common open space areas, walkways and drives, screening, and other areas shall be designed to utilize and preserve as many significant trees as possible. Significant trees in tree protection areas shall be preserved per the Tree Protection provisions of the Zoning Ordinance.

#### *4:3.5 Applicability*

Note the three phases of clearing are applicable for large projects such as subdivisions and large Group Developments. For small projects with minimal clearing involved and relatively quick construction times, site clearing may be done in one phase. However, all Lexington County LDM Erosion prevention and sediment control BMPs and the Building Phase requirements of this Article shall be observed.



#### 4:4 Forestry Activity

Forestry activity includes, but is not limited to, timber harvest, site preparation, controlled burning, tree planting, applications of fertilizers, herbicides, pesticides, weed control, animal damage control, fire control, insect and disease control, forest road construction, and any other generally accepted forestry practices.

##### 4:4.1 Permitted Forestry Activity

Forestry activities are permitted on all forestland parcels within the Gaston Town Limits that meet one or more of the following conditions:

- A. Taxed based on its present value as forestland under SC Code of Laws Section 12- 43-220(d);
- B. Managed in accordance with a forest management plan that is prepared or approved by a South Carolina Registered Forester;
- C. Certified under the Sustainable Forestry Initiative, the Forest Stewardship Council, the American Forest Foundations Tree Farm System, or any other nationally recognized forest certification system;
- D. Subject to a legally binding conservation easement under which the owner limits the right to develop or subdivide the land; or
- E. Managed and harvested in accordance with the best management practices established by the State Commission of Forestry pursuant to SC Code of Laws Section 48-36-30.

##### 4:4.1-1 Forestry Management Plan

A Forestry management plan means a document or documents prepared or approved by a forester registered in SC that defines a landowner's forest management objectives and describes specific measures to be taken to achieve those objectives. A management plan shall include silvicultural practices, objectives, and measures to achieve them, that relate to a stand or potential stand of trees that may be utilized for timber products, watershed or wildlife protection, recreational uses, or for other purposes.

##### 4:4.2 Time Restrictions on Issuing Permits

The Town of Gaston may deny a grading, land development, or building permit for the following time periods:

- A. One year after the completion of a forestry activity if the activity results in the removal of all, or substantially all, the trees that were protected under the Town of Gaston tree protection regulations governing development from the tract of land for which the permit or approval is sought.
- B. Five years after the completion of a timber harvest if the forestry activity (timber harvest) results in the removal of all, or substantially all, the trees that were protected under the Town of Gaston's regulations governing development from the tract of land for which the permit or approval is sought and the harvest was a willful violation of Town regulations.

#### 4:5 Street Standards

In general, street (road) design and construction standards and access management shall adhere to the Lexington County Land Development Manual and other applicable SC Department of Transportation (SCDOT) and Lexington County road design and construction standards. The Town of Gaston's additional street design standards are as follows:

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#### *4:5.1 Cul-de-Sacs and Dead-End Streets*

Cul-de-sacs and dead-end streets lengthen distances for travelers, discourage pedestrian travel, and make transit service more difficult to operate and use, while placing an added financial burden in providing emergency, safety, and maintenance services. Cul-de-sacs and dead-end streets result in poor connectivity that often restricts the viability of bicycle and pedestrian transportation.

##### *4:5.1-1 Planning Commission Review and Approval Required*

As of the effective date of this Ordinance, cul-de-sacs shall require Planning Commission approval on a case-by-case basis utilizing the following considerations:

- A. Limited use
- B. Site-specific topographic or geophysical conditions
- C. Preservation of any natural features on the site
- D. Minimizing of negative impacts and alteration of natural features
- E. Avoidance of areas of environmental sensitivity
- F. Reduction of excessive cut and fill
- G. Other site-specific design considerations

Dead-end streets shall only be approved as temporary until connection with an intersecting street is constructed. Temporary dead-end streets must have a turn-around at the terminus.

#### *4:5.2 Block Lengths*

##### *4:5.2-1 Residential*

1. Block lengths shall be appropriate to topographic conditions and density to be served, but shall not exceed 600 feet in length.
2. Blocks should be of sufficient width to allow for two tiers or lots of appropriate depth, except where reverse frontage lots are required along a major street, or where prevented by size, topographical conditions, or other inherent conditions of the property.
3. When allowed by the Planning Commission, permanent dead-end streets shall not exceed 400 feet in length as measured from the centerline of the perpendicular street to the center of the cul-de-sac.

