

AGENDA
COLLETON COUNTY COUNCIL
REGULAR MEETING
TUESDAY, MAY 3, 2022
6:00 P.M.
COUNTY COUNCIL CHAMBERS, OLD JAIL BUILDING

1. Call to Order
2. Roll Call
3. Invocation & Pledge of Allegiance
4. Approval of Minutes
 - a) Regular Meeting April 12, 2022
5. Awards and Recognitions
6. Appearances & Public Presentations
 - a) Coastal Empire Community Health Center
7. Administrator's Briefing
8. Public Hearing
 - a) Ordinance 22-O-02, Authorizing the Execution of a Temporary Lease Agreement Between Colleton County and Causie Contracting, Inc. for the Staging of Personnel and Equipment related to the I-95 Construction and Repaving from St. George to Point South.
 - b) Ordinance 22-O-03, To Amend Title 9 – Public Peace and Welfare, Chapter 9.02 – Public Nuisance Generally and Chapter 9.04 – Littering, To Coincide With The Ten Year Update Of The Colleton County Comprehensive Plan
 - c) Ordinance 22-O-04, To Amend Title 13 – Buildings and Construction, Chapter 13.04 – Construction Codes Adopted, Chapter 13.12 – Flood Damage Prevention, Chapter 13.16 – Manufactured Homes and Chapter 13.20 – Uniform Ordinance Summons, To Coincide With The Ten Year Update Of The Colleton County Comprehensive Plan
 - d) Ordinance 22-O-05, To Amend Title 14 – Land Management, Chapter 14.04 – Land Development Regulations And Chapter 14.08 – Zoning, To Coincide With The Ten Year Update Of The Colleton County Comprehensive Plan
9. Old Business
 - a) 3rd Reading Ordinance 22-O-02, Authorizing the Execution of a Temporary Lease Agreement Between Colleton County and Causie Contracting, Inc. for the Staging of Personnel and Equipment related to the I-95 Construction and Repaving from St. George to Point South.

- b) 3rd Reading Ordinance 22-O-03, To Amend Title 9 – Public Peace and Welfare, Chapter 9.02 – Public Nuisance Generally and Chapter 9.04 – Littering, To Coincide With The Ten Year Update Of The Colleton County Comprehensive Plan
 - c) 3rd Reading Ordinance 22-O-04, To Amend Title 13 – Buildings and Construction, Chapter 13.04 – Construction Codes Adopted, Chapter 13.12 – Flood Damage Prevention, Chapter 13.16 – Manufactured Homes and Chapter 13.20 – Uniform Ordinance Summons, To Coincide With The Ten Year Update Of The Colleton County Comprehensive Plan
 - d) 3rd Reading Ordinance 22-O-05, To Amend Title 14 – Land Management, Chapter 14.04 – Land Development Regulations And Chapter 14.08 – Zoning, To Coincide With The Ten Year Update Of The Colleton County Comprehensive Plan
 - e) 2nd Reading Ordinance 22-O-06, To Provide for the Levy of Taxes in Colleton County, South Carolina, for the Fiscal Year July 1, 2022 through June 30, 2023 to Provide for All Other Appropriations Thereof; and to Provide for Other Matters Related Thereto
10. New Business
- a) 1st Reading Ordinance 22-O-08, By Title Only, To Impose, Subject to Referendum Approval and Pursuant to the Capital Project Sales Tax Act, a One Percent (1%) Sales and Use Tax (The "Tax") Within Colleton County for Not More Than Seven (7) Years; To Order a County-Wide Referendum On The Question of Imposing the Tax and to Prescribe the Contents of the Ballot Question; To Specify the Purposes For Which the Proceeds From the Tax Are To Be Used, the Maximum Time For The Imposition Of The Tax; and To Provide For Other Matters Relating Thereto.
 - b) 1st Reading Ordinance 22-O-09, To Authorize the Rezoning a 4.3 Acre Parcel at Bennett's Point, Identified as T.M.S. No. 334-00-00-74, from Community Commercial (CC) to Rural Conservation-2 (RC-2).
 - c) Resolution 22-R-25, To Award the Contract in Accordance with Bid FM-56 for Fleet Maintenance Bay Door Replacement
 - d) Resolution 22-R-26, To Reschedule the July County Council Meeting and Cancel the August County Council Meeting
 - e) Resolution 22-R-27, To Advertise Board Vacancies
 - f) Resolution 22-R-28, To Appoint Members to Board Vacancies
11. Items for Information and Public Record
12. Public Comments (3 minutes per person/max time 20 min.)

13. Council Time
 - a) CPST Project Discussion
14. Executive Session
 - a) Airport Commission – Airport Hanger
 - b) Airport Commission – State Legislative Action
15. Adjournment
16. Informal Meeting of the Whole

COUNTY COUNCIL MEETING ON MAY 3, 2022

Colleton County Council will hold a regular meeting on Tuesday, May 3, 2022, at 6:00 pm. The public will be able to stream the meeting from a link on the County's home page or by going to www.colletoncounty.org/live. Individuals who would like to participate in public comment can do so at www.colletoncounty.org/comment.

MINUTES
TUESDAY, APRIL 12, 2022
REGULAR MEETING
6:00 P.M.

Colleton County Council
Council Chambers, Old Jail Building
109 Benson Street
Walterboro, SC 29488

Present: Chairman Steven Murdaugh called the meeting to order with Council Members Dr. Joseph Flowers, Phillip Taylor, and Art Williams in attendance, with Council Member Gene Whetsell appearing virtually.

Others Included: Kevin Griffin, Sean Thornton, Meagan Utsey, Jon Carpenter, Barry McRoy, David Greene, Sue Keith, Terri Tomedolskey, Mark Wysong, Jamie Harrelson, Holland Maness, Clarence Wiggins, Josh Rowland, Joseph Campbell, Janis Blocker, Carl Coffin, and Jimmy Syfrett.

Phillip Taylor gave the invocation and led the Pledge of Allegiance.

Approval of Minutes

- A. Regular Meeting April 12, 2022—Councilman Taylor moved to approve the minutes of the Regular Meeting held on April 12, 2022. The motion was seconded by Dr. Flowers and the motion carried unanimously.

Awards and Recognitions

- A. **Colleton County Fire-Rescue – South Carolina EMS System of the Year Award**

Chairman Murdaugh stated that this is the first time receiving this award, which is a big honor for us. I would like to have Mr. McRoy come up and speak on the award. However, there was a tragic incident that our fire department had to respond to. We received a very nice email from a gentleman who was employed with DHEC at the time about the service and response from our fire department. I would ask that Mr. McRoy or whomever he deems appropriate to speak on that. Mr. McRoy first I would like to congratulate you and your department. If you would come up and briefly discuss this award and about the accommodation you received from the gentleman.

Mr. McRoy stated that the EMS System of the year award is something that spans about two and half years of work. Our county is a very rural county and we have to carry patients to Charleston on a regular basis to a trauma center. It takes about an hour to get to a surgeon and sometimes patients don't have an hour. We do try to fly them when we can, but sometimes the helicopters are not available. Since we provide medics for the medivac

helicopter, our people have been trained to carry blood. We could not have done this without Council approving to fund this and finance finding those funds. Joey Campbell spent two years going to meetings trying to convince the doctors and all the different committees that DHEC has, he went monthly for an entire year, trying to get them to allow paramedics in the state of South Carolina to try this. He convinced them, we had a lot of support from the trauma centers to let us do this, we proved in a year that it works, and that it works well. There is absolutely no substitution to giving a patient blood, IV fluids just stretches it for a little while, but it just doesn't work. Mr. Campbell would you like to add something, because you are the one who did most of the work.

Mr. Campbell stated that Mr. McRoy about covered it.

Mr. McRoy stated that it was a huge team effort and everyone that was involved with our department worked very hard for it. There was a lot of stipulations that we had to meet and our crews did a wonderful job following it. We did submit it for this year and we were selected. We were very happy about it, because they don't usually select fire departments for the EMS system of the year award. We thank y'all for your support, because without y'all it wouldn't have been possible.

Chairman Murdaugh stated that he believes that because of Colleton County's efforts this is available statewide.

Mr. McRoy stated that it is true, and DHEC actually changed the scope of practice for paramedics in the state of South Carolina to allow any EMS system that wanted to fund it, to carry blood. This is because of the project we pioneered.

Dr. Flowers stated that as a physician I am certainly proud that we have now and it is certainly a life saving measure. IV Fluids just don't cut it and I am happy that we are doing this.

Mr. McRoy stated that the incident that Chairman Murdaugh was speaking about, unfortunately we had a tragic incident on Gadsden Loop were one of our local citizens passed away in a house fire. We had two firefighters attempting to save the patient and they got caught in what was determined to be a "flash over". This is a very rapidly changing incident. When they entered the room there was not a whole lot of fire in there and it was clear where they could see what was going on. In about 58 seconds they had just got to the point where they could locate the patient, and the room flashed over. This is basically when the room just blows up with fire. One of the guys almost didn't get out, we had two firefighters that were burned, we lost a set of turn out gear, and his helmet and coat were on fire. The county funds some of the finest fire gear, so that is something we do not skimp on, and what saved that firefighters life. Another thing is the training they go through. They were trained on this type of incident and it worked perfectly. If we didn't have all these

things and the crews watching the scene like they were we might have had a firefighter fatality.

Chairman Murdaugh stated he would like to congratulate them again.

Mr. Griffin stated that this is the second statewide award that the county has received in the last year. Dr. David Greene heads up our Emergency Management Division, and we recently received the Emergency Management County Division of the year.

Councilman Williams stated that he would like to say congratulations and that you all deserve it from the EMT to the director. I have witnessed some of the work you all have done. Dr. Greene you are doing an amazing job getting the information out to the county especially when there is inclement weather.

Mr. McRoy stated that we appreciate your support, because we couldn't do any of these things without you.

- B. **Proclamation for Colleton County Council's Recognition and Appreciation of Mr. Gregory Kinsey and his Service to Colleton County**— Chairman Steven Murdaugh read the Proclamation aloud. Councilman Taylor moved to approve the Proclamation and the motion was seconded by Councilman Williams. The motion carried unanimously
- C. **Proclamation for Colleton County Council's Recognition and Appreciation of Mr. Patrick Thomas and his Service to Colleton County**— Chairman Steven Murdaugh read the Proclamation aloud. Councilman Williams moved to approve the Proclamation and the motion was seconded by Councilman Taylor. The motion carried unanimously

Appearances and Public Presentation

- A. Walterboro-Colleton Chamber of Commerce – Mark Wysong, President

Mr. Wysong stated he would first like to hand out a copy of the Business Journal and chamber application for reference. I would like to give you an update of where the chamber stands and where it has got to in the first 100 days since I have taken over. The biggest thing we have done is we have changed the mission of the chamber. The mission statement of the chamber is very different as it focuses on prosperity within the community and we are focused on helping existing businesses become more prosperous. We are focused on helping improve the infrastructure within our community. With that, we have changed the structure of the board. When I came on we had six active board members, we will be losing three of those board members this month and are looking to replace them with some new candidates, but we have added four to bring us back up to eight. The biggest challenges that we faced when I took over the chamber were fairly obvious. The ties severed between the county and the city created a real problem for the business community, so repairing those ties were first and foremost. The financial status of the chamber was struggling, so one of the first things we did was eliminate all payroll for the chamber. Every dollar that comes

in the chamber goes back out as a resource for its member business. So, if you become a chamber member you are assured that everything we have goes toward bringing your success. If you notice the tier levels we have created, the bottom tier receives the most benefit with the top tier being the benefactor bringing prosperity back into the lower tier businesses. Members like PRTC, Colleton County Hospital, the school district, and Bee City are examples of benefactor businesses that are helping support the smaller businesses. In order to do that we have done several things, the business journal that is in front of you is produced and printed by the chamber, it is an insert into the Press & Standard, and it is an ad free 100% positive business journal. It covers all the aspects to the people behind the businesses and why folks should do business within Colleton County. We talk about governmental affairs and we talk about things that are going on within the county and within the city and help produce prosperity within our members. We talk about legislation and updates that are pertinent to businesses within the county. The second thing that we have done is created a media production, TV producing studio within our office that allows us to produce media and marketing materials for our members. It airs outside of our county as well as inside the county. We have partnered with PRTC. We also advertise from Georgetown all the way down to Hilton Head. Our social media platforms garner in excess of 20,000 views within a week, so we get a lot of eye balls on the things were doing. We are focused on providing our smaller businesses with resources and in doing so we have a “we work” space in the front of our office. We see that a lot of the smaller businesses don’t have a training center, office space, or conference rooms, so we provide all of that at no charge to our members as it is a part of your membership. We have also created after hours events to our members that are no charge as well. In doing that we have added thirty-five businesses in the first 100 days. We are updating our website and doing everything we can to promote prosperity among the community.

Chairman Murdaugh asked if the membership tiers are an upfront lump sum or are there payment plan options.

Mr. Wysong replied that they do accept quarterly payments starting at the \$1500 level with no interest or fees for doing this, but it does allow larger businesses or people who want to receive the full benefit to budget for it throughout the year. We very much would like to see the county back into the chamber and we understand there is a lot required to do that, but we are working very diligently to demonstrate the value we bring to the business owners and we would like to demonstrate the same to the county.

Chairman Murdaugh thanked Mr. Wysong.

Administrator’s Briefing

Mr. Griffin stated we rolled out our new county website in the last week to ten days. We have tried to make it a lot more interactive. There are a lot more forums and different things you can do online. For example, you can apply to any of our boards and commissions online now. The technology department has worked very diligently to get all of this done, and if there is anything you would like to see added let us know. In regard to our litter control program, we have partnered this month as part of the spring spruce up with SCDOT as well as Earth Day this month with some

funding council actually appropriated in the last budget. Starting as of yesterday for the next few weeks, we will pick up approximately 52 miles of roadways. Just to give you an idea of where they will be; Highway 17A going towards Cottageville, Sniders Highway going towards Snider's Crossroads, Bells Highway to Bells Crossroads, River Street, Robertson Blvd down to Green Pond Highway, Poor Farm Road all the way to the railroad tracks on Green Pond, Clover Hill Road and Ritter to Highway 17A, from the red light at Academy road and Highway 15 all the way to Canady's Crossroads, and also Mt. Carmel Road. Along with information on the website, we have a number, 843-898-8300, to report litter hot spots. If you see an area where someone has been littering, or an area we need to know about and possibly get enforcement action out there, please call this number and report it, it will be confidential. There will also be a form on the website where you can report that information. One item on the agenda I wanted to point out and then I am going to let Mr. Rowland come up and tell you all where we are with the update on the zoning ordinance. Item B, we did speak with council at the last few meetings in regard to finding a new location for Voter Registration, which we have been trying to do for the last year to year and a half. As you all know the new voting systems take up a lot more space than they used to, thankfully PRTC was able to find us some more space in another building they had, but they are all spread out all over the place. We have been able to get the contract on what was the old Rite Aid building at the corner of Bells Highway and Jefferies Blvd. It is about an 11,000 sqft building with a drive thru and some great spaces to be able to set up. I believe it is going to work great for the voters of Colleton County as well as provide the storage that is greatly needed. This will be item "B" under "New Business" which is first reading of an Ordinance for a lease purchase agreement that we will be doing with South State Bank in order to purchase the building. Lastly, if our planning director, Mr. Rowland, will come up. We just updated our comprehensive plan and the state law requires that we update our zoning ordinance.

Chairman Murdaugh asked before Mr. Rowland gets started are we addressing some of these items under "Old Business", Ordinance 03, 04, and 05?

Mr. Griffin answered yes we will address all three of those.

Chairman Murdaugh stated that Council is so very confused on what has changed and what has not changed and why we are having to do this. Is it all required or is part of it required? Hopefully Mr. Rowland can shed some light on that for us.

Mr. Rowland stated to sum up a lot of your questions, yes, the zoning ordinance and planning and development regulations do need to coincide with the comprehensive plan.

***At this time Mr. Rowland reviewed the Staff Review Sheet with council. Please see attached review sheet.

Dr. Flowers asked about the section of the code where the construction of agricultural structures is permitted in front of a dwelling.

Mr. Rowland replied, from my understanding it is going to allow for agricultural structures to be placed in the front set back range to follow a lot commercial zonings that would allow for that. In the RD-1 and RD-2 Zoning Districts only, accessory structures of any size on agricultural properties of 5 acres or more, may be located in the front yard between the principal structure and

be no closer than 50 feet from the front property line, if provided with a natural landscaped buffer which has the opacity of a solid wall in accordance with section 14.08-4.020 (D)(3), to ensure complete concealment of the structure from any public/private rights-of-way and on the sides facing any residential dwelling units located within 300 feet of the structure on any abutting properties. 14.08-3.020 – Accessory Structures (A)(6) – Due to a recent Variance Case, the placement of Accessory Structures on farmlands in only the RD-1 and RD-2 Zoning Districts has been made more realistic and in line with Commercial Zoning Districts.

Chairman Murdaugh stated so this will actually make it less restrictive.

Mr. Griffin stated if you recall we had an issue come up or a couple of them. For example, you're in Smoaks and you have 40-60 acres and the individual has their house set back off the road, but they want to put a tractor shed up front to service it, the code did not allow that. It had to be at the line or behind, so that is trying to address that to be more flexible with those larger lot areas.

Chairman Murdaugh stated that he actually went and visited that site and he was trying to get a waiver. Although one of these Ordinances are 190 pages it hasn't changed a lot other than some of the things that you discussed already tonight. I did notice that at the top of these Ordinances it states that the Planning Commission reviewed them, and I am curious about the dates and the reason for the gap in time.

Mr. Rowland replied that one reason was Covid-19 and the other reason was the change in directors. The previous director had finalized a few of the items with one of the major outstanding items was review from DNR to make sure we were in compliance. So that was one of the hold ups, in addition to the previous director wanting to combine zoning districts. After talking to the planning commission, and in my opinion it over complicated things. We believed that it would confuse the public so we reverted back to the original way the code was read, and by doing that we had to take it back in front of the Planning Commission.

Chairman Murdaugh stated in reference to Ordinance 22-O-03, I see the Planning Commission was involved in that, I believe these are nuisances as to it relates to the land, but not noise. I know we had some issues with some business establishments. There is nothing in these particular Ordinances that would help resolve any of that.

Mr. Griffin replied that is correct. We researched that with the county attorney and as we were looking at a couple different instances, that actually has to fall back on law enforcement. There is a process there to deal with those directly. One other item that I want to discuss involving the litter control portion. We have actually given our litter enforcement officers the ability to write tickets for litter enforcement. Prior to that we would actually have to get a Sheriff's Deputy or Class 3 Officer to write the ticket. Chet and our other personnel working litter control can do that directly now and don't have to find someone to help them.

Councilman Williams stated that he noticed that Mr. Rowland said the state requires 2 feet and the county is trying to promote 3 feet as far as the receptacles are concerned. I know we don't want to operate at minimum standards, but do you see at any point that this may create a hardship for any

of the residents by requiring in excess of what the state requires? Also, how consistent are we in Colleton County with other counties requiring the excess?

Mr. Rowland replied that we do not feel like this would increase a hardship. We looked at Charleston County, and our Flood Plan Administrator just got out of a conference and a lot of other counties are talking about moving up to that three feet. The biggest thing for us is last year when the CBRS came in and did their 5 year review we actually lost points and it moved us from a seven to an eight and we lost percentages from our insurance for the residents in the county. We spoke with DNR and FEMA, about moving it up. FEMA's regulation is that two feet, which again is bare minimum. The one thing we were having an issue with, as well as, architects and engineers is there is no consistency and it was creating confusion. Getting to the three feet not only allows for consistency in architectural design, but also allows consistency for our plan reviews and benefits the residence on flood insurance inside and outside the flood areas.

Councilman Whetsell asked if there is anything in these ordinances to help take care of the dogs.

Chairman Murdaugh replied I do not think this is the right ordinance for that.

