

Town of McClellanville Zoning and Land Development Ordinance
Adopted September 13, 2004

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Section 11.0 **Intent and Applicability**

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The design and improvement standards contained herein shall be considered minimum standards for the development of all land within the Town of McClellanville. The application of higher standards is encouraged wherever possible. Toward that end, the following standards shall be applied, provided however:

- (a) Where the Planning Commission finds that that the purposes of these requirements may be served to a greater extent by an alternative proposal and/or extraordinary hardships or practical difficulties may result from strict compliance with these standards, it may approve modifications to these land development design and improvement standards.
- (b) In approving modifications of these standards the Planning Commission may require such conditions as will, in its judgment, secure substantially the purposes of this ordinance so that substantial justice may be done and the public interest secured. Modifications shall not be approved that have the effect of nullifying the intent and purpose of these regulations.
- (c) Petition for a modification of standards shall be submitted in writing by the property owner, developer, or his/her authorized agent in conjunction with a preliminary or site development plan submittal for consideration by the Planning Commission. The petition shall state fully the grounds for the petition and all of the facts relied upon by the petitioner.

Section 11.1 **General Improvements**

§11.1.1 Conformance

Improvements shall be installed in accordance with the requirements and standards set forth in this ordinance and other specifications and policies of the Town of McClellanville, Charleston County, the State of South Carolina, and other public agencies of jurisdiction.

§11.1.2 Commencement

No construction or installation of improvements shall begin in a proposed subdivision until the Planning Commission has approved a preliminary plan and all applicable permits have been issued.

§11.1.3 Access

All public agencies shall have access to the premises and structures of a land development project under this ordinance during reasonable hours to make those inspections as deemed necessary by them to ensure compliance with the provisions of this ordinance.

§11.1.4 Inspection

Before beginning any work within the proposed development, the developer and/or developer's contractors shall make arrangements with those public agencies charged with the

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enforcement of the provisions of this ordinance to provide for adequate inspection of the improvements.

§11.1.5 Final Plat Approval

Pursuant to §10.3.3(e)(1), approval of the final plat for recordation shall not be given by the Planning Commission or designee unless the developer has installed the required improvements as specified and required herein or has provided a financial guarantee as explained in this ordinance.

§11.1.6 Changes in Approved Plans and Specifications

If exigencies of construction necessitate changes in the approved plans and specifications, the developer shall request approval of such changes from the Planning Commission, Zoning Administrator, and all applicable public agencies that would be affected by the change.

Section 11.2 Monuments

Monuments shall be established by a registered engineer or surveyor prior to the erection of a new building or whenever there is a possibility of encroachment upon a required setback in the case of alteration or erection of any structure. Such monuments shall be in place during construction and shall be accurately replaced if disturbed until a certificate of occupancy is granted.

§11.2.1 Construction

Monuments shall be constructed of steel rods (3/8" in diameter) or iron pipes (stainless steel preferred) one inch (1") in diameter minimum and not less than twenty-four (24") inches long, placed vertically in the ground so as to extend twelve inches (12") above the finished grade, and flagged with durable, colored material of six square inches (6"²) of surface area per side, minimum.

§11.2.2 Installation

Monuments shall be installed at the following locations: (a)

All angles formed by intersection of lot lines, and (b)

All exterior corners of a subdivision.

Section 11.3 Lots

The lot size, width, shape, grade, and orientation of all lots shall be designed in relation to street and block design, existing natural features (i.e. marsh and creek), and the type of development and use contemplated.

- (a) All lots shall meet the minimum area and width requirements for the zoning district within which they are located. Critical areas shall not count towards more than one-third (1/3) of the minimum lot area required.

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- (b) Corner lots shall be of sufficient size and shape to permit required building setback and orientation to both streets.

Section 11.4 Accessibility

§11.4.1 Frontage

All lots shall be accessible from a public street. Lots may front on a private street or private access easement in lieu of a public street when such alternatives are approved by the Planning Commission and meet the standards for road designs in §11.5 below. Restrictive covenants shall be incorporated within the deed expressing such.

