

*Town of Meggett*  
Subdivision Regulations

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*Town of Meggett*  
Subdivision Regulations

**1.0 GENERAL**

The purpose of these subdivision regulations are to promote the public health, safety, economy, good order, appearance, convenience, morals and general welfare which requires the harmonious, orderly, and progressive development of land within the Town of Meggett.

**2.0 APPLICABILITY**

Unless expressly exempted, no subdivision shall be made, platted, or recorded for any purpose nor shall parcels resulting from such subdivisions be sold or offered for sale, unless such subdivision meets all applicable standards of this Ordinance and has been approved.

**2.1 Approval or Exemption**

All lots shown on plats, whether subdivided or not, shall have the Planning Commission Stamp of either approval or exemption on said plat; the Register of Mesne Conveyance shall not record any plat without such stamp. The plat for an individual lot exempted by virtue of pre-existence must be accompanied by a surveyor's statement on the plat that the lot is a single, individual lot, and not newly created.

**2.2 Grandfather Clause**

Parcels that were recorded by deed or plat prior to the adoption of the Town's original Subdivision Regulations on January 1, 1955, will receive automatic approval under a Grandfather's Clause, providing the parcel involved is still in the same size and shape as when recorded prior to 1955, and is properly platted in accordance with present standards. The recorded information must be provided and attested to by the surveyor or attorney involved.

**2.3 Procedural Exemptions**

The following shall be exempt from the Subdivision Plat Procedures if the Planning Director determines that all other applicable requirements of this Ordinance have been met:

1. The combination or re-combination of portions of previously platted and recorded lots where the total number of lots is not increased and all lots or residual parcels thus created comply with all applicable requirements of this Ordinance.
2. The public acquisition of land for right-of-way or drainage easements.
3. When contiguous properties are to be divided for the purpose of exchanging or trading parcels of land.
4. Where a parcel of land is proposed to be used as the site for a utility substation, power line easements or right-of-way, pumping station, pressure regulating station, electricity regulating substation, gas pressure control station, or similar facilities.
5. Where properly platted lots or parcels are created and approved by judicial action.

#### **2.4 Design Standard Exemptions**

Lots created and recorded prior to August 15, 1971, shall be exempt from compliance with the design standards of this chapter, provided that the subject property:

- 1 was or is surveyed and platted in accordance with prescribed standards;
2. has the approval of the Charleston County Health Department; and
3. contains no drainage ways or easements needed to drain surrounding properties, as determined by the Public Works Director.

#### **3.0 SUBDIVISION PLAT DEFINITIONS**

The "General" procedural requirements and standards of Art. 3.1 shall apply to the subdivision plat procedures of this section.

#### **3.1 Minor Subdivision**

A minor subdivision is division of any tract of land in one ownership into ten (10) or fewer lots, provided that:

1. no public street right-of-way dedications are involved;
2. the Public Works Director does not require a Preliminary Plat for drainage easement;

3. the lots meet Health Department requirements for the installation of a conventional or modified individual sewage disposal system; and
4. no new or residual parcels will be created that do not comply with all applicable requirements of this Ordinance.

### **3.2 Major Subdivision**

Any land division that is not a Minor Subdivision shall be processed as a Major Subdivision.

### **4.0 MINOR SUBDIVISION REVIEW AND APPROVAL PROCESS**

The one (1) *required* step in the Minor Subdivision process is Final Plat review and approval. Applicants for minor subdivision are *strongly encouraged* to schedule and attend a Preapplication Conference prior to filing for a minor subdivision. Preapplication conference applications for minor subdivisions shall be submitted to the Planning Department on forms available in the Planning Department. Preapplication Conferences are not mandatory for minor subdivisions.

### **5.0 MAJOR SUBDIVISION REVIEW AND APPROVAL PROCESS**

The three (3) required steps in the application process for a major subdivision are:

- 1.) Schedule and attend a Preapplication Conference prior to filing for a major subdivision;
- 2.) Preliminary Plat review and approval; and
- 3.) Final Plat review and approval.

Each step of the process shall be completed before initiating the next step.

### **5.1 Preapplication Conference**

Preapplication Conferences offer an opportunity for Planning, Public Works, local, state or federal and other affected agencies to familiarize applicants with agencies applicable procedures, submittal requirements, development necessary development of land standards, and other pertinent matters before finalizing the development proposal or laying out the proposed subdivision. Applicants shall be responsible for scheduling preapplication conferences with the Planning Director who shall be responsible for contacting the Public Works Department and other affected agencies.