Mr. Rowland stated that part of updating the zoning ordinance would be to update the zoning maps. The primary areas are west of I-95, this would be the Colleton Mega Site. The comprehensive plan mentioned that it would be for industrial use, so we have made those changes both in the Canady's area. Additionally to that, the Town of Lodge, in 2020 we had approved an ordinance for the planning department to oversee everything that will be going on in their jurisdiction. In doing so we never created a zoning map to have those standards. We did a review of that and with our recommendation; the Planning Commission reviewed and agreed to go for community commercial within the center of the town. Both are going to be rural development 2, the light green, which will be the majority of the county. Minimum lot size is half an acre and still allows for all the residential agriculture uses. The one thing we can say by going through everything we are not creating any non-conforming uses, so any existing will be able to maintain and grow. This is just giving the opportunity for it to happen in a more rural nature instead of urban.

Dr. Flowers addresses Mr. Griffin and asked about the quantity of litter tickets that the county has written.

Mr. Griffin replied that he can get that information.

Dr. Flowers stated that he would also like to know the dispositions made by the Magistrates. There is a litter problem in this county and we have got to get it cleaned up and enforce it. We need to look at this when we are discussing our budget for this year and see if we can't do something to get this county cleaned up.

Old Business

- A. **2nd Reading Ordinance 22-O-03, To Amend Title 9 – Public Peace and Welfare, Chapter 9.02 – Public Nuisance Generally and Chapter 9.04 – Littering, To Coincide With The Ten Year Update Of The Colleton County Comprehensive Plan**

Dr. Flowers moved to approve the 2nd Reading Ordinance 22-O-03, To Amend Title 9 – Public Peace and Welfare, Chapter 9.02 – Public Nuisance Generally and Chapter 9.04 – Littering, To Coincide with the Ten Year Update of the Colleton County Comprehensive Plan. The motion was seconded by Councilman Taylor. The motion was carried unanimously.

B. 2nd Reading Ordinance 22-O-04, To Amend Title 13 – Buildings and Construction, Chapter 13.04 – Construction Codes Adopted, Chapter 13.12 – Flood Damage Prevention, Chapter 13.16 – Manufactured Homes and Chapter 13.20 – Uniform Ordinance Summons, To Coincide With The Ten Year Update Of The Colleton County Comprehensive Plan

Councilman Taylor moved to approve the 2nd Reading Ordinance 22-O-04, To Amend Title 13 – Buildings and Construction, Chapter 13.04 – Construction Codes Adopted, Chapter 13.12 – Flood Damage Prevention, Chapter 13.16 – Manufactured Homes and Chapter 13.20 – Uniform Ordinance Summons, To Coincide With The Ten Year Update Of The Colleton County Comprehensive Plan. The motion was seconded by Councilman Williams. The motion was carried unanimously.

C. 2nd Reading Ordinance 22-O-05, To Amend Title 14 – Land Management, Chapter 14.04 – Land Development Regulations And Chapter 14.08 – Zoning, To Coincide With The Ten Year Update Of The Colleton County Comprehensive Plan

Dr. Flowers moved to approve the 2nd Reading Ordinance 22-O-05, To Amend Title 14 – Land Management, Chapter 14.04 – Land Development Regulations And Chapter 14.08 – Zoning, To Coincide With The Ten Year Update Of The Colleton County Comprehensive Plan. The motion was seconded by Councilman Williams. The motion was carried unanimously.

New Business

A. 1st Reading Ordinance 22-O-06, By Title Only, To Provide for the Levy of Taxes in Colleton County, South Carolina, for the Fiscal Year July 1, 2022 through June 30, 2023 to Provide for All Other Appropriations Thereof; and to Provide for Other Matters Related Thereto

Councilman Williams moved to approve the 22-O-06, By Title Only, By Title Only, To Provide for the Levy of Taxes in Colleton County, South Carolina, for the Fiscal Year July 1, 2022 through June 30, 2023 to Provide for All Other Appropriations Thereof; and to Provide for Other Matters Related Thereto. This motion was seconded by Councilman Taylor. The motion carried unanimously.

B. 1st Reading Ordinance 22-O-07, By Title Only, To Authorize the Acquisition of Certain Real Estate and Appurtenant Interests by Colleton County, South Carolina

by Mortgage Financing in the Amount of Not Exceeding \$750,000; the Execution and Delivery of Certain Instruments, Including a Mortgage Note by Colleton County; and Other Matters Relating Thereto

Dr. Flowers moved to approve the 1st Reading Ordinance 22-O-07, By Title Only, To Authorize the Acquisition of Certain Real Estate and Appurtenant Interests by Colleton County, South Carolina by Mortgage Financing in the Amount of Not Exceeding \$750,000; the Execution and Delivery of Certain Instruments, Including a Mortgage Note by Colleton County; and Other Matters Relating Thereto. The motion was seconded by Councilman Taylor. The motion carried unanimously.

C. Resolution 22-R-13, To Accept the Grant for the Colleton County Summer Feeding Program for 2022

Councilman Williams moved to approve Resolution 22-R-13, To Accept the Grant for the Colleton County Summer Feeding Program for 2022. The motion was seconded by Dr. Flowers. The motion carried unanimously.

D. Resolution 22-R-14, To Declare April as Fair Housing Month

Councilman Williams moved to approve Resolution 22-R-14, To Declare April as Fair Housing Month. The motion was seconded by Councilman Taylor. The motion carried unanimously.

E. Resolution 22-R-15, To Approve a Policy of Non-Discrimination on the Basis of Disability Status and to Designate an ADA Coordinator

Dr. Flowers moved to approve Resolution 22-R-15, To Approve a Policy of Non-Discrimination on the Basis of Disability Status and to Designate an ADA Coordinator. The motion was seconded by Councilman Taylor. The motion carried unanimously.

F. Resolution 22-R-16, To Establish Priorities for the 2022 Annual CDBG County Needs Assessment

Dr. Flowers moved to approve Resolution 22-R-16, To Establish Priorities for the 2022 Annual CDBG County Needs Assessment. The motion was seconded by Councilman Taylor. The motion carried unanimously.

G. Resolution 22-R-17, To Authorize a Five-Year Sole Source Purchasing Arrangement for Kenworth Trucks

Dr. Flowers moved to approve Resolution 22-R-17, To Authorize a Five-Year Sole Source Purchasing Arrangement for Kenworth Trucks. The motion was seconded by Councilman Whetsell. The motion carried unanimously.

H. **Resolution 22-R-18, To Award the Contract for the Resurfacing of South Carolina Department of Transportation Roadways and Colleton County Roadways**

Councilman Williams moved to approve Resolution 22-R-18, To Award the Contract for the Resurfacing of South Carolina Department of Transportation Roadways and Colleton County Roadways. The motion was seconded by Councilman Taylor. The motion carried unanimously.

I. **Resolution 22-R-19, To Authorize the Submittal of a Grant Application for the Bulletproof Vest Partnership (BVP) FY 2021 Award for the Purchase of Bulletproof Vests**

Dr. Flowers moved to approve Resolution 22-R-19, To Authorize the Submittal of a Grant Application for the Bulletproof Vest Partnership (BVP) FY 2021 Award for the Purchase of Bulletproof Vests. The motion was seconded by Councilman Whetsell. The motion carried unanimously.

J. **Resolution 22-R-20, To Advertise Board Vacancies**

Dr. Flowers moved to approve Resolution 22-R-20, To Advertise Board Vacancies. The motion was seconded by Councilman Whetsell. The motion carried unanimously.

K. **Resolution 22-R-21, To Appoint Members to Board Vacancies**

Dr. Flowers moved to approve Resolution 22-R-21, To Appoint Members to Board Vacancies. The motion was seconded by Councilman Williams. The motion carried unanimously.

L. **Resolution 22-R-22, To Declare April Child Abuse Prevention and Sexual Assault Awareness Month**

Councilman Williams moved to approve Resolution 22-R-22, To Declare April Child Abuse Prevention and Sexual Assault Awareness Month. The motion was seconded by Councilman Taylor. The motion carried unanimously.

M. **Resolution 22-R-23, To Approve Amendment of the Agreement for Development of a Joint County Industrial Park, by and between Charleston County, South Carolina and Colleton County, South Carolina, Providing for the Development of a Jointly Owned and Operated Industrial/Business Park, so as to Include Additional Property in Charleston County as Part of the Joint County Industrial Park**

Councilman Taylor moved to approve Resolution 22-R-23, To Approve Amendment of the Agreement for Development of a Joint County Industrial Park, by and between Charleston County, South Carolina and Colleton County, South Carolina, Providing for the Development of a Jointly Owned and Operated Industrial/Business Park, so as to Include

Additional Property in Charleston County as Part of the Joint County Industrial Park. The motion was seconded by Dr. Flowers. The motion carried unanimously.

N. **Resolution 22-R-24, To Approve Amendment of the Agreement for the Establishment of a Multi-County Industrial/Business Park for Properties Located in a Redevelopment Project Area, by and between Charleston County, South Carolina and Colleton County, South Carolina, Providing for the Development of a Multi-County Industrial/Business Park, so as to Include Additional Property in Charleston County as Part of the Multi-County Industrial/Business Park**

Dr. Flowers moved to approve Resolution 22-R-24, To Approve Amendment of the Agreement for the Establishment of a Multi-County Industrial/Business Park for Properties Located in a Redevelopment Project Area, by and between Charleston County, South Carolina and Colleton County, South Carolina, Providing for the Development of a Multi-County Industrial/Business Park, so as to Include Additional Property in Charleston County as Part of the Multi-County Industrial/Business Park. The motion was seconded by Councilman Williams. The motion carried unanimously.

Council Time

Councilman Taylor asked if council is riding together for the Rice Festival Parade or separate.

Councilman Williams stated he will be riding solo.

Chairman Murdaugh asked Ms. Brinson if she had received an application.

Ms. Brinson replied that we have not, but that she will handle the application process this week.

No further discussion.

Executive Session

Councilman Taylor moved to go into executive session to discuss the following: Real Estate–Easement Green Pond Railway, Legal– CPST Referendum Procedures, Personnel– Fire-Rescue, and Economic Development–Project Ruby. Councilman Williams seconded the motion. The motion carried unanimously.

Councilman Williams moved to exit executive session. Councilman Whetsell seconded the motion, which carried unanimously.

Chairman Murdaugh stated that we were back in open session, during Executive Session we discussed: Real Estate–Easement Green Pond Railway, Legal– CPST Referendum Procedures, Personnel– Fire-Rescue, and Economic Development–Project Ruby.

Chairman Murdaugh moved to approve pay increases for the Library in accordance to discussions pursuant to executive session from the library reserve fund. Dr. Flowers seconded the motion, which carried unanimously.

Chairman Madaugh moved that we renew the Capital Project Sales Tax Referendum and that we proceed and move forward and direct the Capital Project Sales Tax Committee to move forward with the referendum. Dr. Flowers seconded the motion, which carried unanimously.

Chairman Murdaugh moved to authorize pay increases as discussed in executive session for the fire-rescue commission. Dr. Flowers seconded the motion, which carried unanimously.

Adjournment

Councilman Taylor moved to adjourn the meeting, Councilman Williams seconded the motion, which carried unanimously.

This ____ day of May, 2022.

Steven D. Murdaugh, Chairman

ATTEST:

Kaela Brinson, Clerk to Council

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Coastal Empire Community
Mental Health Center

Colleton County Clinic



Physical Address:
507 Forest Circle
Walterboro, SC 29488

Our mission ...

“To support the recovery of people with mental illnesses.”

Priority is to treat adults with serious and persistent mental illnesses and children with severe emotional disturbances.



Services we provide...

- Clinic Based Outpatient
- Services at the Schools
- Consultation to Detention Center
- Consultation to Medical Center
- Community Education
- Community Support
- Mobile Crisis 24/7



Community Collaboration . . .

- Colleton County Probate
- Colleton Medical Center
- Walterboro Public Safety
- Pillars 4 Hope
- Lowcountry Community Agency
Shelter Safe Haven
- In His Name Colleton Shelter
- Colleton County School District
- Department of Social Services
- Private Physicians in the Community

Admissions ...

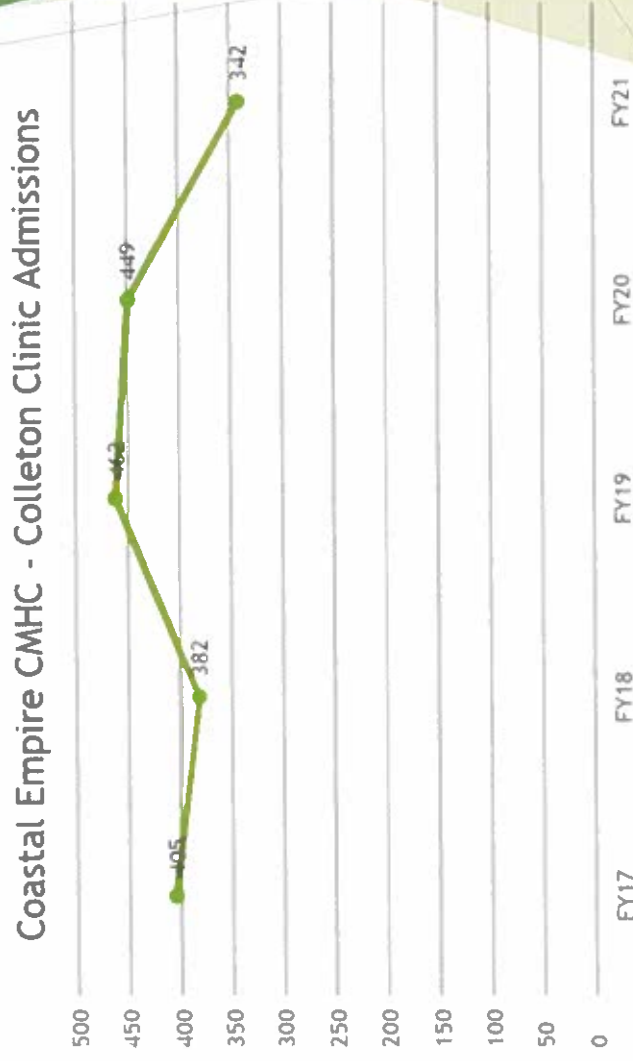
FY17 = 405

FY18 = 382

FY19 = 462

FY20 = 449

FY21 = 342



Services Provided ...

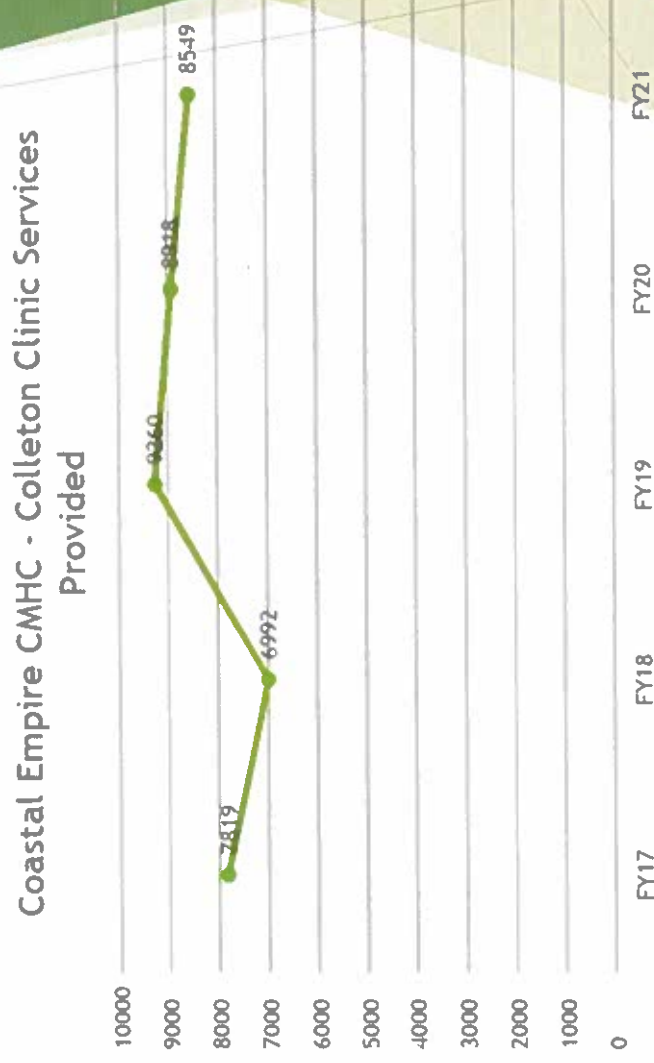
FY17 = 7,819

FY18 = 6,992

FY19 = 9,260

FY20 = 8,918

FY21 = 8,549



Those we serve ...

Your
Friends



Your family

Your neighbors

County Support is important . . .

- ▶ Population growth increasing Mental Health demand
- ▶ Untreated Mental Illnesses can lead to tragedy in the community
- ▶ Law Enforcement/Detention Center/Probation/DJJ need us
- ▶ DSS needs us....
- ▶ Schools need us...
- ▶ Hospitals needs us...
- ▶ Our community needs us...
- ▶ You need us.

THANK
YOU

Sponsor(s) : County Council
First Reading : February 1, 2022
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A
Second Reading : March 1, 2022
Public Hearing : April 5, 2022
Third Reading : April 5, 2022
Effective Date : Immediately

I, _____, Council Clerk,
certify that this Ordinance was
advertised for Public Hearing

_____.

ORDINANCE NO. 22-O-02

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[An Ordinance Authorizing the Execution of a Temporary Lease Agreement Between Colleton County and Causie Contracting, Inc. for the Staging of Personnel and Equipment related to the I-95 Construction and Repaving from St. George to Point South.]

WHEREAS:

1. Causie Contracting, Inc. contacted the County and requested to temporarily lease the property located at 153 Risher Mountain Road for the staging of personnel and equipment related to the I-95 construction and repaving from St. George to Point South; and
2. County Council deems it to be in the best interests of the County to authorize this temporary lease.

NOW THEREFORE BE IT ENACTED BY THE COLLETON COUNTY COUNCIL DULY ASSEMBLED THAT:

1. Pending approval of the document by the County Attorney, the County Administrator is authorized to execute on behalf of the County a Temporary Lease Agreement with Causie Contracting, Inc. for the staging of personnel and equipment related to the I-95 construction and repaving from St. George to Point South.
2. Severability:

If any provision of this Ordinance or the application thereof to any person or circumstance is held to be invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

3. Conflict:

Provisions in other County Ordinances, Resolutions, policies, or by-laws in conflict with this Ordinance are hereby repealed.

ATTEST:

SIGNED:

Kaela Brinson, Council Clerk

Steven D. Murdaugh, Chairman

Approved as to Form
Sean Thornton, County Attorney

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
First Reading : March 1, 2022
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A
Second Reading : April 5, 2022
Public Hearing : May 3, 2022
Third Reading : May 3, 2022
Effective Date : Immediately

I, _____,
Council Clerk, certify that this
Ordinance was advertised for
Public Hearing on _____.

ORDINANCE NO. 22-O-03

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[TO AMEND TITLE 9 – PUBLIC PEACE AND WELFARE, CHAPTER 9.02 – PUBLIC NUISANCE GENERALLY AND CHAPTER 9.04 – LITTERING, TO COINCIDE WITH THE TEN YEAR UPDATE OF THE COLLETON COUNTY COMPREHENSIVE PLAN.]

WHEREAS:

1. Title 9 – Public Peace and Welfare, Chapter 9.02 – Public Nuisance Generally and Chapter 9.04 – Littering, of the Colleton County Code of Ordinances were reviewed by the Planning Commission on August 24, 2020 and October 26, 2020; and
2. Chapters 9.02 and 9.04 were edited for legal sufficiency, redundancy and/or unnecessary words and phrases, and updated and clarified simplified phrases in order to be current with the accepted American Planning Association (APA) principles and practices; and
3. County Council believes it is in the best interest of the citizens of Colleton County to approve the changes set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY COLLETON COUNTY COUNCIL, DULY ASSEMBLED, THAT:

1. **Title 9 – Public Peace and Welfare, Chapter 9.02 – Public Nuisances Generally**, of the Colleton County Code of Laws (the same being inclusive of and one with the Originating and Amending Ordinances), and all subparagraphs thereof, is hereby amended in its totality to read as follows:

CHAPTER 9.02. - PUBLIC NUISANCES GENERALLY

Sections:

- 9.02.010. - Public nuisances—General.**
- 9.02.020. - Definitions.**
- 9.02.030. - Unlawful property nuisance.**
- 9.02.040. - Public nuisance declared.**
- 9.02.050. - Responsibility for property maintenance.**

- 9.02.060. - Right to enter property to inspect or abate.**
- 9.02.070. - Abatement procedure/compliance order.**
- 9.02.080. - Voluntary correction.**
- 9.02.090. - Demolition permit fee waiver.**
- 9.02.100. - Mobile home moving permit—Fee waived for salvage.**
- 9.02.110. - Abatement by county.**
- 9.02.120. - Penalties.**
- 9.02.130. - Exemptions.**
- 9.02.140. - Means of appeal.**

9.02.010. - Public nuisances—General.