§11.4.2 Secondary Access

Private, unpaved alleys may be allowed only as secondary access to lots with frontage on a public road.

§11.4.3 Visibility

No landscaping, terraces, or other natural or artificial features adjacent to any street shall be of a nature such that visibility from approaching vehicular traffic is impaired or where such features in any way create potential hazards to pedestrians. In particular, at vehicular entrances and exits, no street parking, landscaping, or other materials which may impede visibility between the height of thirty inches (30") and ten feet (10'), measured from the roadway level, shall be permitted within triangular areas (clear sight triangles) defined by lines connecting points described as follows:

- (a) Access Points to Streets. Beginning at a point where the midline of the driveway intersects the public right-of-way, then to a point fifteen (15') along the boundary of the right of way in the direction of approaching traffic, then to a point fifteen feet (15') toward the interior of the lot along the midline of the driveway and then back to the point of beginning.
- (b) Access Points to Alleys. Beginning at a point where the midline of the alley intersects the street right-of-way, then to a point ten (10') along the boundary of the right of way in the direction of approaching traffic, then to a point ten feet (10') toward the interior of the lot along the midline of the alley and then back to the point of beginning.

§11.4.4 Emergency Access

Where possible, a single point of ingress/egress may be required by the Planning Commission to provide a secondary point of access for emergency vehicles if the length of a primary access road exceeds 800 feet in length, measured along the centerline from the point of the beginning of the ingress/egress to the front of the most remote lot. When a road exceeds 800 feet in length, measured along the centerline from the point of the beginning of the ingress/egress to the front of the most remote lot; a secondary point of access for emergency vehicles and/or turnaround suitable for firefighting equipment, as determined adequate by the Fire Chief, shall be provided.

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Section 11.5 **Roads and Streets**

§11.5.1 **General Requirements**

- (a) Roads and associated rights of way shall not be located in wetlands delineated by the US Army Corps of Engineers, the appropriate State agency, or the designated agents thereof.
- (b) Proposed streets shall coordinate with the existing street system in the surrounding area and where possible shall provide for continuation of existing street patterns abutting the proposed development.
- (c) Proposed streets and alleys shall connect with surrounding streets and alleys to facilitate convenient pedestrian movement and emergency vehicle access throughout town.
- (d) Roads shall be laid out in a manner as to intersect as nearly as possible at right angles. No roadway shall intersect more than one other road or another at less than 80 degrees except where existing natural conditions and/or engineering constraints prohibit meeting this requirement.
- (e) Road intersections and entrances shall be designed to align with existing or proposed entrances wherever practical. Road jogs with centerline offsets of less than 100 feet shall not be allowed.
- (f) Roads that permanently end with a cul-de-sac or turn around shall not exceed 800 feet in length measured along the centerline from the road's intersection with an existing or proposed through-road to the centerline of the cul-de-sac or turn around [except as provided in Section 11.4.4 above.](#)
- (g) All roads constructed under this section must serve expected traffic needs in all types of weather from dry conditions to extremely wet conditions. Design material and specifications must be presented to establish compliance with this requirement.
- (h) Review by the Town Building Official and other inspectors shall be mandatory for any proposed road constructed under this section.
- (i) All construction requirements set forth within this article shall be met unless alternative specifications are found to be as effective and approved by the Planning Commission.
- (j) Storm water management shall be considered in road design with regard to topography, soil hydrology, and the prevention of ponding in travel lanes.
- (k) Road names shall be sufficiently different in sound and spelling from other road names in the municipality to avoid confusion. A road that is (or is planned as) an extension of an existing road shall bear the same name.

[\(l\)](#) All roads shall be classified as an "alley," "public," "local" or "private street".

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§11.5.2 Right-of-way and Pavement Widths

Roads proposed for acceptance by a public entity shall meet all requirements of that agency. Roads proposed for acceptance and maintenance as public town roads shall meet all standards of this ordinance.