The following items should be considered before attending the preapplication conference.

- A. the proposed means of access to a public road;
- B. surrounding land uses;
- C. all adjacent roads;
- D. a preliminary map of natural resources present on the subject property and surrounding property; and
- E. a conceptual layout of the proposed subdivision, which shall be overlaid on the preliminary natural resources map and which shall show streets, lots, parks and other facilities.

## 5.2 Preliminary Plat Review

Preliminary Plats shall be required for all Major Subdivisions.

1. Applications for Preliminary Plat approval shall be submitted to the Planning Department on forms available in the Planning Department. Ten copies of the Preliminary Plat shall be filed with the application.
2. Preliminary Plats shall be drawn to scale no smaller than 1" = 200'. Where large areas are being platted, they may be drawn on 1 or more sheets, 22 inches by 34 inches in size. For small areas being platted, a scale of 1" = 100' shall be used.
3. Even though an applicant intends to subdivide only a portion of a parcel or tract of land initially, the Preliminary Plat shall show a proposed street and lot layout, drainage plan and other requirements for the entire parcel or tract of land in which such portion is contained; except that the Planning Director, with the recommendation of the Public Works Director, may waive this requirement on a finding that such a complete layout is not necessary to carry out the purposes of these regulations.
4. The following information shall be required on each plat:
  - A. The courses and distances of the perimeter of the land involved shall be shown with the courses marked to show which are actual field observations and which are computed.

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- B. References to a known point or points such as street intersections and railroad crossings shall be shown.
- C. The total acreage of the land involved in the subdivision and the acreage above the Office of Coastal Resource Management Critical Line. Date of critical line certification shall be indicated. (Aerial photography may not be used to determine OCRM critical line location)
- D. The names of adjacent land owners and streets where known or available shall be given (with the tax parcel numbers) and all intersecting boundaries or property lines shall be shown.
- E. Proposed divisions to be created shall be shown, including the right-of-way widths, roadway widths, and names of streets; the locations of proposed utility installations and utility easements; lot lines, dimensions and angles; sites reserved or dedicated for public uses; and sites for apartments, civic/institutional, commercial and industrial uses.
- F. The title, scale (including graphic scale), north arrow (magnetic, grid, or true), date, name of subdivider and the name of engineer or surveyor with South Carolina Registration Number shall be shown.
- G. All existing physical features of the land, including contours, drainage ditches, roads and wooded areas shall be shown. The contour interval shall be 1 foot, unless otherwise approved in advance of submission by the Public Works Director. All contour information shall be based on mean sea level datum and shall be accurate within 1/2 foot. The Bench Mark, with its description, and the datum used for the survey shall be clearly noted on the plat.
- H. General drainage features, including proposed drainage easements and detention/retention basins. Proposed cuts and fills shall be shown. Also the proposed direction of drainage on each street, ditch and lot shall be indicated by the use of arrows and proposed street names.
- I. The location of required landscape buffers, which shall not be located within drainage easements unless expressly approved by the Public Works Director.

- J. Jurisdictional wetlands on lots less than five acres, with the date of certification.
5. Accompanying Data
- A. The Preliminary Plat shall be accompanied by a statement of location, availability of and distance from the nearest public water supply and public sanitary sewers.
  - B. The Preliminary Plat shall be accompanied by a statement indicating what provisions are to be made for water supply and sewage disposal.

### **5.3 Sight Lines for Inspection**

Sight lines shall be cut a maximum of 200 feet apart for the purpose of making the topographic survey and to allow visual inspection of the property after application has been made for approval of the Preliminary Plat.

### **5.4 Review Process**

1. Planning Director - Review and Report

The Planning Director shall compile a staff report (which includes the comments and recommendations of the Public Works Department and other affected agencies) that reviews the Preliminary Plat application in light of all applicable requirements of this Ordinance, This report shall be forwarded to the Planning Commission.

2. Planning Commission. Review and Decision

Within the 60 days of receipt of a complete application, the Planning Commission shall review the proposed Preliminary. For the purpose of Plat and act to approve, approve with conditions or deny the preliminary plat, based on whether it complies with all applications, all applicable requirements of this Ordinance.

### **5.5 Effect of Preliminary Plat Approval**

Approval of a Preliminary Plat shall constitute general acceptance of the overall planning concepts for the proposed subdivision and is a prerequisite for the filing of a Final Plat application.