##### *4:5.2-2 Commercial and Industrial*

4. Blocks intended for commercial or industrial development may vary from the standards of design detailed above in favor of dimensions more suitable to their prospective use; provided such blocks permit adequate traffic circulation.

#### *4:5.3 Reverse Frontage Roads*

Where major residential subdivisions are proposed to be located adjacent to arterial streets, such subdivisions shall be denied direct access to the arterial street, and shall be separated from such streets by double frontage lots accessing onto reverse frontage roads.

##### *4:5.3-1 Residential Lots on Reverse Frontage Roads*

Residential reverse frontage lots shall have a minimum rear yard of fifty (50) feet next to the arterial street, measured from the shortest distance of the proposed back building line to the street right-of-way. They shall also, within such rear yard and immediately adjacent to the right-of-way, have a non-access planting screen easement of at least twenty (20) feet in depth planted to rear buffer requirements

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of the Gaston Zoning Ordinance. Alternately, the required buffer area may be held in common open space.

#### 4:6 Driveway Standards

##### *4:6.1 Driveway Defined*

A driveway is a paved or unpaved area used for ingress or egress of vehicles, and allowing access from a street to a building, lot, structure, or facility that provides access to no more than two (2) parcels of land. Any driveway providing access to more than two parcels of land shall be classified as a street (road) and subject to all applicable design and construction standards. However, access within multiple parcel Group Developments is excluded from the two-parcel restriction.

##### *4:6.2 Driveway Width*

The width in feet of a driveway approach shall be within the minimum limits as specified below, excluding detached single-family residential properties. Driveway approach widths shall be measured at the road right-of-way line and the width of any driveway shall not increase when crossing the right-of-way except at properly designated curb returns.

- A. One-way drives shall have a minimum width of twelve (12) feet.
- B. Two-way drives shall have a minimum width of eighteen (18) feet.

##### *4:6.3 Number of Driveways*

- A. Generally, one point of access to a given property will be allowed if it is situated in a safe location and in accordance with other provisions of this Ordinance and State and County access regulations. Additional access points, however, may be allowed if driveway spacing requirements can be met.
- B. Driveways shall be limited to the number needed to provide adequate and reasonable access to a property. Factors such as alignment with opposing driveways and minimum spacing requirements will have a bearing on the number of driveways approved. A property with more than one (1) frontage may have the frontages considered separately.

##### *4:6.4 Joint Use of Driveways and Connectivity*

For commercial areas, where feasible, development plans shall require the establishment of a joint-use access driveway serving two (2) or more abutting properties. Additionally, when a property is developed, the Planning Commission shall require, where feasible, connectivity with adjoining parking areas or may require that a driveway/parking area be designed for future connection with an abutting property. Joint use driveways for residential developments may be utilized to meet the driveway spacing standards.

##### *4:6.5 Driveway Separation*

All driveway approaches shall be allocated and spaced per SCDOT minimum spacing requirements per the SCDOT Access and Roadside Management Standards.

##### *4:6.5-1 Exceptions*

- A. Internal residential access streets in subdivision developments are exempt from these standards.
- B. For individually developed single-family lots, the Planning Commission may reduce the spacing requirements of this section if it can be demonstrated that a hardship exists and there is no opportunity to design a conforming access point.

- C. Minimum spacing may be increased if right-turn deceleration lanes are provided.
- D. A pair of one-way drives may be substituted only if the internal circulation on the site is compatible with the one-way driveways. Nowhere shall a distance of less than forty (40) feet between edges of one-way drives be permitted.
- E. A replacement of a driveway not meeting the minimum spacing requirements is allowed if lost or disrupted due to a Town, County, State, or Federal road project.

#### 4:7 Underground Wiring

All electric, telephone, television, or other communication lines (both main and service connections) servicing new Major Subdivisions and Mixed-Use Developments shall be provided by underground wiring within easements or dedicated public rights-of-way, and installed in accord with the prevailing standards and practices of the utility or other companies providing such services.

Lots that abut existing easements or public rights-of-way on existing streets and roads, where overhead electric or telephone distribution supply lines and service connections have previously been installed, may be supplied with electric and telephone service from those overhead lines; but, should a road widening or an extension of service or other such condition occur as a result of development and necessitate the replacement or relocation of such utilities, such replacement or relocation shall be underground.