- (a) The travel lanes of all local and private roads or alleys shall maintain safe widths without promoting high-speed traffic.
- (b) Right-of-way and pavement widths shall take into consideration storm water run-off, topography, and soil hydrology. [Private utility easements shall be located outside of the right of way.](#)
- (c) On the following table, dimensions for base lane, travelway and right-of-way widths are specified for one lane, applicable to each side of a local or private street, access easement or alley. On-street parking is an option on local and private streets and alleys, except near loading docks. Included in this table are additional travelway widths required to accommodate parallel parking, to be added to the base travelway width, per lane providing such parking.

Table 11.1

Required Right-of-way and Travelway Widths (in Feet)				
<u>Road Type</u>	<u>Travelway Width/per lane</u>		<u>Right-of-way/Easement Width</u>	
	Min.	Max.	Min	Max.
Local Street	10'	12'	30'	5045'
Private Street	9'	11'	28'	32'
Private Access Easement	9'	11'	22'	26'
Alley/court, 1-way	9'	10'	15'	25'
Parallel parking	7'	8'	+5'	

§11.5.3 Single-terminus Roads (Dead-end roads)

- (a) A road will be permitted to terminate at a lot only if significant natural limitations, such as wetlands, exist that would require development to deviate from the predominant street grid or if this requirement would unreasonably inhibit development of the land, as judged by the Zoning Administrator and Planning Commission, in that insufficient access to the street grid exists.
- (b) The right of way of a single-terminus (dead-end) street shall continue at the same width in the form of an easement through the remainder of a development to preserve the opportunity for connectivity with future development.

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§11.5.4 Construction Requirements

All streets shown on a final plat shall be graded, constructed, and surfaced in accordance with these details and specifications. Public streets must be properly dedicated and accepted by the State or County for maintenance. The developer and contractor who have constructed the road shall submit an affidavit stating that all construction costs have been paid and that the road is free of all encumbrances. This affidavit is required by §57-1-110 of the Code of Laws of South Carolina, 1976, as amended

- (a) Local Public Streets projecting more than 250 ADT per day shall be paved with a minimum stabilized aggregate base course six (6) inches in uniform thickness and surfaced with a two inches (2") bituminous double treatment or asphalt concrete surface course. Public streets projecting less than 250 ADTs per day may be surfaced with a stabilized aggregate base course four (4) inches in uniform thickness worked into the top two (2) inches of the existing subgrade, creating a six (6) inch deep compacted rock surface. Rock surface streets, if approved, shall provide a paved apron extending to the edge of a paved street right of way when intersecting.
- (b) Private Streets and Alleys with a projected volume of less than 250 ADT per day may be a standard earth roadway except that roadbed stabilization may require the mixing of material into existing soil material to a depth of six (6) inches. Suitable soil is required for a minimum depth of eighteen (18) inches to provide a street that will serve users in normal and extreme weather conditions. The mixing of soil with a stabilizing soil may be required for a minimum depth of six (6) inches. Paved private streets and alleys may also be constructed with a rock surface as described in (a) above or a pervious surfacing material. When paved with a pervious material, a fifty foot (50') paved apron is required where such road intersects an existing paved road.
- (c) Local and private roadways shall be designed with a minimum two-foot (2') wide shoulder section, with stabilized shoulders of gravel or sodded grass.

§11.5.5 Indemnification and Hold-harmless Agreements

The developer shall submit a hold-harmless agreement and indemnification agreement to the Town Attorney in recordable form for approval prior to final plat approval. Such agreement shall operate to relieve the Town of any liability or responsibility arising from the construction and use of said private roads. This release shall be in favor of the Town for any harm that may result from the use of the private road by adjoining landowners, visitors, or any user of the road, including the public at large. Each signed agreement will be recorded with the plat, and reference shall be made as to the nature of the road on the plat, e.g.

"Construction of the _____ (access easement or private road) shown hereon shall conform to the standards set forth in the Zoning and Land Development Ordinance. The _____ (access easement or private road) shown hereon is private and its maintenance is NOT a public responsibility. It shall not be eligible for acceptance into the town system for maintenance, until such time as it is constructed and otherwise complies with all requirements of town roads at the time request for acceptance is made. Any costs required to cause this road to become eligible for addition to the public maintenance system shall be provided by non-public sources."