### **5.6 Lapse of Preliminary Plat Approval**

An approved Preliminary Plat shall lapse and be of no further force and effect if a Final Plat for the subdivision (or a phase of the subdivision) has not been approved within 2 years of the date of approval of the Preliminary Plat. If the

subdivision is to be developed in phases, a phasing plan shall be approved as part of the Preliminary Plat approval.

### **5.7 Appeals**

Any person with a substantial interest in a Preliminary Plat decision of the Planning Commission or any officer, board, or bureau of the county may appeal the Planning Commission decision to the Circuit Court of Charleston County. Appellants shall file with the Court Clerk a written petition plainly and fully setting forth how such decision is contrary to law. Such appeal shall be filed within 30 days of the date of the Planning Commission's decision.

### **5.8 Construction Plans**

After approval of a Preliminary Plat and before commencing any work within the proposed subdivision (including land clearing and grading), road plans and profiles and a detailed drainage plan prepared by an engineer registered in the state of South Carolina shall be submitted to the Public Works Director for review and approval in accordance with Section 6.2 of this Ordinance.

### **5.9 Inspections**

1. Subdivision plats that are submitted for review are field inspected by Planning and Public Works staff to ensure compliance with any applicable Ordinance requirements and county standards.
2. When no public sewer is provided to the proposed lot, a representative of South Carolina Department of Health and Environmental Control will visit the site and test the soil for minimum septic system requirements.
3. Where subdivision streets and/or drainage ways are being constructed, the site will be inspected per Section 6.2 of this Ordinance.

### **5.10 Final Plat**

1. Applicability  
Final Plats shall be required for all Subdivisions
2. Conditional Plat Approval  
Prior to approval of a Final Plat, the developer shall install all required public improvements or post an approved financial guarantee of performance and maintenance, in accordance with the requirements. If financial guarantees are posted, decision-making bodies shall be authorized to grant conditional plat approval, with final approval contingent upon completion and acceptance of all required improvements. After conditional plat approval is granted, the sales of subdivision lots shall be permitted and building permits may be granted, but

no Certificates of Occupancy shall be issued until all required improvements have been installed and accepted.

3. Application

- A. Applications for Final Plat approval shall be submitted to Planning Department. - Five copies of the Final Plat shall be filed with the application for the initial review. Ten copies of the Final Plat along with a Mylar copy shall be submitted for recording after final approval has been granted.
- B. In the event that a public road has been built or other infrastructure has been installed, certification shall be submitted from the design engineer that the subdivision's road and drainage infrastructure has been constructed in accordance with the approved plans.
- C. The Final Plat shall be drawn in ink on a material specified by the Register of Mesne Conveyance on sheets 22 inches by 34 inches in size at a scale of 1 " = 100' or larger. Where necessary the plat may be on several sheets accompanied by an index sheet or key map insert showing the entire subdivision.

The Final Plat shall show the following:

- D. Location of the property.
- E. All property lines with accurate bearings or deflection angles. If a control traverse is run between any two (2) points on any property lines, then it shall be noted. For property lines which are curves or are in part curves, the arc length shall be shown. Also, in dashed lines, the chord length from property corner to property corner along the curve shall be shown with appropriate bearings and angles.
- F. Curve data for all curves consisting of the Delta angle, the degree of the curve, the tangent distance, the length of curve, the radius, and an indication of whether the arc method or chord method was used.
- G. The location of all points of curvature and tangency.
- H. The location of points of intersection where circular curves are not used.
- I. Block and lot numbers suitably arranged by simple system.

- J. All easements shall include their width and centerline.
  - K. The Office of Coastal Resource Management Critical Line.
  - L. The U.S. Army Corps of Engineers' jurisdictional wetlands line on lots less than five acres.
  - M. Tree Surveys on lots of one acre or less, to include Grand trees on the entire lot. Tree surveys of Grand trees may be requested upon site inspection if lots greater than one acre appear to be unbuildable due to the presence of Grand trees.
  - N. A vacant block shall be provided on each page of the plat that is 3 inches by 8 inches in dimension for Town of Meggett approval stamps and notations.
  - O. Tree surveys are required within all access easements and rights-of-way of all Grand trees.
  - P. At the Planning Directors discretion, the applicant/surveyor may be required to demonstrate buffers and setbacks on lots less than one acre in size or on newly created lots that may appear to have encroachment of structures into a setback.
4. Certificates:
- A. A surveyor's certificate of accuracy of survey and plat stated thus: "I, (name of surveyor), a registered surveyor of the State of South Carolina do hereby certify that I have surveyed the property shown hereon, that this plat shows the true dimensions of the property and that all necessary markers have been installed and the precision is 1: (state actual precision)." The unadjusted field measurement of lots and blocks shall be accurate within the standards set forth in the minimum Standards Manual of the South Carolina Board of Engineering Examiners.
  - B. A statement of dedication by the property owner of streets, right-of-ways, easements, and any other sites for public use. If any change in ownership is made subsequent to the submission of the plat and prior to the granting of final approval, the statement of dedication shall be corrected accordingly.