Public nuisances can substantially degrade residential and business areas, decrease property values, and promote rural blight and deterioration and often violate health and sanitation requirements. This law has been adopted for Colleton County residents to provide for steady and consistent improvement of the general health, safety, and welfare, in the unincorporated areas of Colleton County.

9.02.020. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abatement means action to terminate, stop, cease, repair, rehabilitate, replace, demolish, remove, correct or otherwise remedy or cure nuisance activity, conditions, premises or conduct by such means as to bring the nuisance into compliance with the codes of Colleton County and/or the State in such a manner as is necessary to promote the general health, safety and welfare of the public.

Compliance officer means the county planning and development director (hereinafter director), zoning administrator, code enforcement officer, litter control officer, floodplain administrator, sheriff's deputies, and fire marshal, or anyone qualified that the director designates to act in such capacity on his behalf, or anyone designated as such by the county administrator.

County means Colleton County, South Carolina.

Minor means any person under 18 years of age, and who is not emancipated.

Motor vehicle means every vehicle that is self-propelled, to include automobiles, airplanes, motorcycles, watercraft, tractor trailer rigs, heavy equipment, farm tractors and equipment, and/or other such mechanized devices.

Owner means the owner or owners of any premises or real or personal property.

Premises means any location, building or structure, lot, parcel, property, land or portion thereof.

Public nuisance means any condition, activity or device located on premises, which constitutes a health or safety hazard and/or which is or may be unsafe or dangerous or which may reasonably be expected to attract children to the premises and risk injury by their playing with, in, or on it.

Responsible party or person means any individual, business or entity responsible for creating, causing, maintaining or permitting the nuisance activity, premises, condition or conduct; and includes, but is not limited to, the property owner, tenant, lessee, possessor, or occupant, the president or officers of a corporation or business.

9.02.030. - Unlawful property nuisance.

It is unlawful for any person owning, renting, leasing, occupying, managing or having charge of, or possessing any real property in the county to maintain such premises in such a manner that any of the following conditions exist thereon:

- A. An abandoned house or manufactured home such as:
 1. An unoccupied and unsecured house or manufactured home that allows access into the dwelling;
 2. A partially set up, reconstructed, or demolished house or manufactured home where work is abandoned for 120 consecutive days;
 3. A damaged or partially destroyed house or manufactured home not removed or repaired within 120 days after the damage or destruction;
 4. A house or manufactured home that is extensively deteriorated, does not have approved and/or operable utilities, such as water, and/or septic service.
- B. Property maintained in a condition so defective, unsightly, or in a state of such deterioration, disrepair or neglect that it causes a health, safety or fire hazard or a public nuisance to children or others such as:
 1. The accumulation of dirt, litter, refuse, trash or debris in carports, parking areas, driveways, front, side, or rear yards, vestibules, doorways, roofs, or on an adjoining sidewalk, easement, access-way, or alley;
 2. Storage of personal property (other than items designed for outdoor use) in the front, side, or rear yards visible from public roads or neighboring properties, including, but not limited to, abandoned, unregistered, inoperative, broken, dismantled, or discarded motor vehicles or parts, building materials not currently being used for the construction of improvements on the site,

appliances, household furniture or furnishings, equipment, tools, machinery, garbage bags or cans, boxes, trash, debris, or rubbish.

- C. Any type of vegetation which is rotted, dead, decayed, diseased, overgrown, or likely to fuel a fire, harbor rats, snakes, insect infestations, or other vermin, or which is detrimental to neighboring properties and property values. This subsection shall be applicable to every property where any type of building, facility or other structure is located, regardless of the condition of the structure. This subsection shall not apply to:
1. Property in its natural, undisturbed and unimproved state, or property devoid of any structures that hasn't been improved or occupied for at least 15 years;
 2. Property used primarily for agricultural purposes;
 3. Natural wildlife areas, open fields, swamps, marshes, glades, or other similar types of natural settings.
- D. The discharge of sewage or untreated wastewater into any body of water, yard, open ditch, storm sewer or onto any abutting property.
- E. A motor vehicle that is unlicensed, unregistered, inoperable, abandoned, and/or derelict upon any street, road, thoroughfare, or property.
- F. Any clothing, linen, towels, laundry, rugs, mattresses, and other similar material hung, placed, or attached to power lines, trees, bushes, fences, buildings, railings, or walls and visible from public roads or neighboring properties.
- G. Any violation of the zoning codes, such as using property in violation of the provisions of any zoning district, conditional use, special exception, planned development, variance or any other land use entitlement or permit.
- H. Any house, manufactured home, property, condition or activity which is deemed a "public nuisance" as defined by the State of South Carolina.

9.02.040. - Public nuisance declared.

Any property found to be in violation of any of the provisions of section 9.02.030 is declared a public nuisance and shall be abated pursuant to the procedures set forth herein which shall not be exclusive nor limit or restrict the county from enforcing other county ordinances or abating public nuisances in any manner provided by law.

9.02.050. - Responsibility for property maintenance.

Every responsible party who owns or occupies property within the county is required to maintain such property in a manner that does not violate the provisions of this chapter.

9.02.060. - Right to enter property to inspect or abate.

Any compliance officer of the county must secure permission from the property owner to inspect or abate any premises whenever necessary to secure compliance with, or prevent violation of, any provision of this chapter. Where a violation is in clear view from a public road or any surrounding property, on which permission has been granted to enter, the compliance officer may issue a summons for the violation.

9.02.070. - Abatement procedure/compliance order.

- A. Whenever the compliance officer determines that any property is maintained in violation of any of the provisions of this chapter, they shall serve upon one or more of the responsible parties a written compliance order citing:
 - 1. The date and location of the violation(s);
 - 2. The section(s) of the code(s) violated and a brief description of the violation(s);
 - 3. The actions required to correct the violation(s) or abate the condition(s);
 - 4. The time period after which the county will enter the property to abate the condition(s).
- B. The time period for abatement shall be at least 30 days, unless determined by the compliance officer that the conditions constitute an imminent threat to the public health, safety or welfare. The compliance officer may grant an extension of up to 180 days upon good cause, provided the responsible party signs a written agreement to voluntarily abate the nuisance by a date certain. The zoning board of appeals may grant a one-time extension of up to 180 additional days to the time provided by the compliance officer, where the board deems such extension is warranted.
- C. Service under this section may be accomplished by direct personal delivery to such persons, but if the whereabouts of the responsible persons cannot be ascertained through reasonable diligence, the serving of the compliance order may also be made by publishing it once each week for two consecutive weeks in a newspaper of general circulation in the county and notice shall be posted on the property and allowed to remain for up to 30 days and shall indicate the nature of the violation, identification of the property affected, with date of posting, and contact information.

9.02.080. - Voluntary correction.

- A. Applicability. This section applies when the county compliance officer determines that a violation of county codes or regulations has or is occurring.
 - 1. General. The compliance officer shall pursue a reasonable attempt to secure voluntary correction by causing written notice to be given to the violator where possible, or to the owner of record at the assigned E-911 address, explaining the violation(s), the abatement required with deadline, and the appeals process.

2. Issuance of voluntary correction agreement. A voluntary correction agreement may be entered into between the violator and the county, acting through the director.
- B. Content of voluntary correction agreement. The voluntary correction agreement is a contract, between the county, represented by the director, and the violator, under which the violator agrees to abate the violation within a specified time and according to specified conditions. The timeframe shall be as short as possible, not to exceed 180 days, and may have measurable milestones at a maximum of 45-day intervals. The voluntary correction agreement shall include the following:
1. The name and address of the violator;
 2. The E-911 street address, property/parcel TMS number, or a description sufficient for identification of the premises, house, manufactured home, property, or land upon or within which the violation(s) has or is occurring;
 3. A description of the violation(s) and a reference to the provision of the county Code section(s) or regulation(s) which have been violated;
 4. The necessary corrective action(s) to be taken, and a date certain by which correction(s) must be completed, phased if necessary, with defined requirements for task completion at specific intervals;
 5. An agreement by the violator that the county may abate the violation(s) and recover its costs and expenses and a monetary penalty pursuant to this chapter from the violator, if the terms of the voluntary correction agreement are not met; and
 6. An agreement that by entering into the voluntary corrective agreement, the violator waives the right to an administrative appeal of the violation(s) and/or the required corrective action.
- C. Right to a hearing waived. The violator waives the right to an administrative appeal of the violation(s) and the required corrective action upon entering into a voluntary corrective agreement.
- D. Abatement by the county. The county may abate the violation(s) if the terms of the voluntary corrective agreement are not met, in accordance with section 9.02.110.

9.02.090. - Demolition permit fee waiver.

The demolition permit fee charged by Colleton County is waived for any responsible party who is correcting a condition citable under this chapter.

- A. Any county resident who loses a house or mobile home in a fire may dispose of the fire debris at the Colleton County Landfill at no charge. This fee waiver does not apply to any commercial building or structure.
- B. Any metal from the burned house or mobile home must be separated from the debris, and if brought to the landfill, be deposited in the metal recycling area.
- C. No hazardous materials or regular household waste/garbage may be included with the fire debris.

9.02.100. - Mobile home moving permit—Fee waived for salvage.

The delinquent tax office is authorized to waive the permit fee for moving a mobile home for the purpose of salvage. Such permits shall be issued only when the mobile home is being dismantled in a salvage operation, and the permit shall include the name, address, and telephone number of the salvage company; the address where the mobile home is being moved from; the name, address, and telephone number of the current owner of the mobile home; and any other information required by the delinquent tax office.

9.02.110. - Abatement by county.

- A. Should any property owner, agent or occupant fail to comply with an order to abate violations of such property, the county reserves the right, in addition to other penalties, to cause by proper means such property to be abated of violations. The cost of such abatement shall be billed to the owner, agent, or occupant to be paid in full within 30 days. In addition, an administrative fee of \$50.00 or 15 percent of the actual cost of abatement, whichever is greater, shall be applied to the cost. Whenever said bill has not been paid within the prescribed time period, the county shall apply all costs as a lien on the property; and/or such costs shall be applied to the annual tax levied and shall be collected by the county in addition to annual property tax; or collection shall be achieved by other means, as may be available, and provided by law.
- B. Payment of such liens placed by the county against abated property may be negotiated by the director when such negotiation is deemed to be in the best interest of the county. The director shall be authorized to waive up to 50 percent of the lien within the first five years after the recording of the lien, and up to 25 percent within five to seven years after recording. No negotiation shall occur for any lien waivers beyond seven years from recording. Such negotiated liens must be paid in full.

9.02.120. - Penalties.

- A. Any person who violates any provision of this chapter is guilty of a misdemeanor and, upon conviction, must be fined not more than \$500.00 per violation and/or be imprisoned for not less than two days nor more than 30 days. No fine imposed pursuant to this chapter may be suspended to less than \$250.00. No sentence of

imprisonment imposed pursuant to this chapter may be suspended. Any punishment including fines imposed pursuant to a criminal conviction for a violation of this chapter shall be separate and apart from any inspection costs and cleanup or abatement costs incurred by the county in abating said nuisances; and shall be in addition to all other remedies available to the county under state law and local ordinances.

- B. Each day that the nuisance continues to exist shall constitute a new and separate violation.

9.02.130. - Exemptions.

- A. The motor vehicle provisions of this chapter shall not apply to the following:

1. Authorized salvage yards and other related businesses duly operated, regulated, and in compliance with all other county ordinances.
2. Vehicles which bear current "antique" license plates as issued by the state department of motor vehicles.
3. Any motor vehicle which is in relatively good condition, can be moved under its own power, and can pass a vehicle safety inspection, yet does not have current license plates due to owner's illness or other reasonable and verifiable causes as determined by the director or his designated compliance officer.
4. Motor vehicles properly stored within an enclosed building or an opaque fence or enclosure, so as not to be visible, as determined by the director or his designated compliance officer.
5. Where a permit has been attained from the planning and development department for vehicles for sale, when such vehicles are operable but don't bear current license plates (such permit should not exceed 120 days).
6. Authentic/verifiable stock, dirt track, or drag race cars or other relevant race cars or motor vehicles which are being used on a regular basis, are able to move under their own power, and have been determined by the director or his designated compliance officer to be true race cars or motor vehicles.

- B. This chapter shall not be applicable to farm storage vessels, such as school buses or storage containers, when such containers are screened from public view, used primarily for agricultural purposes, and are clearly used regularly.

9.02.140. - Means of appeal.

- A. The zoning board of appeals, established in section 14.08-7.010, shall hear all appeals originating from actions taken pursuant to this chapter.
- B. Application for appeal. Any person directly affected by a decision of the compliance officer or a notice or order issued under this chapter shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 30 days after the day the decision, notice, or order was served at the property, to the person responsible, or to the owner. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted hereunder have been incorrectly interpreted, the provision(s) of this Code do not fully apply, or the requirements of this Code are adequately satisfied by other means, or that the strict application of any requirement of this Code would cause undue hardship.
- C. Notice of meeting. The board shall hear the appeal at their next regularly scheduled monthly meeting, where enough time exists to publish the required public notice in advance of the meeting.
- D. Open hearing. All hearings before the board shall be open to the public and be published in a newspaper of general circulation 15 days prior to the hearing. The appellant, the appellant's representative, the compliance officer, and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of a majority of the five member board.
- E. Procedure. The board shall adopt and make available to the public, through the secretary, procedures under which a hearing shall be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received, as determined by the director.
- F. Board decision. The board may uphold, modify, or reverse the decision of the compliance officer or grant a one-time extension of no more than 180 days additional to the days already granted by the compliance officer for abatement. Such decisions shall only be made by a concurring vote of a majority of the board members present.
- G. Records and copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the director.
- H. Administration. The director shall cause the compliance officer to take immediate action in accordance with the decision of the board.
- I. Court review. Any person, whether or not a previous party of the appeal, shall have the right to appeal to the circuit court.

J. Stays of enforcement. Appeals of notice and orders (other than imminent danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

2. **Title 9 – Public Peace and Welfare, Chapter 9.04 – Littering**, of the Colleton County Code of Laws (the same being inclusive of and one with the Originating and Amending Ordinances), and all subparagraphs thereof, is hereby amended in its totality to read as follows:

CHAPTER 9.04. - LITTERING

Sections:

9.04.010. – Definitions.

9.04.020. – Control of litter.

9.04.030. - Enforcement.

9.02.040. - Penalties.

9.04.010. - Definitions.

For the purposes of this chapter, the following terms, phrases, or words shall have the meanings stated herein unless their use in the text of this chapter clearly demonstrates a different meaning.

Compostable trash means every waste accumulation of biological vegetation that is free of dirt, rocks, non-compostable trash and bulky items.

Construction site means any property upon which a new building is being constructed, or repairs, additions or the demolition of an existing structure is taking place.

Cover means any device, equipment, container, tarp, chain, rope, wire, or line used to prevent any part of a vehicle's load from shifting or escaping in any manner from the vehicle.

Derelict property means any property which has been left abandoned or unprotected from the elements, including but not limited to, wrecked or partially dismantled motor vehicles and parts, trailers, machinery, appliances, building materials, and other articles.

Elements means the natural elements which are a reasonably foreseeable means of carrying litter from one place to another. Elements shall include, but not be limited to, wind, fire, rain, water current and animals.

Garbage, litter and/or refuse means garbage, litter, rubbish, refuse, and trash collectively which includes any man-made, nature-made, animal or vegetable waste byproducts of any kind or nature whatsoever that can decompose, rot and/or decay, that attracts vermin and/or insects and creates a public health, safety, or fire hazard, or any other kind of a public nuisance.

Handbill means any paper, poster, circular, coupon, advertisement, or pamphlet to be circulated for the purpose of making some announcement, except newspapers.

Loading or unloading dock means any dock or area used in the process of receiving, shipping, and/or transporting goods, wares, commodities, and persons.

Newspaper means any newspaper of general circulation, as defined by general law, and in addition thereto, any periodical or current magazine regularly published with not less than four issues per year and sold or distributed to the public.

Person means any individual, owner or lessee, firm, business, partnership, sole proprietorship, association, corporation, company, not-for-profit organization, or any governmental entity.

Private property means any land, dwelling, building or other structure belonging to, or restricted for the use or enjoyment of particular persons. Public property means any land, property, street, road, highway, alley, public right-of-way or easement, median, sidewalk, path, bridge or other way, building, or structure in which the public has a right to use, whether publicly or privately owned.

9.04.020. - Control of litter.

- A. Littering prohibited. It is unlawful for any person to throw, discard, or deposit garbage, compostable trash, or derelict property in any manner or amount in or upon any property, highway, street, body of water, ditch, creek, park, etc., within the county except in receptacles authorized and provided for that purpose.
- B. Loads on vehicles. No person shall drive, move, park, or in any other way operate any vehicle within the county unless said vehicle is loaded so as to prevent any of its load from shifting or escaping therefrom.
 1. Any vehicle transporting or hauling material such as garbage, compostable trash, or derelict property or any other material that could escape the vehicle, must be covered and/or secured with a tarp or other appropriate cover or tie-down, as defined herein.
 2. Any driver or other person in direct control of any vehicle from which any materials or objects have escaped shall immediately cause said material to be cleaned up at his/her own expense.
 3. When any litter is thrown or discarded from any type of motor vehicle the operator or owner, or both, shall be deemed in violation of this section.
- C. Handbills. No person shall cause any handbill to be thrown, scattered, deposited or distributed upon any public or private motor vehicle, sidewalk, street, lane, alley, ground, pole, tree, fence, structure or building within the county., It shall not be unlawful to

distribute handbills to private residences, offices, or mercantile establishments if they are handed in at the door or securely fastened to reasonably prevent them from being scattered about by the elements or as otherwise specifically allowed by other ordinance(s).

D. Maintenance of property and receptacles.

1. All persons shall store their garbage in leak-free, covered containers to eliminate the elements from spreading the debris and unsightly garbage about the property owned, managed, or controlled by them. Spillage and overflow around containers shall be cleaned up as quickly as possible after it occurs.
2. No person shall sweep or deposit any accumulation of garbage or derelict property into any gutter, street, parking lot, water body or waterway, or other property within the county.
3. All construction and demolition sites shall maintain on-site receptacles throughout the duration of the work being performed as a means to secure any loose debris, building material wastes, and other garbage and derelict property from being scattered about the site, if the materials are not otherwise properly disposed of on a regular basis.
4. It shall be the responsibility of every owner, manager, or occupant of any public or private property or place to provide, and maintain adequate and suitable receptacles and/or containers capable of containing any garbage or derelict property until proper final disposal is accomplished.
5. Any unauthorized accumulation of uncontained garbage, compostable trash, and/or derelict property on any public or private property is a violation of this chapter.
6. The owner, operator, or manager of a loading or unloading dock shall constantly maintain the dock area in such a manner that litter will be prevented from being carried by the elements to adjoining premises, streets, etc.
7. The owner, manager, or operator of any commercial-residential, commercial, or industrial public place, shall constantly maintain the premises clean of all litter and take measures to contain said litter on the property. It is unlawful to permit the uncontained accumulation of litter thereon or the dispersion of litter therefrom.

E. Convenience sites and dumpsters.

1. Except where specifically authorized by formal council agreement, Colleton County convenience sites are restricted for use by Colleton County residents only. Any non-resident caught in the act or caught through prima facie evidence shall be found in violation of this chapter.

2. Any person who improperly uses any Colleton County dumpster by placing the wrong materials not specifically called for disposal in said dumpster, such as placing metal in a “plastics only” dumpster, is in violation of this chapter.
3. Any person who shall deposit trash on the ground instead of in a dumpster is in violation of this chapter.
4. All commercial developments shall use their assigned garbage collection containers and maintain them in a clean, and aesthetically pleasing condition. All such containers shall be located on a site as and where approved by the collection agency, which shall be outside of any public right-of-way.
5. It is unlawful for any person to allow a refuse container to remain unemptied for more than ten consecutive days.