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- (d) No lighting fixture shall exceed fifteen (15) feet in height.
- (e) All lighting fixtures shall be designed to down shield the light source.

Section 11.7 Pedestrian Paths and Bikeways

Interconnected pedestrian systems may be required for major developments, extending to the property boundaries of the project, tied into existing systems, and providing for future extensions to ensure continuity throughout the community.

§11.7.1 Adjacent to Public Streets

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Sidewalks constructed to the standards of the American Disabilities Act (ADA) may be required adjacent to streets proposed for dedication to and/or maintenance by the SC DOT.

§11.7.2 Adjacent to Local Streets

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Pedestrian paths, trails and bikeways are encouraged along local street systems developed after adoption of this ordinance. Where adequate road widths are provided to accommodate pedestrians and cyclists along such roads, separate paths or bikeways may not be required.

§11.7.3 Design Standards

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Where pedestrian paths, trails and bikeways are proposed, design considerations shall include the following.

- (a) Pedestrian trails in residential developments shall have a minimum unobstructed width of three feet (3').
- (b) Trails for multiple users or nonresidential developments shall have a minimum unobstructed width of five feet (5').
- (c) When a pathway or trail is located outside a road right of way, it shall be contained within an easement having a minimum width of six inches (6") wider than the path or trail on both sides.
- (d) All paths shall be constructed with 1.5" asphalt on a minimum base course thickness of four (4) inches.
- (e) Systems shall not obstruct natural storm water run-off drainage patterns.
- (f) A planting strip of at least five feet (5') in width shall separate all pedestrian/cyclist systems from parallel roads, or wider if required by SCDOT. The planting strip shall consist of lawn grass and one (1) street tree indigenous to the coastal area, per twenty (20) linear feet.

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- (g) All crosswalks shall be clearly marked on the road surface and shall be provided with a road sign calling out the presence of the crosswalk.
- (h) Parking Areas. Pedestrian paths serving parking areas shall also:
 - (1) Be constructed so as to avoid ponding of storm water in parking lots.
 - (2) Be protected by railroad ties, concrete bumpers, bollards, or similar barriers three inches (3") wide (min.).
 - (3) Be five feet (5') wide when serving disabled parking spaces.
 - (4) Be three feet (3') wide (min.) serving all other uses.
- (i) Non-residential developments. Pedestrian path/walkways serving non-residential developments shall provide a unified access and circulation system plan. Design considerations shall include the following.
 - (1) All walkways shall be constructed of a smooth, compacted semi-pervious surface.
 - (2) Storm water management related to the placement of all walkways shall be illustrated as part of the unified access and circulation plan.
 - (3) All walkways shall be four feet (4') in width, minimum.
 - (4) Walkways shall provide direct access to public entrances on abutting or facing lots of the non-residential use.
 - (5) All walkways crossing alleys or joint-access driveways shall be clearly marked on the road surface.
- (j) Lighting Standards for pedestrian and cyclist systems.
 - (1) All light sources shall be a maximum of twelve feet (12') in height.
 - (2) Down shielded light shall be aimed at the pathway served.
 - (3) Such light sources shall not create glare, as such would hinder drivers and pedestrians.
 - (4) Such light sources shall not create a distraction to the drivers of motor vehicles on streets and shall be placed in locations sensitive to streets and alleys.

Section 11.8 **Stormwater Drainage**

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§11.8.1 Applicability

Whenever a building or use (including a parking area) is changed, altered, or enlarged by at least fifty percent (50%) in floor area, storm water management systems shall be brought into compliance with these standards.

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§11.8.2 Design

A drainage system shall be designed and constructed by the developer consistent with the design principles and standards contained in this article and adequate to provide proper drainage of surface water from the development, the drainage area of which it is a part, and the protection of downstream property owners from any increased run-off due to development.