##### 4:7.1 Exceptions

Where conditions are such that underground wiring is not practical, the Planning Commission may make an exception, provided the placement and alignment of poles shall be designed to lessen the visual impact of overhead lines; that clearing swaths through treed areas shall be avoided by selective cutting and staggered alignment; that trees shall be planted in open areas and at key locations to minimize the view of poles and alignments; and that alignments shall follow rear lot lines and other alignments, as practical.

#### 4:8 Sidewalks and Paths and Connectivity

Sidewalks, paths, trails, and/or greenways designed to accommodate pedestrian, bicycle, and other non-automotive traffic shall be provided in all Major residential Subdivisions, multi-building Group Developments, and Mixed-Use Developments. The system of sidewalks, paths, trails, greenways, or combination thereof shall be designed such that every lot in the development or building in a Group Development has access to the system. Connectivity of the system to nearby schools, businesses, institutions, and other facilities shall be provided as applicable and practicable. Where not currently applicable, dedication of right-of-way shall be given for the installation of sidewalks, paths, trails, greenways, or a combination thereof for connectivity to future nearby schools, businesses, institutions, and other facilities. The proposed system design shall be approved by the Planning Commission in the plan review per the provisions of this Ordinance.

##### 4:8.1 Cul-de-sac and Dead-end Street Connectivity

When dead-end streets and cul-de-sacs are allowed by the Planning Commission in Major residential Subdivisions, multi-building Group Developments, and Mixed-Use Developments, dead-end streets and cul-de-sacs shall be required, as practicable, to be connected with the sidewalk, path, trail, and/or greenway system such that every lot on the dead-end street or cul-de-sac has access to the system.

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#### 4:9 Street Lighting

Street lighting shall be required in all Major residential Subdivisions and Mix-Use Developments. Street lighting shall be properly shielded so as not to create a hazard to drivers or a nuisance to residents. The residential lighting plans shall demonstrate that the proposed street lighting is adequate to provide for safe motorist, cyclist, and pedestrian street usage. Light spacing shall take into consideration the diameter and intensity of the light projection, lot size, road curves, hills, and other visibility restrictions. Flood lighting shall not be allowed for street light fixtures. Lighting must be provided for dead-end alleys.

#### 4:10 Surveys and Markings

All land developments within the jurisdiction of this Ordinance shall be surveyed, platted, and marked in accordance with the *Minimum Standards Manual for the Practice of Land Surveying in South Carolina*, as promulgated by the Code of Laws of South Carolina, 1976, Title 40, Chapter 21. This *Manual* is hereby adopted by reference and is as much a part of this Ordinance as if contained herein.

### Article 5 Administration of the Land Development Ordinance

#### 5:1 Planning Official

The Planning Official shall be the chief administrative officer of the Town of Gaston Land Development Ordinance. The Planning Official shall be the Mayor of the Town of Gaston, or other Town of Gaston employee or contractor designated by the Mayor of Gaston to administer assigned duties in the administration of this Ordinance.

#### 5:2 Planning Commission

The Planning Commission for the Town of Gaston is established under the Town of Gaston General Ordinances, §4.701.

##### 5:2.1 Functions and Duties of the Planning Commission

Per Title 6, Chapter 29, Article 1, of the South Carolina Code of Laws, the functions and duties of the Planning Commission include:

- A. Preparing and periodically revising the Comprehensive Plan
- B. Preparing and recommending measures for implementing the Comprehensive Plan by the Town Council, including the following:
  1. The Zoning Ordinance
  2. Regulations for the subdivision or development of land (The Land Development Ordinance)
  3. An official map
  4. A landscaping Ordinance (included in the Gaston Zoning Ordinance)
  5. A capital improvement program
- C. Administration of the Land Development Ordinance per the provisions of this Ordinance

##### 5:2.2 Appeal of a Planning Official Decision to the Planning Commission

An appeal of a decision of the Planning Official or other Town official made under a provision or regulation of this Ordinance shall be made to the Planning Commission. The appeal must be filed within sixty (60) days after actual notice of the administrative decision, and shall be heard at the next regular Planning Commission meeting scheduled at least twenty (20) days after the appeal is filed.

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#### *5:2.3 Appeal to Town Council*

An appeal to and action by the Planning Commission made under a provision or regulation of this Ordinance shall be made to the Town Council. The appeal must be filed within sixty (60) days after actual notice of the Planning Commission decision, and shall be heard at the next regular Town Council meeting scheduled at least twenty (20) days after the appeal is filed.