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- C. The signature and seal of the registered land surveyor in accordance with the current Minimum Standard Manual for the Practice of Land Surveying in South Carolina.

5. Accompanying Data

- A. A certificate of title or a sworn affidavit establishing the ownership of the land to be recorded. If any change in ownership occurs subsequent to the date of the certificate to title or affidavit and prior to the granting of final approval, a new certificate of title or sworn affidavit establishing the ownership of the land shall be submitted to the decision-making body.
- B. In subdivisions where existing public water and public sewer systems have been extended and or a new system installed, a certification of inspection from the South Carolina Department of Health and Environmental Control shall be submitted.

6. Certification of Approval

When the decision-making body has approved the plat, a certificate noting such approval and carrying the signature of the Director of Planning, shall be placed on the original drawing of said plat.

7. Statements on Plat

- A. The following five (5) plat notes shall be placed on all plats where lots do not have access to a road within a publicly maintained system:
  - 1. Any future subdivision of this parcel, or road construction or extension of the existing roads shown hereon shall require compliance with the Town of Meggett ordinances.
  - 2. It is hereby expressly understood by the property owner, developer or any subsequent purchaser of any lots shown on the plat that the Town of Meggett is not responsible for the maintenance of the streets, roads, common areas, drainage systems and any other municipal services which include but not limited to garbage disposal, public sewage, fire protection or emergency medical service.
  - 3. Be aware that the Town of Meggett is not responsible for drainage and flooding problems relevant to the real property and emergency vehicles may have difficulty accessing the property.
  - 4. No public funds shall be used for the maintenance of the roads shown on the plat.

5. This approval in no way obligates the Town of Meggett to maintain the right-of-way.
- B. The Planning Commission reserves the right to require additional statements to be placed upon the plat if the proposed subdivision does not meet all requirements of the Subdivision Regulations. These notes shall be included in the approval of the final plat.

### **5.11 Final Plat Review**

1. Planning Director - Review and Decision  
Within the 45 days of receipt of a complete Final Plat application, the Planning Director shall review the proposed Final Plat and the reports for the Public Works Department and other affected agencies and act to approve, approve with conditions or deny the Final Plat, based on whether it complies with the approved Preliminary Plat and all applicable requirements of this Ordinance.
2. Acceptance of Dedications  
Approval of a Final Plat shall not constitute acceptance of any public improvements. Such acceptance will require Council acceptance of dedication. Once approved, a Certificate of Dedication Acceptance shall be attached to copies of the approved plat, which shall be provided to the developer.
3. Recording  
Approved Final Plats shall be recorded by the Planning Director with the Register of Mesne Conveyance within 30 days of final approval.

### **5.12 Appeals**

1. Appeals of Planning Director's Decision  
Any person with a substantial interest in a Final Plat decision of the Planning Director may appeal the decision to the Planning Commission by filing an appeal with the Planning Director within 30 days of the date of the decision.
2. Appeal Powers  
In exercising the appeal power, the Planning Commission may reverse or affirm wholly or partly or may modify the decision being appealed. If the Planning Commission determines that it is necessary to obtain additional evidence in order to resolve the matter, it may remand the matter to the Planning Director with directions to obtain such evidence and to reconsider the decision in light of such evidence.

3. Consideration of Evidence

The Planning Commission shall consider only the same application, plans, and related project materials that were the subject of the original decision and only the issues raised by the appeal.

4. Burden of Persuasion of Error

In acting on the appeal, the Planning Commission shall grant to the Planning Director's decision a presumption of correctness, placing the burden of persuasion of error on the appellant.

5. Approval Criteria

An appeal shall be sustained only if the Planning Commission finds that the Planning Director erred.