- (a) Natural drainageways shall be preserved in their natural state.
- (b) Low-lying lands along watercourses subject to flooding or overflowing during storm periods shall be reserved as drainageways.
- (c) In the event of artificial drainageways being constructed, wherever possible, drainage shall be maintained by an open channel with vegetated banks and adequate width for maximum potential volume of flow.
- (d) Concrete gutters shall not be used to manage storm water run-off. Such management shall be achieved through one or more of the following methods.
 - (1) Open channels and vegetated swales;
 - (2) Bio-retention systems, including sand filters in paved parking areas; or
 - (3) Subterranean culverts. A system of grates and underground pipes designed so that grates do not inhibit pedestrian, wheelchair, or vehicular travel.
- (e) The applicant may make alternate proposals for storm water from larger developments to be managed by constructed wetlands or ponds, upon proof that the alternate system is necessary to adequately serve the purpose without negatively impacting travelers within the right of way or adjacent property owners, as determined by the Planning Commission.
- (f) All roadside storm water management systems shall tie into appropriate drainageways, as outlined below, to provide for the expedient drainage of run-off without unduly negatively impacting the water quality of adjacent bodies of water or adversely affecting the natural environment. Vegetated buffer areas shall be required along watercourses where runoff is directed to such pursuant to Article VII.
- (g) Where feasible, storm water run-off shall be managed within the road right of way so that hazards to properties within a proposed development are minimized and neighboring properties will not be adversely affected by the increased run-off after development.

§11.8.3 Easements

Drainage easements shall be provided so that hazards to properties within the proposed subdivision are minimized and neighboring properties will not be adversely affected by the increased run-off after development.

- (a) When a new development is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a storm water easement or drainage right of way

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conforming to the lines of such watercourse, and of such width and, where applicable, construction as will be adequate for the purpose.

- (b) Where conditions make impractical the inclusion of drainage facilities within road rights of way, continuous unobstructed easements at least fifteen feet (15') in width for drainage facilities shall be provided across the property with satisfactory access to the nearest roadside drainage ditch/culvert. Easements shall be indicated on the plat. Drainage easements shall extend from the road to a natural watercourse or to other drainage facilities.
- (c) Where practical, drainage easements shall center along or be adjacent to a common property line.
- (d) All stumps, debris, trash, and fallen trees within the easement right of way shall be cleared and removed.
- (e) Unless otherwise indicated by the Town or other governmental body or utility provider, the applicant shall be responsible for general maintenance of easements. The Town and other governmental bodies and utility providers with lines in such easements shall have full right of access.

Section 11.9 Erosion and Sediment Control

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All developments shall comply with the South Carolina Stormwater Management Sediment Control Plan administered by [SCDHEC/SCDES](#) as part of State law. No regulations of this Ordinance shall relieve the developer from the responsibility to adhere to the Act.

- (a) The developer of non-agricultural activities and land uses shall submit plans for control of erosion and sediment, as required by [SCDHEGSCDES](#), to the [OCRM-BCM](#) for review.
- (b) Review and approval of such plans by OCRM shall be obtained and certified by the developer for verification by the Zoning Administrator the prior to the issuance of a zoning permit.
- (c) Inspection, which shall be performed or waived at the will of OCRM, and approval by OCRM shall be obtained by the developer and verified by the Zoning Administrator prior to final plat approval or, in the event of a subdivision, preliminary plan approval.
- (d) Erosion and sediment control structures and materials shall be removed by the developer prior to issuance of a certificate of occupancy.

Section 11.10 Surface Water Protection

All non-agricultural developments within two hundred feet (200') of riverine or estuarine wetlands and occupying twenty-five (25) acres or more shall comply with the South Carolina Impaired River Anti-degradation Act. No regulations of this Ordinance shall relieve the developer from the responsibility to adhere to the Act. The following provisions shall apply:

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- (a) The developer shall provide the Town with a detailed report outlining the quality of the nearby surface water regarding sediment, herbicides, pesticides, fertilizers, and other potential pollutants resulting from land disturbance and development prior to the initiation of any land disturbing activities. Such report shall be submitted prior to approval of a preliminary plan or minor subdivision plat.
- (b) The developer shall demonstrate that potential negative impacts of land disturbing activities shall be mitigated such that further degradation of the impaired surface water shall fall within State-required parameters.
- (c) Review and approval by OCRM shall be required prior to final plat approval or, in the event of a subdivision, preliminary plan approval.
- (d) All materials used for control of erosion and sediment during development activity shall be removed prior to issuance of a certificate of occupancy.