A violation of this section may be abated by the county; provided, however, that the container in question may be impounded and a lien may be executed against any property held in connection with the business of collecting refuse, waste, or garbage by the person alleged to be in violation of this section.

9.04.030. - Enforcement.

- A. All county animal, environmental, and litter control officers, and code enforcement officers, and all certified sheriff's deputies are considered compliance officers and they are empowered to enforce the provisions of this chapter.
- B. Only Sheriff's deputies can execute warrants for arrest, but all compliance officers are empowered to issue citations, and other processes issued by the courts in enforcing the provisions of this chapter. In addition, the mailing by certified return-receipt-requested mail of such process to the violator's last place of residence shall be deemed as personal service upon the person charged.
- C. Prima facie evidence.
 1. If the throwing, dumping, or depositing of litter was done from a motor vehicle, except a motor bus, it shall be prima facie evidence that the throwing, dumping, or depositing was done by the driver of the motor vehicle.
 2. If discarded litter can be identified with a person's name, it shall be prima facie evidence that the throwing, dumping, or depositing was done by the person whose name appears in the discarded litter.

9.04.040. - Penalties.

- A. Any person who violates any provision of this chapter is guilty of a misdemeanor and, upon conviction, must be fined not more than \$500.00 and/or be imprisoned for a period of not less than two days nor more than 30 days. No fine imposed pursuant to this section may be suspended to less than \$250.00. No sentence of imprisonment imposed pursuant to this section may be suspended.
- B. In addition to the fine or term of imprisonment, the court may also impose eight hours of litter-gathering labor for a first conviction, 16 hours for a second conviction, and 24 hours for a third or subsequent conviction, all under the supervision of the court; or such other term of litter-gathering labor or public service as the court deems appropriate.
- C. Any punishment including fines imposed pursuant to a conviction for a violation of this chapter shall be separate and apart from any cleanup or abatement costs incurred by the county in abating said littering; and shall be in addition to all other remedies available to the county under state law and local ordinances.

3. Severability:

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

4. Conflict:

Provisions in other County Ordinances, Resolutions, policies, or by-laws in conflict with this Ordinance are hereby repealed.

ATTEST:

SIGNED:

Kaela Brinson, Council Clerk

Steven D. Murdaugh, Chairman

Approved as to Form
Sean Thornton, County Attorney

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
First Reading : March 1, 2022
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A
Second Reading : April 5, 2022
Public Hearing : May 3, 2022
Third Reading : May 3, 2022
Effective Date : Immediately

I, _____,
Council Clerk, certify that this
Ordinance was advertised for
Public Hearing on _____.

ORDINANCE NO. 22-O-04

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[TO AMEND TITLE 13 – BUILDINGS AND CONSTRUCTION, CHAPTER 13.04 – CONSTRUCTION CODES ADOPTED, CHAPTER 13.12 – FLOOD DAMAGE PREVENTION, CHAPTER 13.16 – MANUFACTURED HOMES AND CHAPTER 13.20 – UNIFORM ORDINANCE SUMMONS, TO COINCIDE WITH THE TEN YEAR UPDATE OF THE COLLETON COUNTY COMPREHENSIVE PLAN.]

WHEREAS:

1. Title 13 – Buildings and Construction, Chapter 13.04 – Construction Codes Adopted, Chapter 13.12 – Flood Damage Prevention, Chapter 13.16 – Manufactured Homes and Chapter 13.20 – Uniform Ordinance Summons, of the Colleton County Code of Ordinances were reviewed by the Planning Commission on October 26, 2020, November 23, 2022 and March 28, 2022; and
2. Chapters 13.04, 13.12, 13.16 and 13.20 were edited for legal sufficiency, redundancy and/or unnecessary words and phrases, and updated and clarified simplified phrases in order to be current with the accepted American Planning Association (APA) principles and practices; and
3. County Council believes it is in the best interest of the citizens of Colleton County to approve the changes set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY COLLETON COUNTY COUNCIL, DULY ASSEMBLED, THAT:

1. **Title 13 – Buildings and Construction, Chapter 13.04 – Construction Codes Adopted**, of the Colleton County Code of Laws (the same being inclusive of and one with the Originating and Amending Ordinances), and all subparagraphs thereof, is hereby amended in its totality to read as follows:

CHAPTER 13.04. – BUILDING CODES ADOPTED

Sections:

13.04.010. – Adoption by reference.

13.04.010. – Adoption by reference.

A. 1. The following codes are adopted by reference as though they were copied herein fully:

International Building Code—2018 Edition (IBC 2018), including Chapter 1;
International Energy Conservation Code—2009 Edition;
International Fire Code—2018 Edition (IFC 2018);
International Fuel Gas Code—2018 Edition (IFGC 2018);
International Mechanical Code—2018 Edition (IMC 2018);
International Plumbing Code—2018 Edition (IPC 2018);
International Residential Code—2018 Edition (IRC 2018), including Chapter 1;
and
International Swimming Pool and Spa Code—20182 Edition (ISPSC 2018);
(International Codes will include South Carolina Modifications)
National Electrical Code—2014 Edition;
NFPA 70 – National Electric Code 2017 (NEC 2017)
NFPA 101 Life Safety Code—2015 Edition;
Standard for Residential Construction in High-Wind Regions ICC 600—2008
Edition;
Accessible and Usable Buildings and Facilities ICC A117.1—2009 Edition.

2. Accessory structure exemption wording is removed within the IBC and the IRC and replaced with the following language:

One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 225 square feet are exempt from permits.

B. Within said codes, when reference is made to the duties of a certain official named therein, that designated official of Colleton County, shall be responsible for enforcing the provisions of said code(s).

C. Areas not affected. This chapter shall not affect any incorporated areas of the County of Colleton, unless an intergovernmental agreement exists between the County and the incorporated area, nor any parcel of land owned by the State of South Carolina or the federal government, or any buildings or installations placed thereon.

D. Areas affected. Except for those portions of land excluded under subsection C above, this chapter shall cover all unincorporated portions of Colleton County.

- E. Contractor's licenses required. Every contractor or builder who shall make contracts for the construction or repair of buildings for which a county permit is required, and/or subletting the same or any part thereof, shall be required to secure a license from Colleton County. Applicants desiring to be licensed with the county as a general, residential, or mechanical contractor must file an application with the planning and development department, accompanied by the current license fee, and show proof of licensure by the State of South Carolina.
 - F. Building code fees. Fees as established and updated periodically by county council, usually in the annual budget ordinance, shall apply as set forth in such ordinance.
 - G. Violation of the construction codes as adopted by Colleton County is punishable by a \$500.00 fine and/or up to 30 days in jail. Performing construction activities that require a Building, Zoning, or other required Permit, before acquiring the appropriate Permit(s), shall be punishable by a Double Permit Fee for each Permit required. Each day's violation of any of provisions of these codes shall constitute a new and separate offense.
2. **Title 13 – Buildings and Construction, Chapter 13.12 – Flood Damage Prevention**, of the Colleton County Code of Laws (the same being inclusive of and one with the Originating and Amending Ordinances), and all subparagraphs thereof, is hereby amended in its totality to read as follows:

CHAPTER 13.12. - FLOOD DAMAGE PREVENTION

ARTICLE 13.12-1. - GENERAL PROVISIONS

Sections:

- 13.12-1.010. - Statutory authorization.**
- 13.12-1.020. - Findings of fact.**
- 13.12-1.030. - Statement of purpose and objectives.**
- 13.12-1.040. - Lands to which this chapter applies.**
- 13.12-1.050. - Permit required.**
- 13.12-1.060. - Compliance.**
- 13.12-1.070. – Interpretation.**
- 13.12-1.080. - Partial invalidity and severability.**
- 13.12-1.090. – Warning and Disclaimer of Liability.**
- 13.12-1.100. – Penalty.**

13.12-1.010. - Statutory authorization.

The Legislature of the State of South Carolina has in S.C. Code 1976, title 4, chapters 9 (article 1), 25, and 27, and amendments thereto, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety,

and general welfare of its residents. Therefore, the Colleton County council (governing body) of Colleton County, Walterboro, South Carolina, does ordain as follows.

13.12-1.020. - Findings of fact.

The special flood hazard areas (SFHAs) of Colleton County are subject to periodic inundation which results in loss of life and property; health and safety hazards; disruption of commerce and governmental services; extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

Furthermore, these flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in SFHAs by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

13.12-1.030. - Statement of purpose and objectives.

A. It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize public/private losses due to flood conditions in specific areas by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging, and other development which may increase erosion or flood damage; and
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

B. The objectives of this chapter are:

1. To protect human life, health, and public and private property;
2. To minimize expenditure of public money for costly flood control projects; rescue and relief efforts; prolonged business interruptions; damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines; and streets and bridges located in floodplains;
3. To help maintain a stable tax base providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas; and

4. To insure that potential home buyers are notified that property is in a special flood hazard area (SFHA).

13.12-1.040. - Lands to which this chapter applies.

This chapter shall apply to all SFHAs within the jurisdiction of Colleton County as identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS), dated December 21, 2017, with accompanying maps and other supporting data that are hereby adopted by reference and declared to be a part of this chapter. Upon annexation any SFHAs identified by FEMA in its Flood Insurance Study for the unincorporated areas of Colleton County, with accompanying map and other data are adopted by reference and declared part of this chapter.

13.12-1.050. - Permit required.

A building or zoning permit shall be required to be in conformance with the provisions of this chapter prior to the commencement of any development activities.

13.12-1.060. - Compliance.

No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

13.12-1.070. - Interpretation.

In the interpretation and application of this chapter all provisions shall be considered as minimum requirements, liberally construed in favor of the governing body, and deemed neither to limit nor repeal any other powers granted under state law. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

13.12-1.080. - Partial invalidity and severability.

If any part of this chapter is declared invalid, the remainder of the chapter shall not be affected and shall remain in force.

13.12-1.090. - Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the SFHAs or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of Colleton County or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

13.12-1.100. – Penalty.

Any person violating or failing to comply with the provisions of this Chapter shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than

\$500.00 or imprisoned for not more than 30 days for each such violation. Each day on noncompliance with the provisions of this Chapter shall constitute a separate offense.

ARTICLE 13.12-2. - DEFINITIONS

Sections:

13.12-2.010. - General.

13.12-2.020. - Definitions.

13.12-2.010. - General.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

13.12-2.020. - Definitions.

Accessory structure (appurtenant structure) means structures that are located on the same lot as the principal structure and the use of which is incidental to the use of the principal structure; used for parking or storage only; walled and roofed; and small (less than 600 sq. ft. in A and AE flood zones and less than 100 sq. ft. in V and VE flood zones). Accessory structures should constitute a minimal investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, tool sheds, and small boathouses.

Addition (to an existing building) means an extension or increase in the floor area and/or height of a building or structure and which shall comply with the requirements for new construction regardless as to whether the addition is a substantial improvement or not. Where a firewall or load-bearing wall is provided between the addition and the existing building, the addition shall be considered a separate building, and must comply with the standards for new construction.

Agricultural structure (aquaculture structure farming conducted in water) means a structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Agricultural structures are considered “walled and roofed” when the structure includes at least two outside rigid walls and a fully secured roof. Structures used for human habitation; employment or entertainment; multiple or mixed purposes, do not satisfy the “exclusive use” requirement. Agricultural structures are not exempt from the provisions of this chapter.

Appeal means a request for a review of the floodplain administrator's or CFM's interpretation of any provision of this chapter.

Area of shallow flooding means a designated AO or VO zone on a community's FIRM with base flood depths of one to three feet where a clearly defined channel does not exist,

where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard (SFHA) means the land in the floodplain within a community subject to a one percent or greater chance of being equaled or exceeded in any given year.

Base flood; Base Flood Elevation (BFE) means the flood having a one percent chance of being equaled or exceeded in any given year. BFE is the computed elevation to which floodwater is anticipated to rise during the Base Flood.

Basement means any enclosed area of a building that is below grade on all sides.

Building means any structure built for support, shelter, or enclosure for any occupancy or storage.

Breakaway wall is a wall that is not part of the structural support of a building that is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation systems.

CFM is a Certified Flood Manager.

Coastal high hazard area means a SFHA extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to velocity wave action from storms or seismic sources.

Critical development means development critical to the community's public health and safety, is essential to the orderly functioning of a community, it stores and/or produces highly volatile, toxic, or water-reactive materials, or it houses occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical developments include jails, hospitals, schools, fire stations, nursing homes, wastewater treatment facilities, water plants, and gas/oil/propane storage facilities.

Design Flood Elevation (DFE) is the base flood elevation (BFE) plus freeboard of three (3) feet.

Development means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials. Development includes the following; any change in the intensity of use of the land; previous man-made wetland or of any natural resource area; agriculture and forestry operations.

Elevated building means a non-basement building constructed to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls parallel to the flow of water.

Enclosure, (enclosed space or area) means any space below the BFE and enclosed on all sides by walls or partitions. A V-zone building elevated on an open foundation without an enclosure or other obstructions below the BFE, is said to be free-of-obstruction, such that the space below the BFE is surrounded by insect screening, louvered slats (wooden or plastic lattice, slats, or shutters are permissible if at least 40 percent of their area is open and that lattice can be no thicker than ½ inch, or that slats and shutters can be no thicker than one inch), or open wood lattice.

Executive Order 11988 (Floodplain Management). Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified SFHAs, unless there are no feasible alternatives.

Existing construction means, for the purposes of determining rates, structures for which the start of construction commenced before April 14, 1987.

Existing manufactured home park or subdivision means an existing manufactured home park or subdivision that was completed before April 7, 1987.

Expansion to an existing manufactured home park or subdivision means adding more spaces to, and enlarging the park or subdivision which includes roads and utilities.

FEMA is the Federal Emergency Management Agency.

Flood means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood hazard boundary map (FHBM) means an official map of a community, issued by FEMA, where the boundaries of the SFHAs have been defined as Zone A.

Flood insurance rate map (FIRM) means an official map of a community, on which FEMA has delineated both the SFHAs and the risk premium zones applicable to the community.

Flood insurance study (FIS) means the official report provided by FEMA which contains flood profiles, as well as the flood boundary floodway map and the water surface elevation of the base flood.

Floodplain & Flood Prone Area means any land area susceptible to being inundated by water from any source.

Floodplain management is the operation of an overall program of corrective and preventative measures for reducing flood damage with floodplain management regulations.

Floodplain management regulations is such federal, state, and local regulations, which provide standards for the purpose of flood damage prevention and reduction.

Flood-resistant material means any building material capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Please refer to Technical Bulletin 2, current edition, Flood-Resistant Materials for Buildings Located in SFHAs in Accordance with the NFIP document number FIA-TB-2, current edition, and available from FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Flood Zones – Special Flood Hazard Areas

"A"-zone. Areas subject to inundation by the one-percent-annual-chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevations (BFEs) or flood depths are shown.

"AE" zone. Areas subject to inundation by the one-percent-annual-chance flood event determined by detailed methods. BFEs are shown within these zones.

"VE" zone. High risk areas subject to inundation by at least a one-percent-annual-chance flood event as determined by detailed methods, and where wave action is expected with wave heights of more than 3.0 feet. BFEs or base flood depths are shown within these zones.

"X" zone (shaded). Moderate risk areas within the 0.2-percent-annual-chance floodplain, areas of one-percent-annual-chance flooding where the average depths are less than one foot. No BFEs or base flood depths are shown within these zones.

"X" zone (unshaded). Minimal risk areas outside the one-percent and 0.2-percent-annual-chance floodplains. No BFEs or base flood depths are shown within these zones.

Freeboard means a factor of safety usually expressed in feet above the established (BFE) for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Highest adjacent grade (HAG) means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

Historic structure means any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior (DOI)) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places;
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified:
 1. By an approved state program as determined by the Secretary of Interior; or
 2. Directly by the Secretary of Interior in states without approved programs. Some structures/districts listed on the state or local inventories may not be "historic" as cited above, but have been included on the inventories since it is believed that the structures or districts have the potential for meeting the "historic" structure criteria of the DOI. In order for these structures to meet NFIP historic structure criteria, it must be demonstrated and evidenced that the South Carolina Department of Archives and History has individually determined the structure or district meets DOI historic structure criteria.

Increased cost of compliance (ICC). Applies to all new and renewed flood insurance policies effective on and after June 1, 1997. The NFIP shall enable the purchase of insurance to cover the cost of compliance with land use and control measures established under section 1361. It provides coverage for payment of a claim to help pay the cost to comply with State or community floodplain management laws or ordinances after a flood in which a building has been declared substantially or repetitively damaged.

Limited storage means an area used for storage and intended to be limited to incidental items that can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant or breakaway material, void of utilities except for essential lighting and cannot be temperature controlled. If the area is located below the

BFE in an A, AE and A1-A30 zone it must meet the requirements of section 13.12-4.010(E) of this chapter. If the area is located below the BFE in a V, VE and V1-V30 zone it must meet the requirements of section 13.12-4.060.

Lowest adjacent grade (LAG) is an elevation of the lowest ground surface that touches any of the exterior walls of a building or proposed building walls.

Lowest floor means the lowest floor of the lowest enclosed area. Any unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor provided that such an enclosure is not built so as to render the structure in violation of other provisions of this chapter.

Manufactured/mobile home means a structure designed to be a dwelling unit that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured/mobile home" does not include a recreational vehicles, travel trailers or motorized homes registered for travel on highways, nor modular buildings.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. The term does not include the premises where unoccupied manufactured homes, whether new or used, are parked for the purpose of inspection, sale, storage or repair, or recreational vehicle parks. Mean sea level means for the purposes of this chapter, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which the BFEs listed is shown on a community's FIRM.

National Geodetic Vertical Datum (NGVD) means, as corrected in 1929, elevation reference points set by National Geodetic Survey based on mean sea level.

North American Vertical Datum (NAVD) means the North American Vertical Datum (NAVD) Vertical control, as corrected in 1988, used as the reference datum on the FIRM.

New construction means a structure for which the start of construction commenced after April 7, 1987. The term also includes any subsequent improvements to such structure.

New manufactured home park or subdivision means a manufactured home park or subdivision where construction was completed on or after April 7, 1987.

Pre-Development is the conditions that existed prior to land disturbance or redevelopment activity at the time of the application.

Primary frontal dune means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and subject to erosion and overtopping from high tides and waves during coastal storms. The inland

limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

Recreational vehicle means a vehicle which is: built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light-duty truck; and, designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

Repetitive loss means a building covered by a contract for flood insurance that has incurred flood-related damages on two occasions during a ten-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25 percent of the market value of the building at the time of each such flood event.

Section 1316 of the National Flood Insurance Act of 1968. The act provides that no new flood insurance shall be provided for any property found by FEMA to have been declared by a state or local authority to be in violation of state or local ordinances.

Severe repetitive loss (SRL) property is flood-related damage property that has at least four claims for buildings and/or contents exceeding \$5,000 or at least two building-only payments that cumulatively exceeds the market value of the building.

Stable natural vegetation. The first place on the waterfront where plants such as sea oats hold sand in place.

Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348)), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction was within 180 days of the permit issue date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include the following: land preparation; clearing, grading, and filling; nor does it include the installation of streets and/or walkways; excavation for footings, piers or foundations, or the erection of temporary forms; the installation of accessory buildings, such as garages or sheds. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building, a manufactured/mobile home, including a gas or liquid storage tank, or other man-made facility or infrastructure that is principally above ground.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 49 percent of the market value of the structure before the damage occurred. Such repairs may be undertaken successively and their costs counted cumulatively. Please refer to the definition of "substantial improvement."

Substantial improvement means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 49 percent of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project of improvement to a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions (does not include American with Disabilities Act compliance standards); or
2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure;
3. Permits shall be cumulative for a period of eight years. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether "substantial improvement" will occur.

Substantially improved existing manufactured home park or subdivision means, where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 49 percent of the value of the streets, utilities and pads before the repair, reconstruction, or improvement commenced.

Variance means a grant of relief from the requirements of this chapter as provided under the provisions of sections 13.12-5.030 Historic Structures and 13.12-5-050 Agricultural Structures only.

Violation means the failure of a structure or other development to be fully compliant with these regulations.