#### *5:2.4 Exceptions Granted by the Planning Commission*

The Planning Commission shall have the power to grant exceptions from the requirements for a Site Plan or sketch plan; or Preliminary Plan approvals and other projects under the review authority of the Planning Commission. Such exceptions may be granted as may be reasonable and within the general purpose and intent of the provisions of this Ordinance. Exceptions may also be granted in cases where the literal enforcement of one or more of the provisions of this Ordinance is not applicable to the specific project and/or is impractical or will exact undue hardship because of peculiar conditions pertaining to the site in question.

### 5:3 Amendments

From time to time, the provisions of this Ordinance may be amended by the Gaston Town Council. The procedures for amending the various articles of this Ordinance shall be as proscribed by SC Code of Laws §6-29-1130.

#### *5:3.1 Referral of Amendment to Planning Commission*

Proposed text amendments to this Ordinance must be referred to the Planning Commission for deliberation and recommendation. The Planning Commission's recommendations shall be received by the Town Council prior to Town Council action on the proposed text amendment.

#### *5:3.2 Public Hearing*

The Town Council shall hold a public hearing on the proposed text amendment. The public hearing shall be held prior to the second reading of the text amendment ordinance. The public hearing and second reading may be held at the same meeting. In scheduling a public hearing for a proposed Ordinance text amendment, notice of the time and place shall be published in a newspaper of general circulation in the area at least thirty (30) days in advance of the scheduled public hearing.

#### *5:3.3 Action by Town Council*

The Town Council shall act on the proposed amendment within sixty (60) days of receipt of the Planning Commission's recommendation on an application. If no action is taken by the Council within such time, the proposed amendment shall be considered denied unless otherwise specified by the Council. Council may approve of the Planning Commission's recommendations on the proposed text amendment, amend the Planning Commission's recommendations on the proposed text amendment, or deny the Commission's recommendations on the proposed text amendment. All amendments to this Ordinance shall be made through the adoption of an ordinance amending this Ordinance. Said amendments shall be incorporated into this Ordinance.

### 5:4 Administrative Fees

The Gaston Town Council shall set fees for the processing and administration of the provisions of this Ordinance and for other Town services. Fees to be levied may include, but are not limited to, the following services:

- A. Plans review fees for building (architectural) plans, Site Plans, and other development plans as

may be required to process a land development or building application.

- B. Permit fees for building construction, moving and demolition permits; grading permits; sign permits; communications towers; electrical, gas, plumbing, and other specialty permits; manufactured housing moving and installation permits; use permits; and swimming pool permits.
- C. Inspection fees.
- D. Retirement of title processing fees for the conversion of manufactured housing to real property.
- E. Development agreement fees for the drafting, processing, and administration of the agreements.
- F. Written zoning verification and compliance determinations.
- G. Plat approval fees for re-surveys, Minor Subdivisions, Major Subdivisions (final plats and bonded plats), lot reconfigurations, and other plats requiring Planning Official or Planning Commission approval prior to recording with the Lexington County Register of Deeds.
- H. Board of Zoning Appeals fees for petitions for appeal of administrative zoning decisions, variance requests, and special exceptions.
- I. Planning Commission fees for petitions for appeals of administrative land development decisions and applications for exceptions to land development standards, required improvements, or submittal requirements.
- J. Map amendment petitions for re-zoning.
- K. Publications and duplication fees.

#### *5:4.1 Continuance of Fees*

All Fees previously set by Gaston Town Council shall continue and remain in effect under this Ordinance until and unless such time as amended by Town Council.

### 5:5 Violations and Penalties

#### *5:5.1 Complaints Regarding Violations*

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, the Planning Official or police officer shall record and investigate such complaint, and take such action as provided by this Ordinance. Complaints may be filed in writing or verbally, stating fully the cause and basis thereof.

#### *5:5.2 Penalties for Violation*

Any person violating any provision of this Ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined as determined by the court for each offense. The maximum fine shall be \$500.00 or imprisonment for thirty days, or both plus applicable court fees and assessments. Where any building, structure, or sign is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure, sign, or land is or is proposed to be used in violation of this Ordinance, the Planning Official or police officer may, in accordance with the provisions of Section 56-7-80 of the South Carolina Code of Laws 1976, as amended, issue an ordinance summons, or institute injunction, mandamus, or other appropriate action or proceeding either to: prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; or to correct or abate the violation or to prevent the occupancy of the building, structure, or land. Each day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use continues shall be deemed a separate offense.