Section 11.11 Utilities

§11.11.1 Easements

Adequate areas of suitable size and location shall be allocated for utility easements. The location and size of such easements shall be coordinated with the public and private utilities involved, shall center along or be adjacent to a common property line and where practicable, shall be installed underground. In the event of a single-terminus or dead-end street, a fifteen-foot (15') utility easement shall continue to the boundary of a subdivision where it abuts another tract to prevent dead-end utilities.

§11.11.2 Clearance

All stumps, debris, trash, and fallen trees within the easement right of way shall be cleared and removed.

§11.11.3 Maintenance

Unless otherwise negotiated, the applicant shall be responsible for general maintenance of easements. The Town or utility companies with lines in such easements shall have full right of access.

Section 11.12 Easements in General

§11.12.1 Encumbrances

Easements reserved for private and public use that are not parallel to the street right-of-way, including but not limited to telecommunications, power, and drainage easements, as required in this section, shall remain free of all encumbrances that may adversely affect the function for which the easement is intended or inhibit access, which may be required for maintenance or otherwise, to the facility for which the easement was created. Improvements prohibited from locating in easements include, but are not limited to, driveways and fences.

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§11.12.2 Encroachment Permits

Any activity or improvement proposed for location in an easement, as provided herein shall require an encroachment permit from the Town of McClellanville or the utility provider to which the easement is dedicated.

Section 11.13 Street Naming and Signage

§11.13.1 Naming

The Planning Commission shall, by proper certificate, approve and authorize the name of a street or road laid out within the Town upon confirmation by Charleston County that the proposed name is not a duplicate. It is unlawful for a person in laying out a new street or road to name the street or road on a plat, by a marking or in a deed or instrument, without first getting the approval of the Planning Commission.

- (a) The Commission may, after reasonable notice through a newspaper having general circulation in the Town, change the name of a street or road within the Town:
 - (1) When there is duplication of names or other conditions which tend to confuse the traveling public or the delivery of mail, orders or messages;
 - (2) When it is found that a change may simplify marking or giving of directions to persons seeking to locate addresses; or
 - (3) Upon any other good and just reason that may appear to the Commission.
- (b) After a public hearing, noticed by fifteen (15) days publication in a newspaper of general circulation in the Town, the Planning Commission shall issue its certificate designating a street name change, which must be recorded in the office of the register of deeds or clerk of court, and the name changed and certified as the legal name of the street or road.
- (c) Street name signs shall be installed at all intersections by the developer, applicant, or petitioners. The design, construction, materials, and placement of all street name signs shall conform to the requirements of the County or a comparable signing program approved by the Planning Commission.

§11.13.2 Uniform Street Numbering System

A uniform system of numbering properties and principal buildings is adopted for use in the Town of McClellanville/Charleston County. Administrative procedures [applied by Charleston County 911 addressing](#) and all explanatory matter thereon are hereby adopted and made a part of this Ordinance.

- (a) Assignment of Numbers.
 - (1) All properties or parcels of land within the incorporated limits of the Town of McClellanville shall hereafter be identified by reference to the uniform numbering system adopted herein. ~~provided, further that all existing numbers~~

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~~of property and buildings not presently in conformity with provisions of this Ordinance shall be changed to conform to the system herein adopted.~~

~~(2)~~ All property numbers shall be assigned to buildings based on existing property access (i.e. driveways) regardless of the proximity of such buildings to an additional road.

~~(2)(3)~~ All numbers shall be assigned by Charleston County the Zoning Administrator or his designee on a basis of one number for each forty feet (40') of frontage along the street.

(a) All buildings on the north side of east-west streets and west side of north-south streets shall bear odd numbers. All streets running more nearly north-south shall be numbered as north-south streets and all streets running more nearly east-west shall be numbered as east-west streets.

(b) Numbers increase from south to north or west to east.

~~(3)(4)~~ No building shall be assigned more than one number.

~~(4)(5)~~ A building with more than one entrance serving separately occupied units occupant shall be assigned only one number, and in addition to such a number, a letter designation, such as A, B, or C, shall be assigned to each principal occupant unit contained within the principal building.