Watersheds is a land area that channels rainfall and snowmelt to creeks, streams, and rivers, and eventually to outflow points such as reservoirs, bays, and the ocean. The watershed consists of surface water--lakes, streams, reservoirs, and wetlands--and all the underlying groundwater.

ARTICLE 13.12-3. - ADMINISTRATION

Sections:

13.12-3.010. - Designation of floodplain administrator.

13.12-3.020. - Adoption of letter of map revisions (LOMR).

13.12-3.030. – Reserved.

13.12-3.040. - Permitting and certification requirements.

13.12-3.050. – Duties and Responsibilities of the floodplain administrator and Certified Floodplain Manager.

13.12-3.060. – Administrative Procedures

13.12-3.010. - Designation of floodplain administrator.

The planning and development director (director), the floodplain administrator, Certified Floodplain Manager (CFM) or director's designee are hereby appointed to administer and implement the provisions of the ordinance codified in this chapter.

13.12-3.020. - Adoption of letter of map revisions (LOMR).

Adopt all LOMRs that are issued in the areas identified in section 13.12-1.040.

13.12-3.040. - Permitting and certification requirements.

A. Building/zoning permit applications shall be made to the floodplain administrator on appropriate forms prior to any development activities. The permit application shall include, but not be limited to, two sets of plans drawn to scale showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; and the location of fill materials, storage areas, and drainage facilities. Specifically, the following information is required:

1. A plot plan that shows the 100-year floodplain contour or a statement that the entire lot is within the floodplain must be provided by the permit applicant when the lot is within or appears to be within the floodplain as mapped by FEMA or the floodplain identified pursuant to either subsection 13.12-3.050(K) or sections 13.12-4.030 and 13.12-4.040. The plot plan must be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.
2. Where BFE data is provided as set forth in section 13.12-1.040 or subsection 13.12-3.050(K), the application for a permit within the SFHA shall show:
 - a) The elevation (in relation to mean sea level) of the lowest floor of all new and substantially improved structures; and
 - b) If the structure will be floodproofed in accordance with subsection 13.12-4.020(B) requirements of the elevation (in relation to mean sea level) to which the structure will be floodproofed.
3. Where BFE data is not provided. If no BFE data is provided as set forth in section 13.12-1.040 or subsection 13.12-3.050(K), then the provisions of section 13.12-4.040 must be met.

4. Alteration of watercourse. Where any watercourse will be altered or relocated as a result of proposed development, the permit application shall include: a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and, a map showing the location of the proposed watercourse alteration or relocation.
- B. Certifications.
1. Floodproofing certification. When a structure is floodproofed, the applicant shall provide certification from a registered, professional engineer that the nonresidential, floodproofed structure meets the floodproofing criteria in the non-residential construction requirements of subsection 13.12-4.020(B).
 2. Elevation Certification (EC). Each EC submission must pass inspection in order to proceed to the next phase of the project.
 - a) Before structural development. First construction drawing EC is submitted based on the structural blueprints and detailed site plans. This submission is required in order to review the permit application.
 - b) During construction. A lowest floor elevation (building under construction EC) or floodproofing certification is required after the lowest floor is completed. As soon as possible after completion of the lowest floor and before any further vertical construction commences, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the floodplain administrator a certification of the elevation of the lowest floor, or floodproofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer. Any work done prior to submission of the certification shall be at the permit holder's risk. The floodplain administrator shall review the floor elevation survey data submitted. The permit holder immediately and prior to further progressive work being permitted to proceed shall correct deficiencies detected by such review. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop work order for the project.
 - c) Final grading and completed structure. The final EC should be completed after final grading is completed and before the call to inspect to get a CO and request for permanent power.
 3. V-Zone certification. When a structure is located in zones V, VE, or V1-30, certification shall be provided from a registered professional engineer, separate from submitted plans, that new construction and substantial improvement meets the criteria

for the coastal high hazard areas outlined in section 13.12-4.060, Coastal High Hazard Areas (V-Zones).

4. As-built certification. Upon completion of the development a registered professional engineer, or land surveyor, in accordance with SC law, shall certify according to the requirements of subsections 13.12-3.040(B)(1), (B)(2), and (B)(3) of this section that the development is built in accordance with the submitted plans and previous pre-development certifications.

13.12-3.050. - Duties and responsibilities of the floodplain administrator and Certified Floodplain Manager (CFM).

Duties of the floodplain administrator and CFM shall include, but not be limited to:

- A. Permit review. Review all building and zoning permits located within a SFHA to assure that the requirements of this chapter have been satisfied.
- B. Requirement of federal and/or state permits. Advise permittee that additional federal or state permits may be required, and if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the building permit.
- C. Watercourse alterations.
 1. Notify adjacent communities and the South Carolina Department of Natural Resources (SCDNR), Land Resources and Conservation Districts Division, State Coordinator for the NFIP, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA
 2. In addition to the notifications required, watercourse alterations per subsection 13.12-3.050(C)(1), written reports of maintenance records must be maintained to show that maintenance has been provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished. This maintenance must consist of a comprehensive program of periodic inspections, and routine channel clearing and dredging, or other related functions. The assurance shall consist of a description of maintenance activities, frequency of performance, and the local official responsible for maintenance performance. Records shall be kept on file for FEMA inspection.
 3. If the proposed project will impact the configuration of the watercourse, floodway, or BFE for which a detailed flood insurance study has been developed, the applicant shall apply for and must receive approval for a conditional letter of map revision (CLOMR) with FEMA prior to the start of actual construction.

4. Within 60 days of completion of an alteration of a watercourse, referenced in the certification requirements of subsection 13.12-3.040(B)(4), the applicant shall submit as-built certification, by a registered professional engineer, to FEMA.
- D. Floodway encroachments. Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of subsection 13.12-4.020(E) are met.
- E. Adjoining floodplains. Cooperate with neighboring communities with respect to the management of adjoining floodplains and/or flood-related erosion areas in order to prevent aggravation of existing hazards.
- F. Notifying adjacent communities. Notify adjacent communities prior to permitting substantial commercial developments and large subdivisions to be undertaken in SFHAs and/or flood-related erosion hazards.
- G. Certification requirements.
1. Obtain and review actual elevation (in relation to mean sea level) of the lowest floor of all new or substantially improved structures, in accordance with administrative procedures outlined in subsection 13.12-3.040(B)(2) or the coastal high hazard area requirements outlined in subsection 13.12-4.060(E).
 2. Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, in accordance with the floodproofing certification outlined in subsection 13.12-3.040(B)(1).
 3. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer in accordance with the nonresidential construction requirements outlined in subsection 13.12-4.020(B).
 4. A registered professional engineer shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in the coastal high hazard area requirements outlined in subsections 13.12-4.060(D), (F) and (H) of this chapter.
- H. Map interpretation. Where interpretation is needed as to the exact location of boundaries of the SFHA (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the floodplain administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in subsection 13.12-3.050(L).
- I. Prevailing authority. Where a map boundary showing an SFHA and field elevations disagree, the BFEs for flood protection elevations (as found on an elevation profile,

floodway data table, etc.) shall prevail. The correct information should be submitted to FEMA as per the map maintenance activity requirements outlined in subsection 13.12-4.020(G).

- J. Use of best available data. When BFE data or floodway data has not been provided in accordance with section 13.12-1.040, obtain, review, and reasonably utilize best available BFE and floodway data available from a federal, state, or other source, including data developed pursuant to the standards for subdivision proposals outlined in section 13.12-4.040 in order to administer the provisions of this chapter. Data from preliminary, draft, and final flood insurance studies constitutes best available data from a federal, state, or other source. Data must be developed using hydraulic models meeting the minimum requirement of NFIP approved model. If an appeal is pending on the study in accordance with 44 CFR ch. 1, parts 67.5 and 67.6, the data does not have to be used.
- K. Special flood hazard area/topographic boundaries conflict. When the exact location of boundaries of the SFHAs conflict with the current, natural topography information at the site the property owner may apply and be approved for a letter of map amendment (LOMA) by FEMA. The floodplain administrator in the permit file will maintain a copy of the LOMA issued from FEMA.
- L. On-site inspections. Make on-site inspections of projects in accordance with the administrative procedures outlined in subsection 13.12-3.060(D).
- M. Administrative notices. Serve notices of violations, issue stop work orders, revoke permits and take corrective actions in accordance with the administrative procedures in section 13.12-3.060.
- N. Records maintenance. Maintain all records pertaining to the administration of this chapter and make these records available for public inspection.
- O. Annexations and detachments. Notify the South Carolina Department of Natural Resources (SCDNR) Land, Water and Conservation Division, within six months, of any annexations or detachments that include SFHAs.
- P. Federally funded development. The President issued Executive Order 11988, Floodplain Management May 1977. E.O. 11988 directs federal agencies to assert a leadership role in reducing flood losses and losses to environmental values served by floodplains. Proposed developments must go through an eight-step review process. Evidence of compliance with the executive order must be submitted as part of the permit review process.
- Q. Substantial damage determination. Perform an assessment of damage from any origin to the structure using FEMA's Residential Substantial Damage Estimator (RSDE) software or another approved method (SCDNR Application) to determine if the

damage equals or exceeds 50 percent of the market value of the structure before the damage occurred.

- R. Substantial improvement determinations. Perform an assessment of permit applications for improvements or repairs to be made which equals or exceeds 49 percent of the market value of the structure before the improvement or repair is started. Cost of work counted for determining if and when substantial improvement to a structure occurs shall be cumulative for a period of eight years. If the improvement project is conducted in phases the total cost of all phases shall be used to determine whether "substantial improvement" will occur.
- S. Methods of market value determination. Market values shall be determined by one of the following:
 - 1. The current assessed building value determined by the county assessor's office; or
 - 2. A certified appraisal from a registered professional licensed appraiser performed in accordance with South Carolina laws, within the past six months. The appraisal shall indicate actual replacement value of the building or structure in its pre-improvement condition, less depreciation for functionality, obsolescence, and site improvements; or
 - 3. The Marshall and Swift Residential Cost Handbook may be used to determine costs for buildings or structures; or
 - 4. A real estate purchase contract within 06 months prior to the date of the application for a permit.

13.12-3.060. - Administrative procedures.

- A. Inspections of work in progress. As the work progresses, the floodplain administrator shall make as many inspections of the work as needed to ensure the work is being done according to code and the terms of the permit. The floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the county's jurisdiction, at any reasonable hour, for the purposes of inspection or other enforcement action.
- B. Stop-work orders. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this chapter, or without the proper permits, the floodplain administrator may order the work to be immediately stopped. The stop-work order shall be in writing, directed to the person doing the work, state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor. If the stop-work-order is issued due to a lack of permits being pulled for the work being performed, the violator shall be required to pay a

double permit fee for each permit needed before work can recommence. Failure to pay the double permit fees before work recommences shall initiate a citation where a court date will be assigned.

- C. Revocation of permits. The floodplain administrator may revoke and require the return of the development permit by notifying the permit holder in writing, stating the reason, such as: any substantial departure from the approved application, plans, or specifications; refusal or failure to comply with state or local laws; or, for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.
- D. Periodic inspections. The floodplain administrator and other designated county compliance officers shall have a right, upon presentation of proper credentials, to enter on any premises within the county's jurisdiction, at any reasonable hour for the purposes of inspection or other enforcement action.
- E. Violations to be corrected. When the floodplain administrator finds violations of applicable state and local laws, it shall be their duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law.
- F. Actions in event of failure to take corrective action. If the owner of a building or property fails to take prompt corrective action, the floodplain administrator shall give him written notice, by certified or registered mail to his last known address or by personal service, that:
 - 1. The building or property is in violation of this chapter and appropriate section;
 - 2. A hearing will be held before the floodplain administrator at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - 3. Following the hearing, the floodplain administrator may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.
- G. Order to take corrective action. If, upon a hearing held pursuant to the notice prescribed above, the floodplain administrator finds the building or development is in violation of this chapter, they shall make a written order to the owner, requiring them to remedy the violation within a period of not less than 60 days, unless the floodplain administrator finds that there is imminent danger to life or property, they may order that violation be remedied immediately, or in less than 60 days, as may be feasible.
- H. Appeal. Any owner who has received an order to take corrective action may appeal said order to the local elected governing body by giving written notice of appeal to the floodplain administrator and the clerk of council within ten days following

issuance of the order. In the event no appeal is made within 10 days, the order shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

- I. Failure to comply with order. If the owner fails to comply with an order of corrective action, where no appeal was taken, or fails to comply with an order of the governing body following an appeal, they shall be guilty of a misdemeanor and punished at the discretion of the court.
- J. Denial of flood insurance under the NFIP. If a structure remains in violation of this chapter after all other penalties are exhausted to achieve compliance, then the floodplain administrator shall notify FEMA to initiate a Section 1316 of the National Flood insurance Act of 1968, finding that the violator refuses to bring the violation into compliance with this chapter. If a violation has been remedied, the floodplain administrator shall notify FEMA and ask that the Section 1316 be rescinded.

ARTICLE 13.12-4. - PROVISIONS FOR FLOOD HAZARD REDUCTION

Sections:

13.12-4.010. - General standards.

13.12-4.020. - Specific standards.

13.12-4.030. – Standards for subdivision proposals.

13.12-4.040. – Standards for streams without established BFEs and/or floodways.

13.12-4.050. – Standards for streams with established BFEs but without floodways.

13.12-4.060. – Coastal high hazard areas (V-zones).

13.12-4.010. - General standards.

Development may not occur in the floodplain where alternative locations exist due to the inherent hazards and risks involved. Before a permit is issued, the applicant shall demonstrate that new structures cannot be located out of the floodplain and that encroachments into the floodplain are minimized. In all SFHAs the following provisions shall apply:

- A. Reasonably safe from flooding. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
- B. Anchoring. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- C. Flood resistant materials and equipment. All new construction and substantial improvements shall be constructed with flood resistant materials and use utility equipment resistant to minimize flood damage in accordance with Technical Bulletin 2, current edition, Flood Damage Resistant Materials Requirements.

- D. Minimize flood damage. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- E. Critical development. Shall be elevated to the 500-year flood elevation or the highest known historical flood elevation (where records exist), whichever is greater. If no data exists establishing either of the above, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates 500-year flood elevation data.
- F. Utilities. All new and replacement electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork), and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within components during conditions of the base flood plus three feet . This requirement does not preclude the installation of outdoor faucets for shower heads, sinks, hoses, etc., as long as cut off devices and back flow devices are installed to prevent contamination to the service components and thereby minimize any flood damages to the building. No utilities or components shall be attached to breakaway walls.
- G. Water supply systems. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- H. Sanitary sewage systems. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- I. Gas or liquid storage tanks. All gas or liquid storage tanks, either located above ground or buried, shall be anchored to prevent flotation and/or lateral movement resulting from hydrodynamic and hydrostatic loads.
- J. Alteration, repair, reconstruction, or improvements. Any alteration, repair, reconstruction, or improvement to a structure in compliance with this chapter, shall also meet the requirements of "new construction" as contained in this chapter, including post-FIRM development and structures.
- K. Nonconforming buildings or uses. Nonconforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this chapter. Provided, however, nothing in this chapter shall prevent the repair, reconstruction, or replacement of an existing building or structure located totally or partially within the floodway, provided that the building or structure located below the DFE in the floodway is not increased or expanded.
- L. American with Disabilities Act (ADA). A building is required to meet the specific standards for floodplain construction outlined in section 13.12-4.020, and all

applicable ADA requirements. The ADA is not justification for issuing a variance or otherwise waiving these requirements. Also, the cost of improvements required to meet the ADA provisions shall be included in the costs of the improvements for calculating substantial improvement.

13.12-4.020. - Specific standards.

In all SFHAs (zones A, AE, V, and VE) where the DFE (BFE plus freeboard) is three (3) feet and the BFE data has been provided, as set forth in section 13.12-1.040 or outlined in section 13.12-3.050 the following provisions are required:

A. Residential construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor elevated no lower than the DFE. No basements are permitted. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the elevated buildings requirements in subsection 13.12-4.020(D).

B. Nonresidential construction.

1. New construction and substantial improvement of any commercial, industrial, or non-residential structure shall meet the same standards as residential construction. Structures located in A-zones may be floodproofed in lieu of being elevated, provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.
2. A registered, professional engineer shall certify that the standards of this subsection are satisfied. Such certifications shall be provided to the floodplain administrator as set forth in the floodproofing certification requirements in subsection 13.12-3.040(B)(1). A variance may be considered for wet-floodproofing agricultural structures in accordance with the criteria outlined in section 13.12-5.040 if no other viable location for the structure can be found. Agricultural structures not meeting the criteria of section 13.12-5.040 must meet the nonresidential construction standards and all other applicable provisions of this chapter. Structures that are floodproofed are required to have an approved maintenance plan with an annual exercise. The floodplain administrator must approve the maintenance plan and receive notification of the annual exercises.

C. Manufactured homes.

1. Manufactured homes that are placed or substantially improved on sites located: outside a manufactured home park or subdivision; in a new manufactured home park or sub-division; in an expansion to an existing manufactured home park or subdivision; or, in an existing manufactured home park or subdivision must be elevated on a permanent foundation such that the

lowest floor of the manufactured home is elevated no lower than the DFE and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

2. Manufactured homes must be anchored to resist flotation, collapse, and lateral movement in accordance with Section 40-29-10 of the South Carolina Manufactured Housing Board Regulations, as amended. Additionally, when the elevation requirement would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or an engineered foundation. When the elevation of the chassis is above 36 inches in height an engineering certification is required.
3. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood-prone areas. This plan shall be filed with and approved by the floodplain administrator and the local emergency preparedness coordinator.

D. Elevated buildings. New construction and substantial improvements of elevated buildings that include fully enclosed areas that are usable solely for the parking of vehicles, building access, or limited storage in an area other than a basement, and which are subject to flooding shall be designed to preclude finished space and automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

1. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - a) Provide a minimum of two openings on different walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - b) The bottom of all openings shall be no higher than one foot above the higher of the interior or exterior grade immediately under the opening;
 - c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions; and
 - d) Fill placed around foundation walls must be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side of the building.
 - e) Only the portions of openings that are below the BFE can be counted towards the required net open area.

2. Hazardous velocities. Hydrodynamic pressure must be considered in the design of any foundation system where velocity waters or the potential for debris flow exists. If flood velocities are in excess of five feet per second or greater, foundation systems other than solid foundations walls should be considered so that obstructions to damaging flood flows are minimized.
3. Enclosures below BFE.
 - a) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
 - b) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose a single storage area and must be void of utilities except for essential lighting as required, and cannot be temperature controlled.
 - c) One wet location switch and/or outlet connected to a ground fault interrupt breaker may be installed below the required lowest floor elevation specified in the specific standards outlined in subsections 13.12-4.020(A), (B) and (C) of this ordinance .
 - d) All construction materials below the required lowest floor elevation specified in the specific standards outlined in subsections 13.12-4.020(A), (B) and (C) of this chapter should be of flood resistant materials.
- E. Floodways. Located within SFHAs established in section 13.12-1.040, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles and which could potentially cause erosion. The following provisions shall apply within such areas:
 1. No encroachments, including fill, new construction, substantial improvements, additions, and/or other developments shall be permitted unless:
 - a) It has been demonstrated through hydrologic and hydraulic analyses and/or No-Impact performed by a registered professional engineer certifying that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the floodplain administrator; and/or,
 - b) A CLOMR has been approved by FEMA. A letter of map revision must be obtained upon completion of the proposed development.

2. If subsection 13.12-4.020(E)(1), Floodways, is satisfied, then all shall comply with all applicable flood hazard reduction provisions of article 13.12-4.
3. No manufactured homes shall be permitted, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and the elevation standards of subsection 13.12-4.020(C) are met.
4. Permissible uses within floodways may include general farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife, and related uses. Also, lawns, gardens, play areas, picnic grounds, and hiking and horseback riding trails are acceptable uses, provided that they do not employ structures or fill. Substantial development of a permissible use may require a No-Impact certification. The uses listed in this subsection are permissible only if and to the extent that they do not cause any increase in BFEs or changes to the floodway configuration.