## 5:6 Interpretation and Conflict

The provisions of this Ordinance shall be held to be minimum requirements. Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than any other applicable statute, the more restrictive statute imposing higher standards or requirements shall govern.

## Article 6 Definitions

### 6.1 Gaston Land Development Ordinance Definitions

Words not defined in this Ordinance shall have the meanings stated in the International Building Code, International Plumbing and Mechanical Code, International Gas Code, or International Fire Prevention Code. Words not defined in the International Codes shall have the meanings in *Webster's New College Dictionary*, including revisions and later editions. Words defined in the Lexington County Land Development Manual (LDM) shall apply specifically to the LDM and do not necessarily apply to this Ordinance. Refer to definitions within pertinent articles and sections of this Ordinance if a specific definition is not found within this article.

### 6:2 Rules for Definitions

- Words in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.
- The words *must* and *shall* are always mandatory.
- The word *may* is permissive.
- The word *lot* includes the words *parcel*, *plot*, *property*, or *tract*.
- The word *person* includes a firm, association, organization, partnership, trust company, or corporation, as well as an individual.
- The word *used* or *occupied* as applied to any land or building shall be construed to imply that said land or building is in actual use or occupancy and shall be construed to include the words *intended*, *arranged*, or *designed to be used* or *occupied*. An intended project shall be defined as one where substantial monies have been spent towards the goal of the project.
- The term *zoning map* shall mean the Official Zoning Map for the Town of Gaston.
- The term *Town* refers to the Town of Gaston
- The term *County* refers to Lexington County
- The term *Planning Commission* refers to the Planning Commission for the Town of Gaston
- The term *Board of Zoning Appeals* refers to the Board of Zoning Appeals for the Town of Gaston
- The term *Land Development Manual* refers to the Lexington County Land Development Manual

### 6:3 Selected Definitions

**Best Management Practices (Stormwater)** - Schedules of activities, prohibitions of practices, maintenance procedures, other management practices, as well as structural controls to prevent or reduce the pollution of waters of the United States. Best management practices (BMPs) also include treatment requirements, operating procedures, and practices to prevent erosion, control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

**Certificate of Occupancy** - A compliance certification issued upon a final inspection certifying that a structure has been constructed to all applicable codes and standards.



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**Common Open Space** - Land and/or water within or related to a development, not individually owned, which is designed and intended for the common use or enjoyment of the residents of the development or the public, which may contain such accessory structures and improvements as are necessary and appropriate for passive recreational purposes and utilities. Common open space may not be further subdivided.

**Developed (Land or Parcel)** - A parcel that contains structures, facilities, or other modifications of the natural landscape, on and below ground or water, that are currently in use.

**Developer** - An individual, partnership, or corporation (or agent thereof) that undertakes the activities covered by these regulations.

**Development** - Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

**Double Frontage Lot** – See lot, double frontage.

**Driveway** - A paved or unpaved area used for ingress or egress of vehicles, and allowing access from a street to a building, lot, structure, or facility that provides access to no more than two (2) parcels of land. Access within multiple parcel Group Developments is excluded from the two-parcel restriction.

**Easement** - A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures. Access easements providing vehicular access to no more than two (2) parcels of land or access easements to multiple parcel Group Developments shall be classified as driveways for the purpose of this Ordinance. Access easements providing vehicular access to more than two (2) parcels of land shall be classified as streets.

**Flag Lot** - A lot with a dedicated access to a public road provided to the bulk of the lot by means of a narrow corridor.

**Floor Area Ratio** - An intensity measurement of land use derived by dividing the total floor area of a building by the total site area.

**Forest Management Plan** - A document or documents prepared or approved by a forester registered in South Carolina that defines a landowner's forest management objectives and describes specific measures to be taken to achieve those objectives. A management plan shall include silvicultural practices, objectives, and measures to achieve them that relate to a stand or potential stand of trees that may be utilized for timber products, watershed or wildlife protection, recreational uses, or for other purposes.

**Forestry Activity** - Forestry activity includes, but is not limited to, timber harvest, site preparation, controlled burning, tree planting, applications of fertilizers, herbicides, pesticides, weed control, animal damage control, fire control, insect and disease control, forest road construction, and any other generally accepted forestry practices.