6. Appeals of Planning Commission's Decision

Any person with a substantial interest in a Final Plat (appeal) decision of the Planning Commission may appeal the Planning Commission decision to the Circuit Court of Charleston County. Appellants shall file with the Court Clerk a written petition plainly and fully setting forth how such decision is contrary to law. Such appeal shall be filed within 30 days of the date of the Planning Commission's decision.

**6.0 LOT DESIGN**

Standards for lot design.

**6.1 Size**

1. Lots shall comply with the lot size standards of the underlying zoning district and all other applicable standards of this ordinance.
2. Depth of residential lots shall not exceed 5 times width, except in the case of attached dwellings or in cases where the additional depth is provided for the purpose of providing separation from major streets or railroads, non-access reservations, easements, or marshes. The depth-width ratio shall not apply in cases where the size of a lot is greater than five acres, the width of a lot exceeds 300 feet for its entire depth.

**6.2 Road Standards**

All lots shall be provided with access in accordance with this Section.

1. Introduction

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The private road standards provide the landowner/developer flexibility to determine the level of access and service provided to lots being created. The private road standards require the landowner/developer to be responsible for the extent and quality of property access and drainage. The landowner/developer is responsible for the establishment of standards for design, construction, and maintenance of the roadway and drainage systems and for items such as access for emergency service vehicles, school buses, mail couriers, and coordination of utilities. Note that public services are not guaranteed by the Town of Meggett

The private right-of-way shall be dedicated to a legally recognized or chartered entity. Private right-of-way shall not be dedicated to the public. Further, the Town of Meggett is neither obligated nor responsible for private right-of-way maintenance.

2. Landowner/Developer Responsibilities

The landowner/developer is responsible for determining the type of access to be provided for the subdivided property. The landowner/developer shall be responsible for oversight and coordination of design and construction and for obtaining required approvals or permits from the appropriate agencies.

The landowner/developer is responsible for informing prospective property owners, whether solicited or unsolicited, of all conditions and responsibilities, or lack thereof, that have been placed on the property.

If access or drainage connects with a Town or County right-of-way or easement, an encroachment permit shall be obtained prior to construction.

3. Ingress/Egress Easement (Maximum of 10 Lots)

Additional Landowner/Developer Responsibilities:

The landowner/developer shall determine the location of easement(s) and the type of access to be provided. The location of the easement(s) shall be clearly depicted and labeled on submitted plats or plans.

4. Private Right-of-Way Constructed and Dedicated to an HOA

A. Road Standards:

1. All subdivisions of 10 lots or less, excluding ingress/egress easements, shall comply with the following Secondary Rural Road Standards:

Surface: earth (not all weather)  
Minimal drainage (only roadside or sheet flow)  
Travel way minimum width of 20 feet  
Lot drainage is each owner's responsibility

2. All subdivisions of between 11 and 24 lots shall comply with the following Secondary Rural Road Standards:

Surface: earth, rock, or pavement  
Minimal drainage with outfall (only for the roadway)  
Travel way minimum width of 20 feet  
Lot drainage is each owner's responsibility

3. All subdivisions of 25 lots or more shall comply with the following Primary Rural Road Standards:

Travel way minimum width of 21 feet  
Surface: rock or pavement  
Drainage plan required for property and roadway system  
Open ditch drainage system  
Lot drainage is each owner's responsibility

**B. ADDITIONAL LANDOWNER/DEVELOPER RESPONSIBILITIES:**

The landowner/developer shall determine the location and size of rights-of-way to be provided and the standards for the design and construction of the roadway and drainage systems. The landowner/developer shall secure the necessary licensed, professional personnel to prepare designs, obtain required approvals and permits, and oversee construction.

5. Design Professional Responsibility  
The design professional-of-record must be currently registered to practice in the State of South Carolina.
6. Construction Plan Submission  
Roadway and/or drainage construction plans shall be submitted to the Public Works Department for informational purposes prior to construction. The submission shall include three sets of the construction plans and specifications, and a copy of all required regulatory permits.

Subsequent plan revisions shall also be submitted prior to construction incorporation.

7. Inspection

All roadway and drainage work should be inspected by the Public Works Director for compliance with the submitted plans and specifications. The inspections will be performed to provide construction documentation.

The landowner/developer shall give a one-week notice prior to beginning work at the site. After the initial notice, a 24-hour notice shall be given prior to beginning each operation (or continuing an operation when the work has been disrupted for more than one work-day).

