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# HOW TO PLAN II

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PRESENTATION BY HAROLD J. LEAMOND, JR., AICP  
DORCHESTER COUNTY DIRECTOR OF PLANNING AND CODES



**Orientation Training for  
Local Planning/Zoning Officials and Employees**

**Part II: Understanding Key Concepts  
in Planning and Zoning**

Tuesday, August 23, 2005

9:00 a.m. – 12:30 p.m.

S. C. ETV Public Services Network

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## HOW TO PLAN II

### *PART II:*

#### *Understanding Key Concepts in Planning & Zoning*



**Harold J. LeMond, Jr., AICP**  
**Dorchester County Director of Planning and Codes**

## HOW TO PLAN II

**1.**

### **Zoning Tools**

- a. Cluster Development
- b. Floating Zone
- c. Performance Zoning
- d. Overlay Zones
- e. Conditional Use



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**2.**

### **Site Development Plans**



- a. Survey of Property
- b. Right of Way Encroachments
- c. Water and Sewer Plan
- d. Storm Water Drainage
- e. Erosion and Sedimentation Control

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**2.**

### **Site Development Plans**

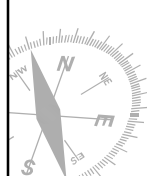


- f. Traffic Study
- g. Building Footprint
- h. Tree Protection and Landscape Plan
- i. Watercourse and Wetland Protection

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**3.**

### **Development Agreements**

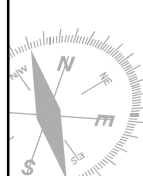


- a. Legal description
- b. Time Frame
- c. Allowable Uses
- d. Public Facilities
- e. Dedication of Property
- f. List of Permits
- g. Statement of Consistency

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**3.**

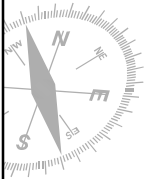
### **Development Agreements**



- h. List of Conditions
- i. Provisions for Preservation
- j. Timeline
- k. List of Local Governments Involved
- l. Provision for Modification and Termination

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### 4. Subdivision Approval

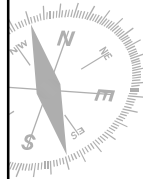


#### a. Sketch Plan

1. Owners Name
2. Date
3. Scale and North Arrow
4. Boundaries
5. Acreage
6. Existing Character
7. Land Use
8. Number of Dwellings
9. Vicinity Map
10. TMS number

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### 5. Preliminary Plan



- a. Plat
- b. Water and Sewer Plans
- c. Drainage Plan
- d. Flood Zone
- e. TMS# and Location Map
- f. Topographic Survey
- g. Zoning Information
- h. Road Plan and Profile
- i. Public Facilities

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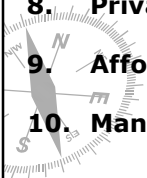
### 6. Bonding

### 7. Final Plat

### 8. Private Roads

### 9. Affordable Housing

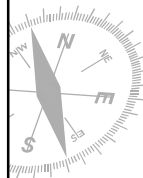
### 10. Manufactured Housing



## HOW TO PLAN II

### 11. Innovative Techniques

- a. Transfer of Development Rights
- b. Purchase of Development Rights
- c. Conservation Easements



# How to Plan?

By Harold J. Leamond, Jr. AICP

## SITE DEVELOPMENT PLANS

Site Development Plans are submitted for Commercial, Industrial, Office and Multi Family projects and are reviewed by staff and may include:

### A survey of the property

- ' **Right of Way Encroachments-** how is the project going to be accessed from a Public Right of Way
- ' **Water and Sewer Plan-** how are water and sewer going to be provided to the proposed project
- ' **Storm Water Drainage Plan-** how is the storm water going to be routed off of the site and do the adjacent drainage ways have the capacity to carry the additional runoff
- ' **Erosion and Sedimentation Control Plan-** what measures are to be taken to ensure that sedimentation will not be allowed to clog the adjacent drainage ways.
- ' **Traffic Study-** do the adjacent right of ways have the capacity to carry the additional traffic and how is it to be routed so as to not overwhelm the existing roadway system
- ' **Building footprint -** showing the location and dimension of all existing and proposed buildings
- ' **A tree protection and landscape plan**
- ' **A watercourse and wetland protection plan**

Once the staff has had an opportunity to review this data they notify the applicant of any corrections that have to be made before the Site Development Plan may be approved and building permits issued.

### Development Agreements

The state Legislature adopted Local Government Development Agreement Act in 1993 with the intent to encourage adequate public facilities, efficient resource use and reduced development costs. There are two thresholds in the act required in order to have a development agreement: the parcel must contain a minimum 150 acres and there must be a five year time frame for development. The development agreement must contain the following:

1. A legal description of the property and the owner's name.
2. A time frame of five years or more which can be extended by agreement of both parties.
3. Uses allowed including building densities and height and projected population
4. Public Facilities who will provide infrastructure to the development and when will it be available.

5. Dedication what property will be dedicated for public uses and environmental protection. (Environmental Impact Statement may be required)
6. List of all required permits for the development.
7. A statement is needed indicating the project is consistent with the Comprehensive Plan.
8. A list of conditions or restrictions necessary for public health, safety and welfare
9. Provisions for Historic Preservation.
10. Timeline for development of phases and total buildout.
11. A list of which local governments are part of the agreement, if more than one.
12. Provisions for modifying the agreement for changes in state law and for termination by agreement by both parties.