**Frontage** - The length of the property line serving as a public street right-of-way line. For lots with multiple frontages, the principal street frontage shall be the same as that to which the building is oriented.

**Group Development** - A Group Development is a development of a single tract of land or adjacent tracts of land under the same ownership or control. Group Developments include commercial, retail, industrial, institutional, multi-family residential, and recreational camps and recreational vehicle parks. A Group Development may consist of a single-use, single-occupant building or a multi-use, multi-occupant

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complex. Examples are shopping centers and malls; commercial business; industrial parks; apartment buildings and complexes; and “big box” retail.

**Lot** - A parcel of land considered as a unit. The terms *lot*, *property*, *plot*, *parcel*, or *tract*, whenever used in this Ordinance, are interchangeable.

**Lot Area** - The area contained within the boundary line of a lot.

**Lot Depth** - The horizontal distance between front and rear lot lines.

**Lot, Double Frontage** - A lot having frontage on two parallel or approximately parallel streets other than alleys.

**Lot Line** - A line bounding a lot which divides one lot from another, from a street, or any other public or private space.

**Lot, Minimum Width** - The width of a lot as measured on the street frontage property line. In the Zoning Ordinance, minimum lot widths do not apply to lots located on cul-de-sacs or on curves less than ninety (90) degrees.

**Lot of Record** - A lot that is recorded by plat or deed with the Lexington County Register of Deeds.

**Lot, Reverse Frontage** - A double frontage lot extending between, and having frontage on, an arterial street and a minor street, and with vehicular access solely from the minor street.

**New (Lot, Development, Subdivision, etc.)** – Created on or after the effective date of this Ordinance.

**Planning Official** - The Planning Official shall be the chief administrative officer of the Town of Gaston Zoning Ordinance. The Planning Official shall be the Mayor of the Town of Gaston, or other Town of Gaston employee or contractor designated by the Mayor of Gaston to administer assigned duties in the administration of this Ordinance.

**Recorded Plat** – A plat that has been recorded with the Lexington County Register of Deeds.

**Right-of-Way** - An area or strip of land, either public or private, on which an irrevocable right of passage has been recorded to be occupied, or intended to be occupied, by a street, crosswalk, railroad, road, electric transmission line, gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use.

**Street** – For purposes of this Ordinance, street shall mean any publicly or privately maintained thoroughfare (street, road, drive, avenue, circle, way, lane, boulevard, etc.) or space which has been dedicated, deeded, designed, or used for vehicular traffic that provides access to more than two (2) parcels of land. Access within multiple parcel Group Developments is excluded from this definition. The words *street* and *road* shall be used interchangeably.

**Street, Improved** – Street (road) constructed to Lexington County standards.

**Street, Private** - A street (road) that is neither owned nor maintained by the Town of Gaston, Lexington County, the State of South Carolina, or the Federal government.

**Street, Unimproved** - A street (road) maintained by Lexington County that does not meet the minimum Lexington County road standards.

**Subdivision** – As applicable to this Ordinance, subdivision shall mean, per S.C. Code § 6-29-1110(4):

“‘Subdivision’ means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, and includes all division of land involving a new street or change in existing streets, and includes re-subdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or, the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, and includes combinations of lots of record; however, the following exceptions are included within this definition only for the purpose of requiring that the Town of Gaston be informed and have a record of the subdivisions:

- A. the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the Town of Gaston;
- B. the division of land into parcels of five acres or more where no new street (refer to the definition of street) is involved, and plats of these exceptions must be received as information by the planning agency which shall indicate that fact on the plats; and
- C. the combination or recombination of entire lots of record where no new street or change in existing streets is involved.”

**Subdivision, Major** - Any subdivision other than a subdivision exemption or a subdivision which does not qualify as a minor subdivision.

**Subdivision, Minor** - A minor subdivision is a subdivision which does not involve any of the following:

- A. The creation of more than five (5) lots.
- B. The creation of any new street.
- C. The extension of public water or sewer lines.
- D. The installation of drainage improvements through one (1) or more lots to serve one (1) or more other lots.
- E. The extension of an existing minor or major subdivision or development under the same ownership or control which would in effect create more than five contiguous lots.

The creation of lots that cannot meet the driveway maximum number and separation standards.