8. Certification from the Design Professional

The design professional shall provide a written statement certifying that to the best of his knowledge, the road and drainage infrastructure has been constructed in accordance with the submitted plans.

9. Plat Notes

Notes shall be placed on the plat in accordance with Section 5.10 of this Ordinance.

10. Letters of Coordination

Letters of Coordination are required for all roads which acknowledge that the Town and other agencies will be able to provide necessary public services, facilities, and programs to service the development proposed, at the time the subdivision plat is processed.

### 6.3 Flag Lots

Flag lots may be allowed in subdivisions established pursuant to the standards of this Ordinance.

1. Permitted Uses of Flag Lots

- A. A flag lot may be utilized to facilitate subdivision of a long narrow parcel that has sufficient area but insufficient width to be otherwise subdivided.
- B. A flag lot may be used to eliminate multiple access points to collector or arterial roads.
- C. A flag lot may be used when the buildable area of a parcel is restricted due to the presence of a natural resource or the irregular shape of a parcel.

2. Prohibited Use of Flag Lots

- A. Flag lots shall not be used to avoid the development of streets otherwise required by this Ordinance when the effect of such flag lots would be to increase the number of access points (driveways) on a publicly dedicated road right-of-way.
1. Standards for Flag Lots
    - A. Flag lots shall take direct access to streets that comply with the standards of this Ordinance.
    - B. The area within the flagpole portion of a flag lot shall not be counted as lot area for the purpose of meeting the minimum lot area requirements of this Ordinance.
    - C. As a condition of approval of a flag lot, decision-making bodies may require an access easement to be placed on the flag lot to allow the adjoining parcel to share access to the road.
    - D. Flagpole portion of the flag lot must be at least 20 feet in width.

## **7.0 STREET NAMES, STREET SIGNS**

1. Names - No street names shall be used that will duplicate or be confused with the names of existing streets. Street names proposed by the subdivider shall be subject to approval by the decision-making body.
2. Street Name Signs - Street name signs shall be installed by the development in accordance with the South Carolina Uniform Manual on Traffic Control Devices.

## **8.0 WETLANDS**

It is the responsibility of the developer to locate and to protect any wetlands (saltwater and freshwater). No development impacting any wetland area can be approved by Charleston County without prior approval by appropriate wetlands protection agencies. It is recommended that the developer contact U. S. Army Corps of Engineers Permit Section and DHEC-OCRM for specific wetland regulation information.

## **9.0 DRAINAGE AND STORMWATER MANAGEMENT**

*Applicable Regulations and Standards-* Stormwater improvements shall meet all applicable state and federal regulations. Those regulations require that the stormwater system meet water quality and water quantity standards and that no property be adversely affected by the stormwater runoff from the development.

## **10.0 SOIL INFORMATION**

### **A. Soil Erosion Control**

A certain acreage of land disturbing activities must be approved by the South Carolina Land Resource Commission. Considerable information regarding soil erosion control is available in a manual entitled "Erosion and Sediment Control Practices for Developing Areas" prepared by the South Carolina Land Resources Conservation Commission.

Considerable information regarding Charleston County soils is available in a manual entitled "Soil Survey of Charleston County, South Carolina" prepared by the Soil Conservation Service (now called the Natural Resources Conservation Service), U. S. Department of Agriculture, current edition.

## **11.0 UTILITIES**

1. The developer shall arrange to install all necessary utilities (water, sanitary sewer, electricity, telephone, street lighting, or cable TV) as part of the development, or appropriate space must be allocated for future installation.
2. Placement of utilities under the roadway surface will be considered on a case-by-case basis by Public Works. All electrical, telephone, cable television and similar distribution lines providing service to a development site should be installed underground.
3. Lawn sprinkler systems are acceptable only if the design and installation is authorized by encroachment permit by Public Works.

## **12.0 ENCROACHMENTS**

Encroachments into existing publicly maintained road rights-of-way and/or drainage easement will be authorized if the following criteria are met:

1. a permit authorizing the encroachment is acquired from the Public Works Department;
2. the encroachment meets safety requirements;
3. the encroachment does not prevent normal maintenance operations and the county is relieved of all damage liability resulting from maintenance;
4. the encroachment will be properly maintained by the permittee;

5. the permittee agrees to temporarily or permanently relocate/remove the encroachment when requested by the Public Works Director, at no cost to the county.