F. Recreational vehicles, park model trailers and campers.

1. A recreational vehicle is ready for highway use if it is:
 - a) On wheels or jacking system;
 - b) Attached to the site only by quick-disconnect type utilities and security devices; and
 - c) Has no permanently attached additions.
2. Recreational vehicles placed on sites shall either be:
 - a) On site for fewer than 90 consecutive days; and
 - b) Be registered with SCDMV and ready for highway use, or meet the permit and certification requirements of section 13.12-3.040, general standards outlined in section 13.12-4.010, and manufactured homes standards in subsection 13.12-4.020(C).

G. Map maintenance activities. The NFIP requires flood data to be reviewed and approved by FEMA. This ensures that flood maps, studies and other data identified in section 13.12-1.040 accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

1. Requirement to submit new technical data.

- a) For all development proposals that impact floodway delineations or BFEs, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include, but are not limited to:
 - i. Floodway encroachments that increase or decrease BFEs or alter floodway boundaries;
 - ii. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the SFHA;
 - iii. Alteration of watercourses that result in a relocation or elimination of the SFHA, including the placement of culverts; and
 - iv. Subdivision or large scale, residential or commercial development proposals requiring the establishment of BFEs in accordance with section 13.12-4.030.
 - b) It is the responsibility of the applicant to have technical data, required in accordance with subsection 13.12-4.020(G), prepared in a format required for a CLOMR or LOMR and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
 - c) The floodplain administrator shall require a CLOMR prior to the issuance of a permit for:
 - i. Proposed floodway encroachments that increase the BFE; and
 - ii. Proposed development which increases the BFE by more than one foot in areas where FEMA has provided BFEs but no floodway.
 - d) Permits approved by the floodplain administrator shall be conditioned upon the applicant obtaining a LOMR from FEMA for any development proposal subject to subsection 13.12-4.020(G).
2. Right to submit new technical data. The floodplain administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or BFEs, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the local jurisdiction and may be submitted at any time.

H. Accessory structures.

1. A detached accessory structure, with a value in excess of \$3,000.00, must comply with the requirements of FEMA's Technical Bulletin 7, current edition, Wet Floodproofing Requirements, or be elevated in accordance with subsections 13.12-4.020(A) and (D), or be dry floodproofed in accordance with subsection 13.12-4.020(B).

2. When accessory structures of \$3,000.00 or less are placed in a SFHA, the following additional criteria shall be met:
 - a) Accessory structures shall not be used for any type of human habitation such as work, sleeping, living, cooking or having restroom facilities or amenities;
 - b) Accessory structure shall not be larger than a one-story two –car garage, approximately 600 sq. ft. in SFHAs other than coastal high hazard areas (A and AE)
 - c) Accessory structure shall not be larger than 100 sq. ft. in coastal high hazard areas (V and VE)
 - d) Accessory structures shall be designed, constructed, and placed on the building site to: have low flood damage potential; offer the minimum resistance to the flow of floodwaters; and be firmly anchored to prevent flotation, collapse or lateral movement.
 - e) Service facilities such as electrical and heating equipment shall be installed in accordance with subsection 13.12-4.010(F); and
 - f) Openings to relieve hydrostatic pressure during a flood shall be provided below BFE in conformance with subsection 13.12-4.020(D)(1).
 - g) Accessory structures shall be built with flood resistance materials in accordance with technical Bulletin 2, Flood Damage-Resistant Materials Requirements, current edition, and available from FEMA Class 4 and 5 materials, referenced therein are acceptable.
3. Swimming pool utility equipment rooms. If the building cannot be built at or above the DFE because of functionality of the equipment, then a structure to house the pool equipment may be built below the DFE with the following provisions:
 - a) Meet the requirements for accessory structures in subsection 13.12-4.020(H).
 - b) The utilities must be anchored to prevent flotation and shall be designed to prevent water from entering or accumulating within the components during conditions of the base flood.
 - c) A variance may be granted to allow wet floodproofing of the structure.
4. Elevators.
 - a) Installing a float switch system or other system that provides the same level of safety is necessary for all elevators where there is a potential for the elevator cab to descend below the BFE during a flood per FEMA's Technical Bulletin

4(TB-4) Elevator Installation for Buildings Located in Special Flood Hazard Areas, current edition.

- b) All equipment that must be installed below the BFE such as counter weight roller guides, compensation cable and pulleys, and oil buffers for traction elevators and the jack assembly for a hydraulic elevator must be constructed using flood-resistant materials where possible per FEMA's TB-4.
- I. Fill. An applicant shall demonstrate through a site plan drawn by a registered professional engineer that fill is the only alternative to raising the building to meet the residential and non-residential construction requirements of subsections 13.12-4.020(A) and 13.12-4.020(B), and that the amount of fill used will not affect the flood storage capacity or adversely affect adjacent properties. The following provisions shall apply to all fill placed in the SFHA:
1. Fill shall not be placed in the floodway unless it is in accordance with the requirements in subsection 13.12-4.020(E)(1);
 2. Fill shall not be placed in tidal or non-tidal wetlands without the required state and federal permits;
 3. Fill must consist of soil and rock materials only. A registered professional geotechnical engineer may use dredged material as fill only upon certification of suitability. Landfills, rubble fills, dumps, and sanitary fills are not permitted in the floodplain;
 4. Fill used to support structures must comply with ASTM Standard D-698, and its suitability to support structures certified by a registered, professional engineer;
 5. Fill slopes shall not have a slope ratio greater or steeper than two horizontal to one vertical, as designed by a registered professional engineer. Flatter slopes may be required where velocities may result in erosion;
 6. The use of fill shall not increase flooding or cause drainage problems on neighboring properties;
 7. Fill may not be used for structural support in the coastal high hazard areas; and
 8. The fill will meet the requirements of FEMA Technical Bulletin 10, current edition, Ensuring That Structures Built On Fill In Or Near Special Flood Hazard Areas Are Reasonably Safe From Flooding.

13.12-4.030. - Standards for subdivision proposals.

- A. All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations and in Title 14, Land Management, Chapters 14.04 and 14.08 as applicable for subdivisions.
- B. All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- C. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood damage.
- D. The applicant shall meet the requirement to submit technical data to FEMA in subsection 13.12-4.020(G) when a hydrologic and hydraulic analysis is completed that generates BFEs.

13.12-4.040. - Standards for streams without established BFEs and/or floodways.

Located within SFHAs (zones A and V) established in section 13.12-1.040, are small streams where no BFE data has been provided or where no floodways have been identified. The following provisions apply within such areas:

- A. In all SFHAs where BFE data is not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates BFEs for all subdivision proposals and other proposed developments containing at least 50 lots or five acres, whichever is less.
- B. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within 100 feet of the stream bank unless certification with supporting technical data by a registered, professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- C. If subsection 13.12-4.040(A) is satisfied and BFE data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard ordinance provisions of article 13.12-4 and shall be elevated or flood proofed in accordance with elevations established in subsection 13.12-3.030(K).
 - 1. Data from preliminary, draft, and final flood insurance studies constitutes best available data. Refer to FEMA Floodplain Management Technical Bulletin 1 Use of Flood Insurance Study (FIS) Data as Available Data, current edition. If an appeal is pending on the study in accordance with 44 CFR ch. 1, parts 67.5 and 67.6, the data does not have to be used.
 - 2. When BFE data is not available from a federal, state, or other source, one of the following methods may be used to determine a BFE. For further information regarding the methods for determining BFEs listed below, refer to

FEMA's manual Managing Floodplain Development in Approximate Zone A Areas:

- a. Contour interpolation:
 - i. Superimpose approximate Zone A boundaries onto a topographic map and estimate a BFE.
 - ii. Add one-half of the contour interval of the topographic map that is used to the BFE.
- b. Data extrapolation. A BFE can be determined if a site within 500 feet upstream of a reach of a stream for which a 100-year profile has been computed by detailed methods, and the floodplain and channel bottom slope characteristics are relatively similar to the downstream reaches. No hydraulic structures shall be present.
- c. Hydrologic and hydraulic calculations. Perform hydrologic and hydraulic calculations to determine BFEs using FEMA approved methods and software.

13.12-4.050. - Standards for streams with established BFEs but without floodways.

Along rivers and streams where BFE data is provided without a floodway are identified for a SFHA on the FIRM or in the FIS. The following provisions apply within such areas:

- A. No encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

13.12-4.060. - Coastal high hazard areas (V-zones).

Located within the SFHAss established in section 13.12-1.040, Lands, or subsection 13.12-3.050(K) are areas designated as coastal high hazard areas. These areas have special flood hazards associated with wave wash. The following provisions shall apply within such areas:

- A. All buildings or structures shall be located landward of the first line of stable natural vegetation and comply with all applicable DHEC and OCRM setback requirements.
- B. All new construction and substantial improvements shall be elevated so that the bottom of the lowest supporting horizontal structural member (excluding pilings or columns) of the lowest floor is located no lower than three foot above the BFE.
- C. All buildings or structures shall be securely anchored on pilings or columns, extending vertically below a grade of sufficient depth and the zone of potential scour, and securely anchored to the subsoil strata.

- D. All pilings and columns and the attached structures shall be anchored to resist flotation, collapse, lateral movement and scour due to the effect of wind and water loads acting simultaneously on all building components.
- E. A registered professional engineer shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in subsections 13.12-4.060(C), (D), and (F).
- F. There shall be no fill used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge, thereby rendering the building free of obstruction prior to generating excessive loading forces, ramping effects, or wave deflection. Only beach compatible sand may be used. The floodplain administrator shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, and/or soil scientist that demonstrates that the following factors have been fully considered:
 - 1. Particle composition of fill material does not have a tendency for excessive natural compaction;
 - 2. Volume and distribution of fill will not cause wave deflection to adjacent properties; and
 - 3. Slope of fill will not cause wave run-up or ramping.
- G. There shall be no alteration of sand dunes that would increase potential flood damage.
- H. All new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than ten and no more than 20 pounds per square foot. Breakaway wall enclosures shall not exceed 299 square feet. Only flood resistant materials shall be used below the required flood elevation specified in 13.12-4.010(C). One wet location switch and/or outlet connected to a ground fault interrupt breaker may be installed below the required lowest floor elevation specified in 13.12-4.010(E).

Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot may be permitted only if a registered professional engineer certifies that the designs proposed meet the following conditions:

- 1. Breakaway wall collapse shall result from water load less than that which would occur during the base flood.

2. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). The water loading shall be those values associated with the base flood. The wind loading values shall be those required by applicable IBC International Building Codes.
 3. Such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation, finished or partitioned into multiple rooms, or temperature-controlled.
- I. No manufactured homes shall be permitted except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and elevation standards of subsection 13.12-4.020(C).
 - J. Recreational vehicles shall be permitted in coastal high hazard areas provided that they meet the recreational vehicle criteria of subsection 13.12-4.020(F) and the provisions of subsection 13.12-4.020(I). Recreational vehicles, park model trailers and campers are prohibited as a principal use on any single lot of record located within the unincorporated portions of Edisto Island.
 - K. Accessory structures, below the required lowest floor elevation specified in subsection 13.12-4.060(B), are prohibited except for the following:
 1. Swimming pools.
 - a. They are installed at-grade or elevated at or above the DFE so long as the pool will not act as an obstruction.
 - b. They must be structurally independent of the building and its foundation.
 - c. They may be placed beneath a coastal building only if the top of the pool and any accompanying decking or walkway are flush with the existing grade and only if the lower area remains unenclosed.
 - d. As part of the certification process for V-zone buildings the design professional must consider the effects that any of these elements will have on the building in question and any nearby buildings.
 2. Access stairs attached to or beneath an elevated building:
 - a. Must be constructed of flood-resistant material;
 - b. Must be constructed as open staircases so they do not block flow under the structure in accordance with 44 CFR 60.3(e)(5).

3. Decks.
 - a. If the deck is structurally attached to a building then the bottom of the lowest horizontal member must be at or above the elevation of the buildings lowest horizontal member.
 - b. If the deck is to be built below the BFE then it must be structurally independent of the main building and must not cause an obstruction.
 - c. If an at-grade, structurally independent deck is proposed then a design professional must evaluate the design to determine if it will adversely affect the building and nearby buildings.

- L. Parking areas should be located on a stable grade under or landward of a structure. Any parking surface shall consist of gravel or aggregate.

- M. All new and replacement utility equipment and systems, which include water supply, sanitary sewage, electrical, and HVAC including ductwork, and other service facilities shall be designed and installed to minimize or eliminate infiltration of floodwaters into these systems or components, or discharges from these systems into floodwaters during conditions of the DFE. This requirement does not include the installation of outdoor faucets for shower heads, sinks, hoses, etc., as long as cut off devices and back flow devices are installed to prevent contamination and minimize flood damages to the building. No utilities or components shall be attached to breakaway walls.

ARTICLE 13.12-5. - VARIANCE PROCEDURES

Sections:

- 13.12-5.010. - Establishment of the zoning board of appeals (ZBA).**
- 13.12-5.020. - Right to appeal.**
- 13.12-5.030. - Historic structures.**
- 13.12-5.040. – Functionally dependent uses.**
- 13.12-5.050. - Agricultural structures.**
- 13.12-5.060. - Considerations.**
- 13.12-5.070. - Findings.**
- 13.12-5.080. - Floodways.**
- 13.12-5.090. – Conditions.**

13.12-5.010. - Establishment of the zoning board of appeals (ZBA).

The ZBA as established by the Colleton County council shall hear and decide requests for appeals and eligible variances from the requirements of this chapter.

13.12-5.020. - Right to appeal.

Any person aggrieved by the decision of the ZBA or any taxpayer may appeal such decision to the county circuit court.

13.12-5.030. - Historic structures.

Variations may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

13.12-5.040. - Functionally dependent uses.

Variations may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria in 13.12-5.050 are met, no reasonable alternative exist, and the development is protected by methods that minimize flood damage and create no additional threat to public safety.

13.12-5.050. – Agricultural Structures.

Variations may be issued to wet floodproof an agricultural structure provided it is used solely for agricultural purposes. In order to minimize flood damages during the base flood and the threat to public health and safety, the structure must meet all of the conditions and considerations of 13.12-5.080., this section, and the following standards:

A. Use of the structure must be limited to agricultural purposes as listed below:

1. Pole frame buildings with open or closed sides used exclusively for the storage of farm machinery and equipment,
2. Steel grain bins and steel frame corncribs,
3. General-purpose barns for the temporary feeding of livestock that are open on at least one side;
4. For livestock confinement buildings, poultry houses, dairy operations, and similar livestock operations, variations may not be issued for structures that were substantially damaged. New construction or substantial improvement of such structures must meet the elevation requirements of 13.12-4.020(B) of this ordinance; and

B. The agricultural structure must be built or rebuilt, in the case of an existing building that is substantially damaged, with flood-resistant materials for the exterior and interior building components and elements below the base flood elevation.

C. The agricultural structure must be adequately anchored to prevent flotation, collapse, or lateral movement. All of the structure's components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, hydrodynamic, and debris impact forces. Where flood velocities exceed 5 feet per second, fast-flowing

floodwaters can exert considerable pressure on the building's enclosure walls or foundation walls.

- D. The agricultural structure must meet the venting requirement of 13.12-4.020(D) of this ordinance.
- E. Any mechanical, electrical, or other utility equipment must be located at or above the DFE, or be contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with 13.12-4.010(E) of this ordinance.
- F. The agricultural structure must comply with the floodway encroachment provisions of 13.12-4.020(E) of this ordinance.
- G. Major equipment, machinery, or other contents must be protected. Such protection may include protective watertight floodproofed areas within the building, the use of equipment hoists for readily elevating contents, permanently elevating contents on pedestals or shelves above the base flood elevation, or determining that property owners can safely remove contents without risk to lives and that the contents will be located to a specified site out of the floodplain.

13.12-5.060. - Considerations.

In passing upon such applications, the ZBA shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:

- A. The danger that materials may be swept onto other lands to the injury of others;
- B. The danger to life and property due to flooding or erosion damage, and the safety of access to the property in times of flood for ordinary and emergency vehicles;
- C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- D. The importance of the services provided by the proposed facility to the community;
- E. The necessity of the facility to a waterfront location, (functionally dependent) where applicable;
- F. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- G. The compatibility of the proposed use with existing and anticipated development, and the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

- H. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
- I. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and roads and bridges; and
- J. Agricultural structures must be located in wide, expansive floodplain areas, where no other alternative location for the agricultural structure exists. The applicant must demonstrate that the entire farm acreage, consisting of a contiguous parcel of land on which the structure is to be located, must be in the SFHA and no other alternative and viable locations for the structure are available.

13.12-5.070. - Findings.

Findings listed above shall be submitted to the ZBA, in writing, and included in the application for a variance. Additionally, comments from the SCDNR, OCRM, SCDHEC, state coordinator's office, and the Army Corps. Of Engineers (USACE), as appropriate, must be taken into account and included in the permit file.

13.12-5.080. - Floodways.

Variations shall not be issued within any designated floodway if any increase in flood levels, or changes in the floodway configuration during the base flood discharge would result unless a CLOMR is obtained prior to issuance of the variance. In order to insure the project is built in compliance with the CLOMR for which the variance is granted the applicant must provide a bond for 100 percent of the cost to perform the development.

13.12-5.090. - Conditions.

Upon consideration of the factors listed above and the purposes of this chapter, the ZBA may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter. The following conditions shall apply to all variances:

- A. Variations may not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.
- B. Variations shall only be issued upon a determination that the variance is the minimum necessary, considering the SFHA or floodway, to afford relief.
- C. Variations shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship, and a determination that the granting of a variance will not result in increased flood heights, change in floodway configuration, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- D. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the BFE and the elevation to which the

structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. Such notification shall be maintained with a record of all variance actions.

- E. The floodplain administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.
- F. Variances shall not be issued for unpermitted development or other development that is not in compliance with the provisions of this chapter. Violations must be corrected in accordance with subsection 13.12-3.040(E).

ARTICLE 13.12-6. - LEGAL STATUS PROVISIONS

Sections:

13.12-6.010. - Effect on rights and liabilities under the existing flood damage prevention ordinance.

13.12-6.020. - Effect upon outstanding building permits.

13.12-6.030. - Effective Date.

13.12-6.010. - Effect on rights and liabilities under the existing flood damage prevention ordinance.

This chapter in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted April 7, 1987, as amended October 7, 2008, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this chapter shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of Colleton County enacted on April 7, 1987, as amended October 7, 2008, which are not reenacted herein, are repealed.

13.12-6.020. - Effect upon outstanding building permits.

Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which a building permit has been granted by the chief building inspector or his authorized agents before December 2, 2001; provided, however, that when construction is not begun under such outstanding permit within a period of 60 days subsequent to passage of this chapter, construction or use shall be in conformity with the provisions of this chapter.

13.12-6.030. - Effective Date.

This chapter shall become effective October 7, 2008.

3. **Title 13 – Buildings and Construction, Chapter 13.16 – Manufactured/Mobile Homes,** of the Colleton County Code of Laws (the same being inclusive of and one with the

Originating and Amending Ordinances), and all subparagraphs thereof, is hereby amended in its totality to read as follows:

CHAPTER 13.16. – MANUFACTURED/MOBILE HOMES

Sections:

13.16.020. – Regulation of placement of certain manufactured or mobile homes.

13.16.030. – Wind Zone Requirements.

13.16.040. – Duty of owner to obtain a registration decal.

13.16.050. – Installation.

13.16.060. – Repair, alteration or modification.

13.16.070. – Permits required.

13.16.080. – Prerequisites for power.

13.16.090. – Change of occupancy.

13.16.100. – Temporary use permits.

13.16.110. – Discretion of the director of planning and development and building official.

13.16.120. – Penalty.

13.16.020. - Regulation of placement of certain manufactured or mobile homes.

- A. For the purposes of this Chapter, home or homes shall mean mobile homes or manufactured homes, and manufactured homes shall mean mobile homes, and vice-versa.
- B. No mobile homes manufactured prior to June 15, 1976, which are not currently permitted by Colleton County, may be brought into and granted a permit for placement in Colleton County, South Carolina.
- C. Mobile homes manufactured prior to June 15, 1976, which are, as of the date of the passage of the ordinance codified in this chapter, situated and legally permitted to be located in Colleton County may remain and may be granted a permit for relocation within the county, if structurally sound for relocation.
- D. Homes that have not been correctly or legally registered; derelict or non-habitable; deemed as no-value by the assessor's office; condemned by code enforcement; or otherwise removed from the tax rolls for any reasons, will be required to meet the guidelines within this chapter before said home can remain in the county. Such homes will require an inspection by the building department before power can be restored.