~~(5)(6)~~ Notwithstanding any other provisions of this Ordinance, when multiple buildings on a single lot have frontage within one or more assigned forty-foot frontage areas and under the remaining provision of this Ordinance, each such building would be assigned a separate number designation. If, due to a limited amount of frontage sufficient numbers are not available, then all such buildings at that location will be assigned the same number and such building will carry a letter designation in addition to the assigned number.

(b) Posting of Approved Numbers.

(1) When each house or building has been assigned its respective number or numbers, the owner, occupant or agent shall place or cause to be placed upon each house or building controlled by this person the number or numbers assigned under the uniform system as provided in this Ordinance.

(2) Such numbers shall be placed on existing buildings on or before the effective date of this Ordinance, and within twenty (20) days after the assignment of the proper number in the case of numbers assigned after the effective date of this Ordinance. The property owner shall pay for the cost of the numbers.

Residential numbers used shall not be less than three (3) inches in height, and business numbers shall not be less than four (4) inches in height. These numbers shall be in contrasting color from the building.

(3) The numbers shall be conspicuously placed immediately above, on, or at the side of the proper door of each building so that the number can be seen plainly from the street line. Whenever any building is situated more than fifty feet (50') from the street line, the number must be placed near the walk, driveway

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or common entrance to such building upon a mailbox, gate post, fence, post or other appropriate place so as to be easily discernible from the street line.

(c) Administration of Numbering.

- (1) For the purpose of facilitating correct numbering, a tax map book of all streets, avenues and public ways within the County showing the proper numbers of all houses or other buildings fronting upon all streets, avenues or public ways shall be kept on file at Town Hall.
- (2) After the establishment of the uniform naming and numbering system, any house, building or structure erected or located in the Town of McClellanville must conform to this Ordinance in order to preserve the continuity and uniformity of numbers of the houses, buildings and structures.
- (3) It shall be the duty of the Zoning Administrator to inform any party applying for the number belonging to or encompassed within the limits of any said lot or property, as provided in this Ordinance of the proper number. In case of conflict as to the proper number to be assigned to any building, the Zoning Administrator shall determine the number of such building.
- (4) It shall be the responsibility of the owner to procure the correct number or numbers as designated by the Zoning Administrator for the property and to immediately fasten the number or numbers as assigned upon the building or property or other structure as provided by this Ordinance.
- (5) No building permit shall be issued for any house, building or structure until the owner has procured the official number of the premises from the Zoning Administrator. The Building Official shall withhold final approval of any structure erected, repaired, altered or modified after the effective date of this Ordinance until permanent and proper numbers have been affixed to said structure.

Section 11.14 Assurances for Completion and Maintenance of Improvements

Guarantees shall be provided to ensure the proper installation and maintenance of required streets, utilities and other improvements. The nature and duration of the guarantee shall be structured to achieve this goal.

§11.14.1 Completion of Improvements

Before a final plat is signed by the Zoning Administrator ~~and-or~~ Chairperson of the Planning Commission, all applicants shall be required to complete, in accordance with the decision of the Zoning Administrator and/or the Planning Commission and to the satisfaction of the Town Building Official, all public improvements, including those on the individual lots of the development, as required in these regulations, and to dedicate those public improvements to the appropriate body, free and clear of all liens and encumbrances on the dedicated property and public improvements.

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§11.14.2 Improvements Agreement and Guarantee

- (a) Agreement. The Planning Commission, in its sole discretion, may waive the requirement that the applicant complete and dedicate all public improvements prior to approval of the final plat and as an alternative, permit the applicant to enter into a subdivision improvements agreement, by which the covenants to complete all required public improvements shall be fulfilled within two (2) years of the date on which the Chairperson of the Planning Commission signs the final plat.
- (b) Security. Whenever the Planning Commission permits an applicant to enter into a subdivision improvements agreement, it shall require the applicant to provide a performance security bond, cashier's check, letter of credit, or cash escrow as security for the promises contained in the subdivision improvement agreement.
 - (1) The security shall be in an amount equal to one hundred fifty percent (150%) of the cost as estimated by the Town or its designee of any improvements which have not been constructed, installed, and completed in compliance with the requirements of this ordinance prior to the posting of said security and for which sufficient certification has been furnished.
 - (2) In the event that any or all the required improvements are not completed within the time specified by the Planning Commission, the Town may let or re-let the contract, using the posted security to defray the costs of such required improvements.