Before the Development Agreement can be adopted the following requirements must be met:

- 1 A hearing must be held to allow the public to review the agreement and if a second hearing is required the time and place must be announced at the first hearing.
- 2 A public notice must be published in a general circulation newspaper that specifies the location, proposed uses and where the agreement is available for inspection.
3. The Development Agreement must be adopted by Ordinance by the governing body.

## **SUBDIVISION APPROVAL**

### **Sketch Plan**

The initial step in securing approval for a subdivision is or may be the creation of a sketch or conceptual plan. The plan has to be reviewed by staff to ensure it will not conflict with the Comprehensive Plan or other current and proposed development adjacent to the location. A typical sketch plan would have the following information.

1. Owners or Developers Name
2. Date the document is prepared and any revision dates
3. A graphic or numeric scale and north arrow
4. Boundaries of the proposed development and adjacent right of ways
5. Acreage of development
6. Existing character of land i.e, highlands, forests, marshlands and water bodies.
7. Existing and proposed land use on and adjacent to the tract
8. Approximate number of dwelling units by type and square footage non residential uses
9. Vicinity map
10. Tax Map Survey numbers

### **Preliminary Plat**

Once approval has been secured for the Sketch Plan the next submittal is the preliminary plat which may consist of the following:

1. A plat of the proposed subdivision with all new parcels and any residual acreage that meets the minimum state standards
2. Water and sewer plans, locations of all new facilities and a letter of availability from the local water/sewer agency
3. A drainage plan including the storm water runoff calculations
4. Flood zone information and wetland delineation
5. TMS # and location map
6. Topographic survey
7. Zoning information
8. Road plan and profile
9. Plan for any public facilities being dedicated to the local jurisdiction

Once the preliminary plat has been approved by the Planning Commission the developer may begin installation of the required infrastructure.

### **Bonding for Final Platting**

Many jurisdictions allow final plats to be approved under a bonding mechanism wherein once a development has reached a percentage of development, it varies according to jurisdiction but from 0 to 75%, it will allow the developer to final plat with a bond or letter of credit for the remainder. Bond requirements vary from 125 to 150% of the cost of the remaining work to be done to ensure that the local jurisdiction has enough money to complete the project if the developer is unable.

### **Final Plat**

Once the project, incorporating any changes required, is approved by the planning commission under bond or complete it may be final platted and the developer may offer the property for sale.

### **Private Roads**

Many jurisdictions, not all, do allow for development on private unpaved roads. In my experience the number of lots allowed on private roads was 5 to 15 and any subsequent subdividing of property on the private road would require it to be paved. Most jurisdictions that allow unpaved roads require the formation of a home owners association in order to ensure that a mechanism is in place to maintain the road so that the jurisdiction will not become responsible for maintenance.

### **Affordable Housing**

Unfortunately most of the programs in South Carolina that provide for affordable housing have met with limited, if any, success. It is certainly badly needed as many teachers, police, firefighters and many planners cannot afford to live in the jurisdiction they work for. Housing costs in many coastal communities and large inland cities far exceed the

ability of many people to afford necessitating construction further away from places of employment and increasing sprawl. There is no provision under current state law to provide for the adoption of a municipal or county ordinance that would require provision of affordable housing as a requirement for subdivision approval. While there are affordable housing programs in place in some jurisdictions it is unlikely to meet the need in the foreseeable future.

### **Manufactured Housing**

Manufactured housing as defined by SC law is a structure transported in one or more sections, is a minimum of eight feet wide and forty or more feet in length and when erected on site is more than three hundred and twenty square feet, is built on a chassis with or without a permanent foundation, and is connected to required utilities. All manufactured units sold in South Carolina must meet the 1974 Federal Manufactured Housing Construction and Safety Standards Act and they are not subject to building codes. Local jurisdictions may regulate where manufactured housing may be located. In many jurisdictions manufactured housing may be the only form of affordable housing available to the citizens and there are efforts by the industry to require that they be allowed in all residential zoning categories. Some local governments allow this with certain architectural standards but many jurisdictions still require separation between manufactured housing and site built structures. Manufactured housing is appealing to the consumer because of costs and delivery time in weeks rather than months with traditional homes.

### **Innovative Techniques**

There are some new techniques available to try and mitigate the effects of sprawl by allowing the purchase of additional development potential or purchasing the rights to develop property and they are described briefly as follows:

#### **TDR Transfer of Development Rights**

A developer in an urban area may enter into an agreement with a property owner in a rural area to purchase the development rights of the rural property in order to increase the intensity of development allowed on the urban property. As an example if the owner of the rural property had a right to develop their property at 4 units per acre the purchaser of the urban parcel could buy the rights from the original property owner and thereby increase the number of units per acre by 4. Prices would be determined by the two property owners.

#### **PDR Purchase of Development Rights**

When a local jurisdiction wants to limit the amount of development taking place it can purchase the development rights from a property owner. This would leave the property intact for agriculture or silviculture but restrict it from being developed for residential or commercial. The basis for determining the value of the development would be the present value of the land and the value of the property if developed as a subdivision. Once this has been established the purchase price is the difference between the two figures. An

example is the present value is \$100,000 and the value developed as a subdivision is \$700,000 the price to purchase the development rights is \$600,000. As you can imagine this is very expensive for local government and many will not be able to afford it.

### **Conservation Easements**

An alternative to PDR is the use of conservation easements which places a restriction on the development of the property in perpetuity or for a specified period of time to restrict development. These are available to local jurisdictions or private agencies and benefit the owner by a cash payment as well as tax credits to offset the value of developing the property and allow further use for agriculture and silviculture. This alternative generally requires less initial cost due to the value of the tax credits and is more widely used locally.