13.16.030. - Wind zone requirements.

- A. Federal law defines wind zone 2 as all areas within the boundaries of Colleton County, South Carolina. All manufactured homes are required to be labeled to meet the minimum wind speed for the zone in which they are to be placed.

Consequently, only homes built to wind zone 2 or 3 specifications, and labeled as wind zone 2 or 3 units, may be placed in Colleton County. The wind zone requirements are provisions of federal law, and no exceptions or variances are permitted; therefore, only wind zone 2 or 3 homes will be permitted to move and be placed within Colleton County.

- B. Wind zone 1 homes currently located and properly registered within the boundaries of Colleton County as of October 3, 2000, may continue to be occupied and used within the boundaries of Colleton County.

13.16.040. - Duty of owner to obtain a registration decal.

Each owner of a manufactured home located in Colleton County shall obtain and display a county registration decal as required by state law, within 15 days of purchase, or change of ownership, or if the manufactured home is relocated, except where:

- A. The unit is temporarily located within the county for the express predetermined purpose of conveyance outside the county within 30 days after arrival;
- B. The unit is held for display or exhibition purposes by a manufactured home dealer licensed by the state as such; or
- C. The unit is passing through the county on a public street, road, or highway for conveyance elsewhere.

13.16.050. - Installation.

The manufacturer's installation manual is the document to be used for the first placement of new manufactured homes; whereas subsequent installations must utilize the South Carolina Manufactured Housing Board regulations. Such written instructions must be available at the job site at the time of the inspection by the county building inspector. A manufactured home installer shall be liable to the purchaser of the manufactured home for failure to properly install/set up the manufactured home pursuant to the requirements of this chapter.

13.16.060. - Repair, alteration, or modification.

- A. Renovations, repairs, or modifications to manufactured homes are performed under the jurisdiction of the local building authority where the home is located.
- B. Such work shall be performed in accordance with the requirements of the most recently adopted edition of the International Residential Code (IRC), except where such repairs are performed by a qualified manufacturer's technician during the warranty period. In that case, the repairs shall comply with the Federal Manufactured Housing Construction and Safety Standards.

- C. A South Carolina manufactured home contractor or repairer, a licensed residential builder, a licensed general contractor, a licensed retail dealer or manufacturer, or an employee thereof for homes sold or manufactured by them, or a registered residential specialty contractor (as long as the Residential Builders' Commission recognizes the specialty), are all permitted to repair, alter, and/or modify manufactured homes.

13.16.070. - Permits required.

- A. A permit shall be required for the placement of any manufactured home within the unincorporated areas of Colleton County. Only a licensed dealer or installer of manufactured homes, or the unit's owner, if said owner is actually performing the installation, shall apply for the permit. It shall be unlawful for any person selling a manufactured home, or for a manufactured home mover, to deliver or place a unit upon any prospective temporary or permanent site without first having secured a manufactured home placement permit.
- B. No repair, renovation, or alteration to a manufactured home shall commence until a valid permit for such work has been applied for and issued by the planning and development department.
- C. Where work on a mobile home or its placement on a parcel has occurred prior to obtaining the required permit(s), any and all required permit fees shall be doubled, which may include the zoning permit, the manufactured home permit and/or building permit, as required. The payment of such doubled fee shall not relieve any persons from fully complying with the requirements of this chapter or with any other applicable codes in the execution of the work, nor from any other penalties prescribed. Failure to pay the double permit fees before work recommences shall initiate a citation where a court date will be assigned.

13.16.080. - Prerequisites for power.

- A. No electric service provider shall install a new connection of electricity to a manufactured home unless the director or assigned compliance officer has released permission to the provider. This includes manufactured homes where the power was turned off due to fire or other catastrophe, which requires a permit and inspection of the home prior to authorizing the power to be turned back on.
- B. If the electrical connection has been completed without proper inspections, the director or assigned compliance officer will require the provider to remove such service immediately, and the double permit fees and/or citation issuance defined in 13.16.070(C) above shall apply, as appropriate.

13.16.090. - Change of occupancy.

- A. HUD labeled manufactured homes are constructed as single-family detached residences only. They are not designed or intended for use as, nor will they meet any building code requirements for, offices, stores/shops, class rooms, places of assembly, storage buildings, etc.

- B. A home-occupation may be conducted from a manufactured home, as long as that use is permitted in the zoning district where the home is located, there are no existing HOA CC&Rs prohibiting it, and such use meets the provisions of any applicable state or federal laws, and the principal use remains as a residence.

13.16.100. - Temporary use permits.

The following is the only instance for which a temporary permit may be considered for a manufactured home:

- A. Permitting the temporary set up of a manufactured home for the purpose of remodeling or bringing such unit up to building standards. In this case, no plumbing hookup or electrical permit will be approved. This permit will expire in 90 days. Additional 30-day extensions may be requested from the director, but approval is not guaranteed.

- B. Nothing in this section exempts an applicant from securing all other required permits. Primary building permits must be applied for at the time the temporary use permit is approved.

13.16.110. - Discretion of the director of planning and development and building official.

- A. The director has the authority to render interpretations of this chapter and to adopt policies and procedures to clarify the application of its provisions. Such interpretations, policies and procedures shall be in conformance with the intent and purpose of this chapter.

- B. It shall also be at the discretion of the building official, with approval by the director to request disconnection of power and/or utilities to a manufactured home that has been installed or set up illegally, improperly, or without proper authority, when a home is in violation of this chapter or any other applicable state or federal laws; or where necessary due to safety and/or hazardous conditions.

13.16.120. - Penalty.

Any person violating or failing to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than \$500.00 or imprisoned for not more than 30 days for each such violation. Each day of noncompliance with the provisions of this chapter shall constitute a separate offense.

4. **Title 13 – Buildings and Construction, Chapter 13.20 – Uniform Ordinance Summons,** of the Colleton County Code of Laws (the same being inclusive of and one with the Originating and Amending Ordinances), and all subparagraphs thereof, is hereby amended in its totality to read as follows:

CHAPTER 13.20. - UNIFORM ORDINANCE SUMMONS

Sections:

13.20.010. - Ordinance summons form.

13.20.020. - Department responsibilities.

13.20.030. - Court and officer copies.

13.20.040. - Record maintenance for annual audit of summons.

13.20.050. - Violation—Penalty.

13.20.060. - Custodial arrest and motor vehicle regulation enforcement excluded.

13.20.010. - Ordinance summons form.

There shall be made available to all county compliance officers (which includes code enforcement officers, litter control officers, building inspectors, zoning administrators, floodplain administrators, sheriff's deputies, and the fire marshal) of this county an ordinance summons which complies with the requirements of S.C. Code 1976, § 56-7-80, as amended. The form shall be substantially the same as the form which is attached to the ordinance codified in this chapter and amended herein. The summons shall have the same affect whether served in person or sent by certified mail.

13.20.020. - Department responsibilities.

The planning and development department shall be responsible for having the summons books printed, issuing blank summons books, and keeping a record of the summons forms assigned to each individual compliance officer or in the case of fire-rescue and sheriff's deputies, the forms assigned to those departments.

13.20.030. - Court and officer copies.

Any compliance officer issuing an ordinance summons shall be responsible for forwarding the copy of the summons labeled "Court Copy" to the appropriate judicial office within 48 hours of issuing the summons. It shall also be the issuing officer's responsibility to keep the copy of the summons labeled "Officer Copy" until the appointed hearing time. After all action concerning the summons has been concluded, the issuing officer shall provide the "Officer Copy" of the summons to the director or the fire-rescue director (or their designees) within 48 hours.

13.20.040. - Record maintenance for annual audit of summons.

Planning and development and fire-rescue shall each be responsible for keeping the summons forms that have been turned in by their respective compliance officers in a manner which will allow for an annual audit of the summons forms.

13.20.050. - Violation—Penalty.

- A. Any person who fails to appear before the court as required by a uniform ordinance summons, without first having posted such bond, as may be required, or without having been granted a continuance by the court, is guilty of a misdemeanor and, upon conviction, must be fined not more than \$500.00 and/or be imprisoned for not less than two days nor more than 30 days.

- B. Any person, who is issued a summons for violation of the provisions of the Public Nuisance, Building & Construction, Land Development, Zoning, Flood Damage Prevention, and/or Fire Codes as adopted by Colleton County, shall upon conviction of such violation, be guilty of a misdemeanor, and the penalties prescribed by the individual code, chapter, section or by Chapter 1.08, General Penalty, of the Colleton County Code of Laws shall apply.

13.20.060. - Custodial arrest and motor vehicle regulation enforcement excluded.

The uniform ordinance summons may not be used to perform a custodial arrest. Further, no county ordinance regulating the use of motor vehicles on the public roads of the state can be enforced using this uniform ordinance summons. This chapter does not prohibit the county from enforcing ordinances by any other means allowed by law.

5. Severability:

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

6. Conflict:

Provisions in other County Ordinances, Resolutions, policies, or by-laws in conflict with this Ordinance are hereby repealed.

ATTEST:

SIGNED:

Kaela Brinson, Council Clerk

Steven D. Murdaugh, Chairman

Approved as to Form
Sean Thornton, County Attorney

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
First Reading : March 1, 2022
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A
Second Reading : April 5, 2022
Public Hearing : May 3, 2022
Third Reading : May 3, 2022
Effective Date : Immediately

I, _____,
Council Clerk, certify that this
Ordinance was advertised for
Public Hearing on _____.

ORDINANCE NO. 22-O-05

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[TO AMEND TITLE 14 – LAND MANAGEMENT, CHAPTER 14.04 – LAND DEVELOPMENT REGULATIONS AND CHAPTER 14.08 – ZONING, TO COINCIDE WITH THE TEN YEAR UPDATE OF THE COLLETON COUNTY COMPREHENSIVE PLAN.]

WHEREAS:

1. Title 14 – Land Management, Chapter 14.04 – Land Development Regulations, of the Colleton County Code of Ordinances were reviewed by the Planning Commission on November 23, 2020, December 29, 2020 and March 28, 2022; and
2. Title 14 – Land Management, Chapter 14.08 – Zoning, of the Colleton County Code of Ordinances were reviewed by the Planning Commission on December 29, 2020, January 25, 2021 and March 28, 2022; and
3. Chapters 14.04 and 14.08 were edited for legal sufficiency, redundancy and/or unnecessary words and phrases, and updated and clarified simplified phrases in order to be current with the accepted American Planning Association (APA) principles and practices; and
4. County Council believes it is in the best interest of the citizens of Colleton County to approve the changes set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY COLLETON COUNTY COUNCIL, DULY ASSEMBLED, THAT:

1. **Title 14 – Land Management, Chapter 14.04 – Land Development Regulations**, of the Colleton County Code of Laws (the same being inclusive of and one with the Originating and Amending Ordinances), and all subparagraphs thereof, is hereby amended in its totality to read as follows:

CHAPTER 14.04. - LAND DEVELOPMENT REGULATIONS

ARTICLE 14.04-1. - PURPOSE AND AUTHORITY

Sections:

14.04-1.010. - Title.

14.04-1.020. - Purpose and authority.

14.04-1.030. - Jurisdiction.

14.04-1.010. - Title.

This chapter shall be known and may be cited as the Land Development Regulations of Colleton County, South Carolina.

14.04-1.020. - Purpose and authority.

The purpose of these land development regulations is to promote the public health, safety, and welfare of the residents and require the harmonious, orderly, controlled and sustainable development of land within the county. In furtherance of this general intent, the regulation of land development by the county is authorized by S.C. Code 1976, § 6-29-1120 for the following purposes, among others:

- A. To encourage the development of economically sound and sustainable municipalities and counties;
- B. To assure the timely provision of required streets, utilities, and other facilities and services to new land developments;
- C. To assure the adequate provision of safe and convenient traffic access and circulation, for motorists, bicyclists and pedestrians, in and through new land developments;
- D. To assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, transportation, and other public purposes; and
- E. To assure, in general, wise, timely and sustainable development of new areas, and redevelopment of previously developed areas in harmony with the comprehensive plans of municipalities and counties.

14.04-1.030. - Jurisdiction.

The regulations contained herein shall govern each and every subdivision and installation of infrastructure within the county outside of the jurisdiction of any incorporated municipality, except those we have an intergovernmental agreement with to do their planning, zoning, building permitting and inspections.

ARTICLE 14.04-2. - LEGAL PROVISIONS

Sections:

14.04-2.010. - Administration.

- 14.04-2.020. - General legal provisions.**
- 14.04-2.030. - Existing and future ordinances.**
- 14.04-2.040. - Severability and validity.**
- 14.04-2.050. - Violations and penalties.**
- 14.04-2.060. - Appeals.**
- 14.04-2.070. - Modifications.**
- 14.04-2.080. - Amendments.**
- 14.04-2.090. – Delegated authority to staff.**
- 14.04-2.100. - Abrogation.**
- 14.04-2.110. – Repeal of conflicting ordinances.**
- 14.04-2.120. – Effective date of adoption.**

14.04-2.010. - Administration.

In accordance with S.C. Code 1976, § 6-29-1150(C), the planning commission is responsible for the administration of the land development regulations. The planning commission hereby designates the director of planning and development hereinafter (director) or his designee to perform the duties as set forth herein.

14.04-2.020. - General legal provisions.

- A. No subdivision plat, survey, or other land development plan within the jurisdiction of the county may be filed or recorded in the county office where deeds are recorded until it bears the stamp of approval and is properly signed by the director.
- B. No building permit may be issued until the plat or site plan is approved and properly signed by the authority designated in this chapter.
- C. If the developer defaults in installing required site improvements, the County can use the proceeds of the required surety bond or other security instrument posted by the developer to install the required improvements.

14.04-2.030. - Existing and future ordinances.

All proposed development of land must comply in all respects with the requirements of chapter 14.08, pertaining to zoning, chapter 13.12, pertaining to floodplain damage prevention, and, where applicable, any other officially adopted ordinances, plans or maps approved by the county.

14.04-2.040. - Severability and validity.

Should any section or provision of this chapter be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

14.04-2.050. - Violations and penalties.

- A. Complaints regarding violations. Whenever an alleged violation of this chapter occurs, the director or his designee shall investigate such complaint, and take such action as provided by this chapter. Complaints may be filed in writing or verbally, stating fully the cause and basis thereof.

B. Penalties for violations.

1. Except as otherwise provided herein, the owner or agent of the owner of any land to be subdivided within the unincorporated portion of the county who transfers or sells the land by reference to or exhibition of or by other use of a plat of subdivision of the land before the plat has been approved by the director and/or the planning commission and recorded in the office of the register of deeds in and for the county, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished in the discretion of the court; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transfer shall not exempt the transaction from these penalties. The county may enjoin the transfer or sale or agreement by appropriate action.
2. Where any building, structure, or sign is or is proposed to be erected, constructed, reconstructed, altered, converted, demolished, maintained, or be used in violation of this chapter, the director or his designated compliance officers may, in accordance with the provisions of S.C. Code 1976, § 56-7-80, as amended, issue a stop-work-order, an ordinance summons, or institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, demolition, maintenance, or use; to correct or abate the violation or to prevent the occupancy of the building, structure, or land. Each day such unlawful erection, construction, reconstruction, alteration, conversion, demolition, maintenance, or use continues shall be deemed a separate offense.
3. Failure to apply for the appropriate and required permits, including building, zoning, sign and/or floodplain permits, prior to commencing any work requiring a permit shall require the director or his designated compliance officers to issue a stop-work-order. The stop-work-order cannot be removed to allow further work to commence until the applicant has submitted everything required for each required permit, received approval on all permits, and paid a double-permit fee fine for all permits required. Failure of the applicant to comply and/or pay the double-permit fee fine may cause the property owner to be fined up to \$500.00 and serve up to 30 days in jail in accordance with Colleton County Codes, where each day's violation of any provision of this chapter shall constitute a separate offense.

14.04-2.060. - Appeals.

- A. Questions arising from the enforcement of these regulations by the director or his designated compliance officers may be appealed to the planning commission for consideration within 30 days of the decision. The planning commission will render a decision on the appeal within 60 days and the appellant will be notified, in writing, of such decision within seven business days.

- B. Any party aggrieved by a decision of the planning commission regarding the standards enumerated in these regulations or a ruling on a requested modification may appeal the decision to the circuit court of the county. The aggrieved party shall file a petition with the clerk of court within 30 days of the planning commission decision.

14.04-2.070. - Modifications.

- A. The planning commission may grant, upon written request, design modifications to the requirements of article 14.04-5 if the strict application of the requirements would create an undue hardship in the development of land. Such hardship cannot be created by the applicant or be requested for the sole purpose of increasing profitable gain. Design modification requests shall be prepared by the property owner, developer, or agent and address the criteria in subsection C of this section.
- B. Requests for design modifications shall be submitted at the same time the plat is submitted.
- C. Before granting the design modification, the planning commission shall state, for the record, that the following findings are satisfied. In reaching such conclusion, the commission may utilize the written request prepared by the applicant or other applicable information.
 - 1. The design modification is justified due to topographical or other special conditions unique to the property.
 - 2. The design modification will not compromise the intent or purpose of the regulations.

14.04-2.080. - Amendments.

- A. The planning commission is responsible for the review and recommendation of amendments to the land development regulations to the county council for adoption.
- B. The county council may adopt amendments to this chapter by enacting an ordinance following a duly noticed public hearing.
- C. A public hearing for an amendment to this chapter shall have a minimum of 30 days' notice by publication in a newspaper of general circulation including the time and place of the hearing in accordance with S.C. Code 1976, § 6-29-1130(B).

14.04-2.090. - Delegated authority to staff.

Pursuant to S.C. Code 1976, § 6-29-1150, the planning commission delegates review and approval authority to the director of planning and development, hereinafter (director) or his designee for all exempt plats, minor and major subdivisions, summary plats, boundary surveys, final plats and commercial development projects. Only major subdivision preliminary plats require the approval of the planning commission.

14.04-2.100. - Abrogation.

It is not intended that this chapter repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, where this chapter imposes greater restrictions, the provisions of this chapter shall govern.

14.04-2.110. - Repeal of conflicting ordinances.

All ordinances and parts of ordinances in conflict with this chapter are repealed to the extent necessary to give this chapter full force and effect.

14.04-2.120. - Effective date and adoption.

The ordinance from which this chapter is derived shall take effect and be in force from and after May 3, 2022.

ARTICLE 14.04-3. - SUBDIVISION TYPES AND REVIEW PROCEDURES

Sections:

14.04-3.010. - Purpose.

14.04-3.020. - Land development types.

14.04-3.030. - Minor subdivision process.

14.04-3.040. - Major subdivision process.

14.04-3.050. - Financial guarantees.

14.04-3.060. - Commercial development projects.

14.04-3.010. - Purpose.

The purpose of this article is to establish an orderly subdivision process for the county. It is also the intent of this article to provide a clear and comprehensive approval process that is fair and equitable to all interests including the petitioners, affected neighbors, county staff, and related agencies. Approved plans shall be the guiding documents for final approval and permitting.

14.04-3.020. - Land development types.

A. ***Commercial development defined.*** Commercial development is any development other than a single or two family residential development on a single lot, not used for commercial gain, which excludes units for rent or lease or any owner/renter characteristics. Commercial developments include: residential or commercial subdivisions; multi-family apartment or condominium complexes; commercial retail or service businesses, offices, parks, or centers; industrial developments or parks; or, mobile home and RV parks or subdivisions.

B. ***Subdivision defined.*** According to S.C. Code 1976, § 6-29-1110(2), a subdivision is a division of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale, lease, or building development. It includes all division of land involving a new street or change in existing streets. It covers the alteration of streets or establishment of new streets within a subdivision previously approved or recorded. Subdivision also includes re-

subdivision involving further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded, and combinations of lots of record.

C. **Subdivision types.** For all subdivisions of land, the following categories of subdivisions shall be used to determine the procedures required for review:

1. **Exempt subdivision.**

a. Exempt subdivisions are exempt from the design standards of this chapter; however, all lots are subject to the minimum requirements of chapter 14.08.