### **13.0 WATER SUPPLY AND SEWAGE DISPOSAL**

1. In accordance with South Carolina Department of Health and Environmental Control Regulations, all subdivisions shall be served by approved public water and sewerage systems, if accessible for connection or, if in the opinion of the South Carolina Department of Health and Environmental Control, the public's health and the environment would best be protected by the installation of such systems. Where public sewer is not available, all buildable lots must meet minimum soil requirements established by South Carolina Department of Health and Environmental Control.

### **14.0 FIRE PROTECTION**

In situations where public water systems with fire hydrants are not available, developers may be required to provide dry hydrants which can utilize ponded water from lakes, ponds, streams, detention/retention basins or other sources. Dry Hydrant design information may be obtained by contacting the U.S. Department of Agriculture, Natural Resources Conservation Service.

### **15.0 MARKERS**

Standards for markers.

#### **15.1 Placement**

A marker shall be set on the right-of-way line at the ends of the block for every block length of street. When blocks occur that have a curve or curves in them, markers shall be set on both sides of the street at the ends of tangents. Markers shall also be set on right-of-way line (on each side of the centerline) at angle points when curves are not used. All interior lot corners shall be marked. The location and type of markers used shall be indicated on the Final Plat.

#### **15.2 Type**

Markers shall be one of the following types.

- A. A reinforced concrete marker with a brass or copper pin in the top. Concrete markers shall be a minimum of 3 feet long and have a minimum cross sectional area of 9 square inches. They shall protrude above the ground not less than 2 inches and not more than 6 inches.

- B. An iron pipe or pins having a minimum diameter of 3/4 inches hollow or 1/2 inches solid steel. Such iron pins will be a minimum of 2 feet in length and shall extend above the ground at least 1 inch.

### **15.3 Timing**

Markers shall be installed prior to the submission of and approval of the Final Plat.

## **16.0 FINANCIAL GUARANTEES (SURETY)**

Standards for financial guarantees.

### **16.1 Performance Guarantees**

- A. In lieu of completing the required subdivision improvements of this chapter, a financial guarantee in the form of a no-contest, irrevocable bank letter of credit, or performance and payment bond underwritten by an acceptable South Carolina licensed corporate surety, or a cashier's check may be accepted by the decision-making body, subject to attorney approval of the guarantee to determine that the interests of the Town of Meggett are fully protected. Where a cashier's check is utilized, opinion of counsel may be waived.
- B. The amount of the financial guarantee shall be determined by the appropriate governmental body that exercises operational control. (Commissioners of Public Works for public water, Commissioners of the appropriate Public Service Districts for street name signs and public sewer, and the Public Works Director for all other improvements covered in this chapter.) The amount shall be sufficient to guarantee completion of the required improvement (125 percent of the actual cost of the improvement with a minimum of \$2,000.) within a time period specified by the government agency, not to exceed 2 years. The governmental agency determining the amount of financial guarantee shall provide a letter to the Planning Commission (copy to the subdivider) setting forth the amount of bond, conditions of acceptance and the period covered. The Planning Commission staff will inform all interested governmental agencies.
- C. Developers making use of performance guarantees shall be required to post required maintenance guarantees at the time that the performance guarantee is posted.

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- D. Upon completion of the improvements as required by this section, written notice thereof shall be given by the subdivider to the bond holder, who shall cause an inspection of the improvements to be made. The bond holder will, within 30 days of the date of notice, authorize in writing the release of the security given, provided improvements have been completed in accordance with the required specifications. Should the improvements not be completed in accordance with the required specifications by the date originally stipulated in writing by the bond holder, the funds derived from said bond or cashier's check will be used by the bond holder to complete the improvements according to required specifications, at the earliest reasonable time. Where it appears that the bond was insufficient to finance the required improvements after the subdivider has defaulted, Council will assess the individual subdivider the cost of the improvements over and above the surety amount.
- E. In no instance will the bond holder be authorized to extend for the subdivider the completion date originally stipulated.
- F. Pro-rated refunds based on a percentage of overall completion shall not be authorized, with the exception of an irrevocable bank letter of credit.
- G. The decision-making body shall review and approve or reject each acceptance of surety in lieu of completion of improvements. In making its determination, the decision-making shall give due consideration to the commitments made by the subdivider to individual purchasers.
- H. In lieu of completed subdivision improvements, the decision-making body may accept the written guarantee of a governmental body to complete required improvements within 90 days of the date of such acceptance by Town Council.
- I. The acceptance of performance bonds or a cashier's check in lieu of completed performance is made possible only by the introduction of effective occupancy control. This control will be coordinated with final approvals so as to ensure that all conditions covered by one or more bonds are completely fulfilled, except as specified in Section 109.1 of the Charleston County Building Code, before an occupancy permit can be issued by the County Building Inspection Department.