§11.14.3 Certificate of Satisfactory Completion

The governing body will not accept dedication of required improvements or release or reduce the amount of any security posted by the applicant until:

- (a) The required improvements have been inspected and the Zoning Administrator has documented that all required improvements have been satisfactorily completed;
- (b) The applicant's engineer or surveyor has certified, through submittal of a detailed survey of the improvements as-built, indicating location, dimensions, materials, and other information required by the Planning Commission, that the layout of the line and grade of all public improvements is in accordance with the construction plans; and
- (c) A title insurance policy has been furnished to and approved by the Town Attorney indicating that the improvements have been completed, are ready for dedication to the appropriate body, and are free and clear of any and all liens and encumbrances.

§11.14.4 Acceptance of Dedication Offers

Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by ordinance of the Town. The approval of a subdivision plan by the Planning Commission, whether preliminary or final, shall not be deemed to constitute or imply the acceptance by the Town of any street, easement, or park shown on the plat. The Planning Commission may require the plat to be endorsed with appropriate notes to this effect.

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§11.14.5 Maintenance of Improvements

- (a) Unless otherwise specified, the Town shall maintain only those easements specifically accepted for Town maintenance. Other easements shall stipulate that contiguous owners shall be responsible for general maintenance of such easements. The governing authority or utility company with lines in such easements shall have full right of access.
- (b) Maintenance of drainage systems by a public entity, as applicable, shall be limited to that work necessary to ensure the proper flow of water within the structure. This work includes repairs to damaged pipes and removal of sedimentation and vegetation that impedes the proper flow of water within a structure as determined by the Town zoning and building officials. The cutting of vegetation and removal of foreign material from areas around the drainage structures that are a part of the overall drainage plan of a land development project as required by this Ordinance and/or duly accepted by Town Council is the responsibility of the owners of the property on which the drainage structure is located.
- (c) A guarantee for the maintenance of the improvements prior to final acceptance by the Town shall be posted for that period between completion and acceptance in an amount not to exceed twenty-five (25%) of the improvement cost.
- (d) The applicant shall make such adequate provisions as shall be required by the Planning Commission for the perpetual maintenance of all public facilities (private roads, pedestrian paths and bikeways, drainage facilities and any such other improvements) in the development until such obligations have been assumed by another entity. Such maintenance agreement shall be in the form of:
 - (1) Perpetual maintenance agreement;
 - (2) Homeowners association;
 - (3) Landowners agreement; and/or
 - (4) Creation by developer of a performance bond or other form of security as determined appropriate by the Planning Commission.
- (e) Where maintenance of the required improvements is being assumed by another entity, the developer must submit documents demonstrating that such entity shall assume the responsibility for providing services to maintain these facilities otherwise provided by the Town government. Such entity must be:
 - (1) Organized for the purposes of, but not limited to, operation and maintenance of roads, pedestrian paths and bikeways, drainage facilities, and common open space that will NOT be dedicated to the Town, and
 - (2) Duly chartered by the State of South Carolina and recorded with the Town of McClellanville Clerk of Court.
- (f) If at any time, the association desires public maintenance of any facilities, said facilities must first be determined to meet Town standards.

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§11.14.6 Issuance of Certificates of Occupancy

When an improvement agreement and security have been required for a development, no certificate of occupancy for any building in the development shall be issued prior to the completion of the required public improvements and the acceptance of the dedication of those improvements by the appropriate body, as required in the approval of the final plat, without specific written consent of the Zoning Administrator, who shall deem that the incompleteness of such improvements shall not endanger the health, safety, or general welfare of the public in any way. If a subdivision is to be phased in, certificates of occupancy may be issued upon completion of required public improvements for the active phase only.