



Town of Meggett  
Zoning & Planning  
4776 Highway 165  
Meggett, SC 29449  
(843) 889-3622

# EXEMPT SUBDIVISION APPLICATION PACKET

The documents listed below are included within this packet. Upon gathering all required information/documentation, the Applicant shall submit the completed packet to the Zoning & Planning Department for review in compliance with the *Town of Meggett Zoning and Land Development Regulations Ordinance (ZLDR)*. Prior to approval, staff may identify and request additional documentation to ensure compliance with the ZLDR.

- ◆ EXEMPT SUBDIVISION - SUBMITTAL CHECKLIST
- ◆ EXEMPT SUBDIVISION APPLICATION
- ◆ AFFIDAVIT OF OWNERSHIP
- ◆ RESTRICTIVE COVENANTS AFFIDAVIT

## WHAT IS AN EXEMPT SUBDIVISION?

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

- a) 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. Deeds and plats shall be recorded simultaneously.
- b) The public acquisition of land for right-of-way, drainage easements or any lot on the parcel created there from.
- c) When contiguous properties are to be divided for the purpose of exchanging or trading parcels of land. **Deeds and plats shall be recorded simultaneously.**
- d) 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.
- e) Where properly platted lots or parcels are created and approved by judicial action (court order).
- f) The division of land into parcels of five acres or more when no new street or easement is involved.

**NOTE:** This includes Plats submitted for the sole purpose of delineating OCRM Critical Area and/or Freshwater Wetlands, Boundary Plats, and Property Line Adjustments (where no new lots are created).

The full *Town of Meggett Zoning & Land Development Regulations Ordinance (ZLDR)* can be found online at the following link: <https://meggett.municipalcodeonline.com/book?type=zoning>



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# EXEMPT SUBDIVISION SUBMITTAL CHECKLIST

The following documents are to be submitted to the Zoning & Planning Department for review in compliance with the *Town of Meggett Zoning and Land Development Regulations Ordinance (ZLDR)*. Prior to approval, staff may identify and request additional documentation upon review to ensure compliance with the ZLDR.

**Completed Application** (attached)

**Restrictive Covenants Affidavit** (attached)

**Affidavit of Ownership** (attached)

- A signed copy from each individual and/or involved property owner must be submitted.

**3 printed copies of the Plat** (see Final Plat requirements on following page)

- 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, provided 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.
- Lots created and recorded prior to August 15, 1971, shall be exempt from compliance with the design standards, provided that the subject property:
  - Was or is surveyed and platted in accordance with prescribed standards;
  - Has the approval of the Health Department; and
  - Contains no drainage ways or easements needed to drain surrounding properties, as determined by the Public Works Director.
- **Final Plats shall be required for all Subdivisions.**

**Plat Review Fee(s)**

Exempt Subdivision: **\$50.00**

Final Plat: **\$100.00 + \$10.00/Lot**

NOTE: Payments in-person can be made with cash. Check payments can be made in-person or mailed to Town Hall. Credit/Debit Cards (processing fee added) are accepted via online payment or in-person.

**DIGITAL SUBMISSION PREFERRED- PLEASE EMAIL REQUIRED DOCUMENTS**



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# EXEMPT SUBDIVISION FINAL PLAT REQUIREMENTS

Prior to approval, staff may identify and request additional documentation upon review to ensure compliance with the ZLDR.

## **Dimensions, Calculations, & Other Associated Information** (List Not Intended to be Exhaustive)

- All proposed divisions of land shall be shown, including: each Lot showing Lot Lines, with bearings and distances; all Rights-of-Way; all Drainage Easements; names of all Streets; the locations of all Utility Rights-of-Way, and Utility Easements; all Structures; and all sites reserved or dedicated for public uses.
- The title, scale (including graphic scale), north arrow (magnetic, grid, or true), date, name of Applicant, and the name of engineer or surveyor with South Carolina Registration Number shall be shown.
- Block and Lot numbers suitably arranged by simple system.
- All easements shall include their width and centerline.
- The Office of Coastal Resource Management (OCRM) Critical Line.
- The U.S. Army Corps of Engineers' jurisdictional wetlands line on lots less than five acres.
- 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.
- 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.
- Tree surveys are required within all access easements and rights-of-way of all Grand trees.
- At the Zoning Administrator's 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.
- All proposed lots are to locate a minimum buildable area of 40x40, as not to create any undue hardship as to building a structure.

## **Certificates**

- All Land Surveys in the County shall be in accord with the land use designated for the proposed Subdivision of property and the criteria specified in Urban Land Surveys as promulgated by the South Carolina Code of Regulations, 1991, Chapter 49, Article 3, R.400-490, as amended, and described as the "Minimum Standards Manual for the Practice of Land Surveying in South Carolina".
- 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.
- 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.