## 17.0 DEFINITIONS

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For the purpose of these regulations, terms relating to streets and drainage are defined as follows:

- A. **BASE COURSE** – The layer or layers of specified or selected material of designated thickness or rate of application placed on a subbase or subgrade to comprise a component of the pavement structure to support the pavement or subsequent layer of construction.
- B. **BRIDGE** – A structure, including supports, erected over a depression or an obstruction; e.g., water, highway, or railway, and having a track or passageway for carrying traffic or other moving loads.
- C. **CAUSEWAY** – An earthen structure with at least one side adjacent to a depression, wetland, or marsh that supports a track or passageway for carrying traffic or other moving loads.
- D. **CUL-DE-SAC** – The radial turnaround area at the end of a dead-end street.
- E. **CULVERT** – Any structure which provides an opening under any roadway or any other structure so named in the plans, excluding bridges.
- F. **DESIGN PROFESSIONAL** – An individual or firm appropriately licensed and registered in the State of South Carolina.
- G. **DETENTION** – The temporary restriction of stormwater that is released at a predetermined or controlled rate.
- H. **DEVELOPER** – The legal or beneficial owner of a lot or of any land proposed for development; the holder of an option or contract to purchase; or any other person having an enforceable contractual interest in such land.
- I. **DRAINAGE EASEMENT** – The right of access of stormwater runoff from adjacent drainage basins into the drainageway within the defined easement.
- J. **EARTH ROADS** – Those roads constructed of compacted earth material.

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- K. EASEMENT – A privilege or right of use, access or enjoyment granted on, above, under, or across a particular tract of land by the landowner to another person or entity.
- L. HOMEOWNERS' (OR PROPERTY OWNERS') ASSOCIATION – A formally constituted, non-profit association or corporation made up of the property owners and/or residents of a defined area. The homeowners' or property owners' association may take responsibility for costs and upkeep of common open space or facilities, or enforce certain covenants and restrictions.
- M. MAIN UTILITY LINES – Those facilities, including piping, conduits, outlets, and other appurtenances necessary, for the proper functioning of essential services to a development including water, electricity, gas, sanitary sewer, storm sewer, cable, communications, etc.
- N. MEAN SEA LEVEL – Elevation 0.0 as determined by the NGVD 29 datum.
- O. PAVED STREETS – Those streets for which the riding surface is constructed of a layer or layers of materials usually comprised of Portland cement concrete or asphaltic concrete.
- P. PAVEMENT – The uppermost layer of material placed on the street usually as the wearing or riding surface. The term is used interchangeably with “surface course” or “surfacing” and will usually imply Portland cement concrete or asphaltic concrete.
- Q. PLAT – A diagram drawn to an engineering scale showing all essential data pertaining to the boundaries and subdivision of a tract of land as determined by a professional land surveyor.
- R. PUBLIC WORKS DIRECTOR – The Director of the Department of Public Works for the County of Charleston or his authorized representative.
- S. RESPONSIBLE ENTITY – The unit of local government responsible under South Carolina law for the maintenance of the roadway and/or drainage system; or, in the case of private roadways and/or drainage systems, the owner of the property upon which the roadway and/or drainage system is located; or, if existing, a homeowners' association previously created to maintain the roadway and/or drainage system.

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- T. RIGHT-OF-WAY – Land that has been, or is being, dedicated for the construction and maintenance of a road or street. Right-of-way may also be used to identify an area dedicated for use as part of a drainage system or utility corridor.
- U. ROADWAY – The entire area between the outside limits of construction, including structures, slopes, ramps, intersections, utilities, side ditches, channels, waterways, etc., necessary for proper drainage. This term shall, in general, be considered synonymous with street or road.
- V. ROCK ROADS – Those roads for which the riding surface is constructed of a layer or layers of material usually comprised of compacted rock or other aggregate materials
- W. STREET – A vehicular way, which may also serve in part as a way for pedestrian traffic, whether called a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, alley, mall, or other designation, including the entire area within the right-of-way.
- X. STUB STREET – A street that intersects another local street and extends, usually one lot deep, to the property line of the development or rear of the block being developed.
- Y. SUBGRADE – The top surface of a roadbed upon which the roadway structure and shoulders are constructed.