## **Statements**

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:

- *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.*
- *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.*
- *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.*
- *No public funds shall be used for the maintenance of the roads shown on the plat.*
- *This approval in no way obligates the Town of Meggett to maintain the right-of-way.*

## **Any Recorded Legal Instruments** (i.e., Restrictive Covenants, Road Maintenance Agreements, etc.)



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# APPLICATION FOR SUBDIVISION

Application #: \_\_\_\_\_

<i>OFFICE USE ONLY</i>			
DATE RECEIVED: _____	FEES PAID: _____	DATE COMPLETED: _____	APPROVE / DENY
PLAT RECORDED: BK _____ PG _____	, BK _____ PG _____	DEED: BK _____ PG _____	

## Property Owner(s) Information

Name(s): \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

## Applicant Information

Name(s): \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

## Surveyor Information

Name: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

## Property Information

<b>Subdivision Type (choose one):</b>	<input type="checkbox"/> <b>Exempt Subdivision</b> (NO NEW LOTS)
<input type="checkbox"/> <b>Minor Subdivision</b> (2-10 Lots)	<b>Major Subdivision</b> (11+ Lots): <input type="checkbox"/> <b>PRELIMINARY</b> or <input type="checkbox"/> <b>FINAL</b>

Property Address: \_\_\_\_\_

Parcel ID/TMS#: \_\_\_\_\_

# of Original Lots: \_\_\_\_\_ # of Proposed Lots: \_\_\_\_\_ Total Acreage: \_\_\_\_\_

Zoning District: \_\_\_\_\_ Subdivision Name: \_\_\_\_\_

Preapplication Conference Required or Requested? YES / NO Scheduled Date/Time: \_\_\_\_\_

### INSTRUCTIONS:

- Preapplication Conferences are **REQUIRED** for all Major Subdivisions and strongly encouraged for Minor Subdivisions in order to determine feasibility prior to making an application for subdivision.
- If the application includes more than one (1) parcel and/or more than one (1) owner, the applicant must provide the appropriate deed book/page references, tax parcel numbers, and owner signatures as an attachment.
- Applications for Subdivision are subject to the fees outlined in the Town's Fee Schedule; Major Subdivisions are subject to Public Notice requirements and approval by the Town's Planning Commission.



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# AFFIDAVIT OF OWNERSHIP

Application #: \_\_\_\_\_

Please read the below affirmation carefully, sign if you agree, and return to Zoning & Planning Staff for review.

STATE OF SOUTH CAROLINA            )  
  )  
COUNTY OF CHARLESTON            )  
  )  
TOWN OF MEGGETT                    )

**AFFIDAVIT OF OWNERSHIP**

**KNOW ALL MEN BY THESE PRESENTS**, that I, \_\_\_\_\_:

- 1. Own that certain parcel of land located in the Town of Meggett, County of Charleston, State of South Carolina, bearing TMS# \_\_\_\_\_.
- 2. The property was conveyed to me by \_\_\_\_\_,  
Trustee by deed recorded in the Register of Deeds (ROD) Office (previously known as the Register of Mesne Conveyances [RMC]) of Charleston County in Book \_\_\_\_\_ at Page \_\_\_\_\_.

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

Sworn to (or affirmed) and subscribed  
before me this \_\_\_\_\_ Day of

\_\_\_\_\_ ,

20\_\_\_\_.

**(SEAL)**

\_\_\_\_\_  
Official Signature of Notary

\_\_\_\_\_  
Notary Public for South Carolina

My Commission Expires: \_\_\_\_\_



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# RESTRICTIVE COVENANTS AFFIDAVIT

Application #: \_\_\_\_\_

Please read the below affirmation carefully, sign if you agree, and return to Zoning & Planning Staff for review. Restrictive Covenants are filed with the Register of Deeds Office and copies, should they exist in association with your parcel, may be obtained from their Office.

I have researched the Restrictive Covenants applicable to the parcel identified below and have found that either there are no restrictive covenants applicable to the subject property/properties or that the proposed permit application is not contrary to, does not conflict with, and is not prohibited by any of the Restrictive Covenants, as specified in SC Code Ann. §6-29-1145.

TMS#(s)/PID#(s): \_\_\_\_\_

Address: \_\_\_\_\_

_____ Signature	_____ Printed Name	_____ Date
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**Explanation:**

Effective July 1, 2007, South Carolina Code of Laws §6-29-1145 requires local governments to inquire in the permit application, or in written instructions provided to the applicant, if a tract or parcel of land is restricted by a recorded covenant that is contrary to, conflicts with, or prohibits an activity for which a permit is being sought. A copy of this statute is available below for your convenience.

**SECTION 6-29-1145. Determining existence of restrictive covenant; effect.**

**(A)** In an application for a permit, the local planning agency must inquire in the application or by written instructions to an applicant whether the tract or parcel of land is restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the permitted activity.

**(B)** If a local planning agency has actual notice of a restrictive covenant on a tract or parcel of land that is contrary to, conflicts with, or prohibits the permitted activity:

1. in the application for the permit;
2. from materials or information submitted by the person or persons requesting the permit; or
3. from any other source including, but not limited to, other property holders, the local planning agency must not issue the permit unless the local planning agency receives confirmation from the applicant that the restrictive covenant has been released for the tract or parcel of land by action of the appropriate authority or property holders or by court order.

**(C)** As used in this section:

1. "actual notice" is not constructive notice of documents filed in local offices concerning the property, and does not require the local planning agency to conduct searches in any records offices for filed restrictive covenants;
2. "permit" does not mean an authorization to build or place a structure on a tract or parcel of land; and
3. "restrictive covenant" does not mean a restriction concerning a type of structure that may be built or placed on a tract or parcel of land.

HISTORY: 2007 Act No. 45, Section 3, eff June 4, 2007, applicable to applications for permits filed on and after July 1, 2007; 2007 Act No. 113, Section 2, eff June 27, 2007.