An exempt subdivision:

- i. Involves the division of land into parcels of five acres or more where no new public or private street is involved;
- ii. Includes the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this chapter and other applicable regulations;
- iii. Includes plats for the creation of cemetery lots; or
- iv. Includes a plat of a single pre-existing lot of record.

b. The director shall, when an exempt plat is submitted for recording, review said plat to determine if it is in fact exempt from the requirements of this chapter. An exempt subdivision shall be drawn to meet the Minimum Standards Manual for the Practice of Land Surveying in South Carolina.

c. If the plat is found not to be exempt from the requirements of this chapter, the applicant shall be instructed to submit the plat to the director for approval and processing.

2. **Minor subdivision.**

a. A minor subdivision is one which does not involve:

- i. The creation of more than 15 lots fronting onto an approved, existing public or private road or street right-of-way; or
- ii. The creation of any new public or private street.

b. The minor subdivision process shall not be used twice within three years anywhere within the original property boundaries if the total number of lots exceeds 15 or a new public or private street is created, which then requires the major subdivision process to be used.

3. **Major subdivision.** A major subdivision is any subdivision other than an exempt or minor subdivision.

4. **Planned development district (PDD) subdivision.**

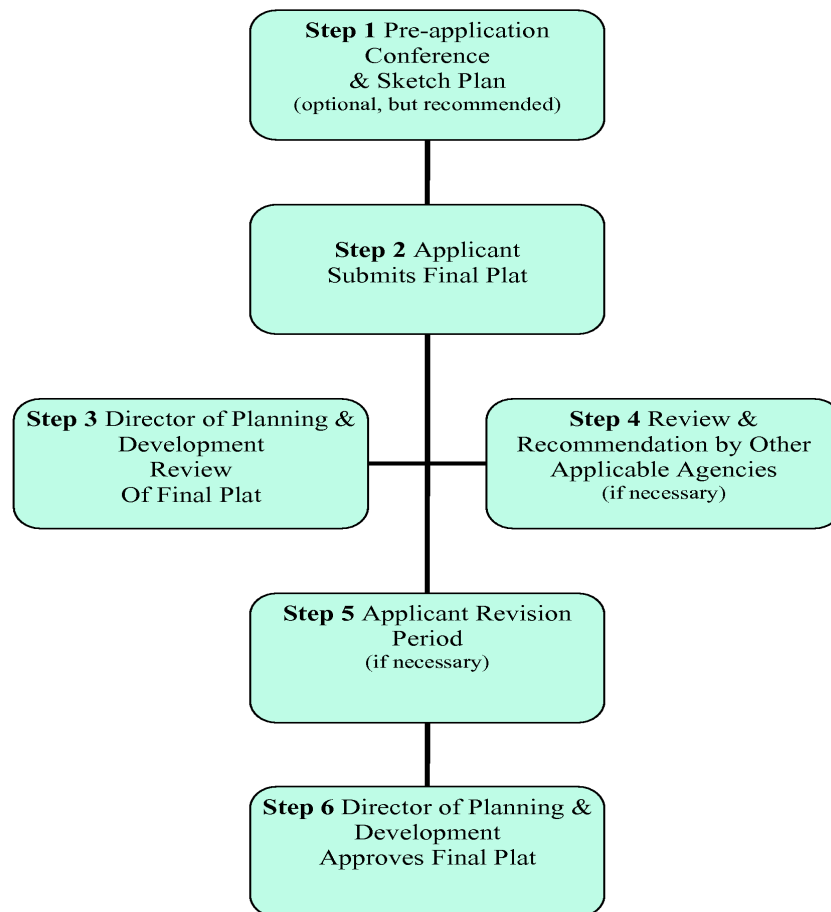
a. A PDD subdivision is a major subdivision located within a PDD zoning classification as regulated in section 14.08-2.140. It is intended to allow for

flexibility to improve the design, character, and quality of new mixed use developments and preserve natural and scenic features of open spaces.

- b. Design standards set out in this chapter may be waived or modified for PDDs provided the intent of this chapter is not nullified or lessened and sufficient proof is given substantiating the adequacy of the alternative design.
- 5. **Conservation development subdivision.** A conservation development subdivision is a type of residential subdivision that allows smaller than minimum lot sizes and setbacks with dwelling units clustered in smaller areas to preserve larger areas for open space and environmental resources developed in accordance with section 14.08-3.020(H).

14.04-3.030. - Minor subdivision process.

The following chart illustrates the Minor Subdivision process:



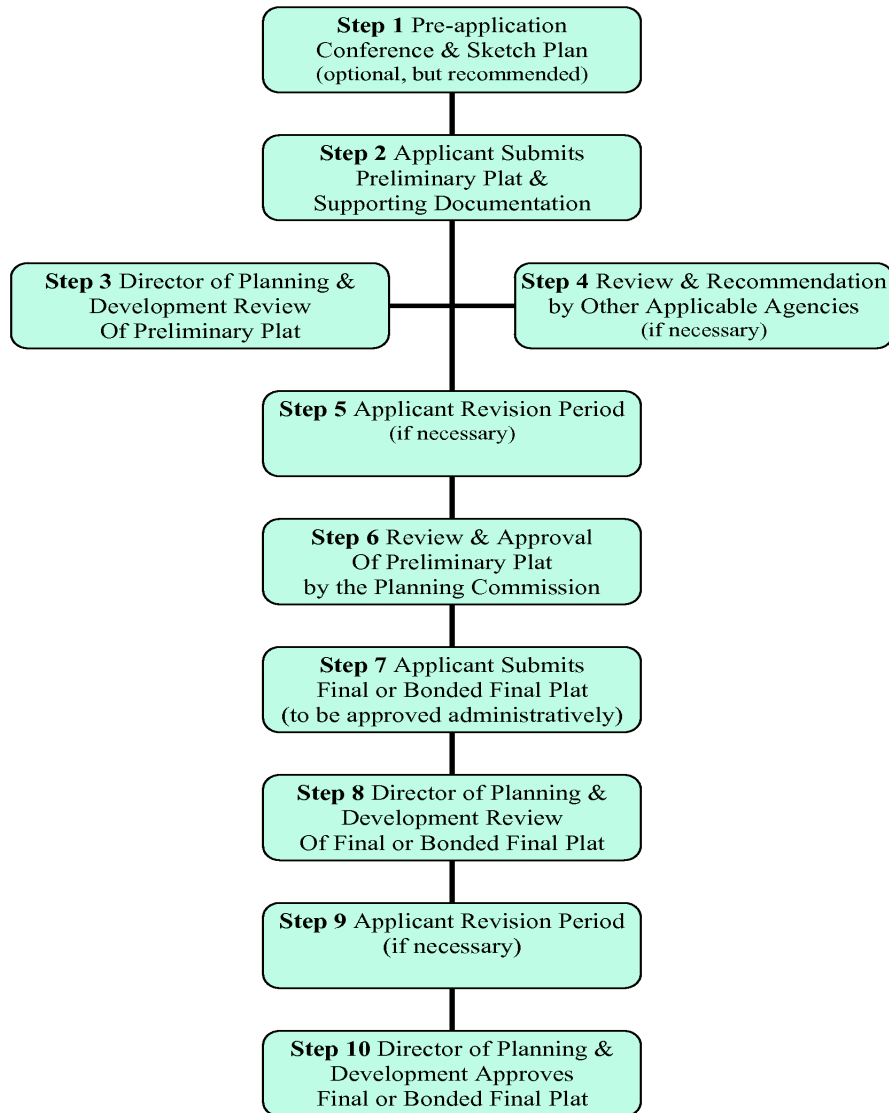
A. **Step 1: Pre-application meeting and sketch plan (recommended).**

1. To secure advice in the formative stages of development, expedite applications, and reduce development costs, the developer may request a pre-application meeting and/or sketch plan review.
 2. If requested, the director shall schedule a pre-application meeting to discuss all applicable subdivision development requirements and provisions of the comprehensive plan, land development options, what is required of the applicant, and any other pertinent information. The director may invite or consult with other department heads and/or affected agencies.
 3. In addition or as an alternative to the pre-application meeting, the applicant may request an informal review of a sketch plan for the proposed subdivision.
- B. ***Step 2: Applicant submits final plat.*** Applicants shall submit to the director four copies and a digital PDF version of the final plat drawn to the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, the final plat requirements of article 14.04-4 of this chapter, and the required fee.
- C. ***Step 3: Director review of final plat.*** The director shall review the plat for compliance with this chapter, chapter 14.08, any other applicable regulations, and if found to be in compliance, will instruct the applicant to prepare a final plat for recording, including surveyor certification.
- D. ***Step 4: Review and recommendation by other applicable agencies.*** The director may at his discretion require public agencies concerned with the new development to review and make recommendations on the plat; however, the county issued building permit does not waive any other outside agency permitting requirements. All recommendations should be forwarded to the director within 30 days from date of receipt. Said public agencies may include, but not be limited to, the following:
1. South Carolina Department of Transportation (SCDOT), Department of Health and Environmental Control (SCDHEC), or Department of Natural Resources (SCDNR).
 2. County Fire Marshal, County Engineer, or Department of Roads and Bridges.
 3. U.S. Army Corps of Engineers or Office of Coastal Resource Management (OCRM).
 4. City of Walterboro utilities or other City Departments.
 5. Any other agency or official designated by the director.
- E. ***Step 5: Applicant revision period.*** The applicant shall revise the plat in accordance with the director's review. All necessary revisions shall be made prior to approval.
- F. ***Step 6: Director approves final plat.***

1. Following successful revision of the final plat by the applicant, the director shall approve the final plat by obtaining the applicable signatures as required by section 14.04-4.030.
2. Final plat approval shall confer upon the applicant the following rights:
 - a. To record the plat with the register of deeds within six months of final plat approval; and
 - b. To proceed with the sale and/or transfer of lots and parcels.
3. If the final plat is not recorded within six months, it shall become void.

14.04-3.040. - Major subdivision process.

The following chart illustrates the Major Subdivision process:



- A. ***Step 1: Pre-application meeting and sketch plan (recommended).***
1. To secure advice in the formative stages of development, expedite applications, and reduce development costs, the developer may request a pre-application meeting and/or sketch plan review.
 2. If requested, the director shall schedule a pre-application meeting to discuss all applicable subdivision development requirements and provisions of the comprehensive plan, land development options, what is required of the applicant, and any other pertinent information. The director may invite or consult with other department heads and/or affected agencies.
 3. In addition or as an alternative to the pre-application meeting, the applicant may request an informal review of a sketch plan for the proposed subdivision.
- B. ***Step 2: Applicant submits preliminary plat and supporting documentation.*** Applicants shall submit to the director 12 copies and a digital PDF version of the preliminary plat, two copies and a digital PDF version of the construction plans, the required fee, and all materials stipulated by section 14.04-4.030.
- C. ***Step 3: Director review of preliminary plat.*** The director shall review the plat for compliance with the requirements of this chapter, chapter 14.08, and any other applicable regulations.
- D. ***Step 4: Review and recommendation by other applicable agencies.*** The director may at his discretion require public agencies concerned with the new development to review and make recommendations on the plat; however, the county issued building permit does not waive any other outside agency permitting requirements. All recommendations should be forwarded to the director within 30 days from date of receipt. Said public agencies may include, but not be limited to, the following:
1. South Carolina Department of Transportation (SCDOT), Department of Health and Environmental Control (SCDHEC), or Department of Natural Resources (SCDNR).
 2. County Fire Marshal, County Engineer, or Department of Roads and Bridges.
 3. U.S. Army Corps of Engineers or Office of Coastal Resource Management (OCRM).
 4. City of Walterboro utilities or other City Departments.
 5. Any other agency or official designated by the director.
- E. ***Step 5: Applicant revision period.*** The applicant shall revise the plat in accordance with the director's review.
- F. ***Step 6: Review and approval of preliminary plat by planning commission.***

1. Upon completion of the revised plat, the director shall forward the preliminary plat and all staff and agency recommendations to the planning commission.
2. The planning commission shall act on the application at their next regularly scheduled monthly meeting. In its deliberation, the planning commission may approve, approve conditionally, require resubmittal, or deny approval.
3. If the preliminary plat is disapproved or approved conditionally, all reasons shall be conveyed to the applicant, referring specifically to those parts of the comprehensive plan or ordinances to which the plat does not conform. The commission may also require the applicant to resubmit the preliminary plat with all recommended changes made, before approving said plat.
4. If the preliminary plat is found to conform to all requirements of the county comprehensive plan and applicable subdivision codes, approval shall be granted by the planning commission. One copy shall be retained by the planning office and one copy provided to the applicant.
5. Preliminary plat approval shall confer upon the applicant the following rights for one year from the date of approval, unless extended by the planning commission:
 - a. To proceed under the supervision of the county, with the installation of site improvements; and
 - b. Upon installation or guarantee in accordance with section 14.04-3.050, to proceed with the preparation of a final or bonded final plat.
6. Preliminary plat approval shall not authorize the applicant to sell or otherwise transfer lots or parcels.

G. *Step 7: Applicant submits final or bonded final plat.*

1. Final plat approval is an administrative action and does not require planning commission action. No public notice or hearing is required for approval of the final plat.
2. Applicants shall submit to the director four copies and a digital PDF version of the final plat drawn to the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, the final plat requirements of article 14.04-4, and the required fee.
3. The final or bonded final plat shall show all streets and utilities in exact location, identifying those portions already installed and, where approved by the planning commission, those to be installed and/or certified in the amount of improvement guarantees required to assure completion of those improvements not yet installed in accordance with section 14.04-3.050.

- H. **Step 8: Director review of final plat.** The director shall review the plat for compliance with the requirements of the approved preliminary plat, this chapter, chapter 14.08, and any other applicable regulations, and if found to be in compliance, will instruct the applicant to prepare a final plat for recording, including surveyor certification.
- I. **Step 9: Applicant revision period.** The applicant shall revise the plat in accordance with the director's review. All necessary revisions shall be made prior to approval.
- J. **Step 10: Director approves final plat.**
 - 1. Following successful revision of the final plat by the applicant, the director shall approve the final plat by obtaining the applicable signatures as required by section 14.04-4.030.
 - 2. Final plat approval shall be granted or denied within 45 days after submission of a complete application to the director or within such further time as consented to by the applicant.
 - 3. No subdivision or land development plat, portion, or phase thereof shall be accepted for filing by the register of deeds until it has been approved by the director, and so indicated on the plat by the signature of the authorized agent. No such signature shall be affixed to the plat until the developer has completed all required improvements or has posted a letter of credit and agreement in accordance with section 14.04-3.050.
 - 4. Final plat approval shall confer upon the applicant the following rights:
 - a. To record the plat with the register of deeds within six months of final plat approval; and
 - b. To proceed with the sale and/or transfer of lots and parcels.
 - 5. If the final plat is not recorded within six months, then it shall become void.

14.04-3.050. - Financial guarantees.

A. General.

- 1. Financial guarantees may be posted in lieu of completing improvements required by these regulations to the bonding of a subdivision project prior to bonded final plat approval and shall authorize the sale, conveyance, or transfer of lots within the subdivision, in addition to the use of the lots as legal building sites.
- 2. Acceptance of financial guarantees is discretionary and the county reserves the right to refuse a financial guarantee for any remaining improvements and require that such improvements be completed before the recording of a bonded final plat or issuance of building permits. Acceptance of a financial guarantee by the county

shall not to be construed as an obligation to any other agency, utility or property owner within affected developments.

B. *Submittal.*

1. A cost estimate prepared by a licensed engineer for financial guarantees shall be submitted to the director and follow the procedures enumerated below. Failure to follow these procedures may delay the approval of such guarantee and recording of a bonded final plat or issuance of building permits.
2. An itemized cost estimate shall be submitted for the improvements that the financial guarantee will cover. Such estimate shall bear the original signature of the estimator, be on company letterhead, and be in a form acceptable to the director. Cost estimates may include, but are not limited to, the following:
 - a. Water and sewer systems.
 - b. Storm drainage systems and erosion control measures.
 - c. Street improvements including curbs, gutters, sidewalks, pavements, temporary cul-de-sac turn-arounds, and required grassing or landscaping within rights-of-way or easements.
 - d. State road right-of-way improvements upon agreement between the county and the state department of transportation.
 - e. Street monuments.
 - f. Street intersection lighting.
3. The director will determine if the proposed cost estimate is consistent with the prevailing costs for construction materials and determine if the cost estimate is acceptable as a financial guarantee for the proposed amount, and if so determined, it may be submitted.

C. *Acceptance of financial guarantees.*

1. The director and county finance department may accept a letter of credit as a financial guarantee to ensure the completion of public improvements in accordance with the requirements enumerated below.
2. Approved guarantees shall be independent of the development project's construction loan. The director will not accept any guarantee that requires draw-downs for monthly expenditures. Payment of monthly expenditures is the sole responsibility of the developer and does not affect the amount of money held by the county.
3. Approved letters of credit shall adhere to the following standards. See article 14.04-7 for an example letter of credit.

- a. Be equal to 125 percent of the approved cost estimate.
 - b. Be issued for an initial coverage period not less than 12 months from the date that the final plat is submitted for recording.
 - c. Be irrevocable, unconditional and subject to presentation for drawing within the state. Upon consent of the issuing institution and the county finance department, facsimile drawing may be permitted. In no instance shall a letter of credit only include a facsimile number for the purpose of potential drawing.
 - d. Be payable to Colleton County.
 - e. The original letter of credit shall be submitted. All originals are the property of the county with all signatures in blue ink.
4. Renewals for letters of credit may be made upon approval of the planning commission. Once approved, all renewals must be presented and accepted by the director and finance department no later than 30 days prior to expiration. Failure to adhere to this deadline will require the immediate draw on the original letter of credit.

14.04-3.060. - Commercial development projects.

- A. ***Commercial development site plan required.*** No building permit shall be issued for a commercial development unless and until an applicant for such use submits to the director the following:
1. A site plan with date and scale, showing the actual shape and dimensions of the lot to be built upon; the size, height, and location on the lot of existing and proposed buildings and structures; the intended use of each building, the number or units the building is designed to accommodate; landscaped areas; flood and wetland areas; all proposed on-site signage showing locations; proposed parking, driveways, and interior circulation pattern; building elevations; and contiguous off-site development.
 2. Stormwater plan.
 3. Tree survey.
 4. Copies of permits required and obtained from other state and local agencies, where requested.
- B. ***Commercial development site plan submittal requirements.***
1. Three full-size paper copies (additional prints shall be provided when deemed necessary).
 2. Digital copy in PDF format.

C. *Project design criteria.*

1. The director shall evaluate the application in relation to the following design and improvement criteria:
 - a. The commercial development project is consistent and compatible with the comprehensive plan.
 - b. All of the requirements of chapter 14.08 and other applicable regulations are met.
 - c. Ingress and egress to the project site shall be designed to maximize automotive and pedestrian safety and facilitate traffic flow.
 - d. Off-street parking, off-street loading, refuse, signage, and service areas shall be designed to minimize their visual and physical impact on neighboring property.
 - e. Street right-of-way, sidewalks and pavement construction shall be adequate to accommodate the type and volume of traffic anticipated.
 - f. The project shall be designed in harmony with its physical surroundings and in such a manner as to ensure land use compatibility.
 - g. Where the project will create a need for off-site improvements, including improvements to streets, drainage systems, sidewalks, and curbs, the director may require the installation of such improvements as a condition of approval.
 - h. If, upon review of these standards, the project is determined to be in compliance, the director shall approve the land development application and cause the issuance of a building permit.
2. Any proposed changes to an approved project shall be resubmitted and reevaluated in light of the above.

ARTICLE 14.04-4. - SUBDIVISION PLAN REQUIREMENTS

Sections:

14.04-4.010. - Purpose.

14.04-4.020. - Sketch plan submittal requirements.

14.04-4.030. - Plat submittal requirements.

14.04-4.040. - Construction drawing requirements.

14.04-4.010. - Purpose.

The purpose of this article is to establish the requirements for plat and plan submittal for subdivisions in accordance with the processes set forth in article 14.04-3.

14.04-4.020. - Sketch plan submittal requirements.

- A. ***Sketch plan submittal requirements.*** If the applicant chooses to submit a sketch plan for review, then three copies and a digital PDF version of the sketch plan shall be provided.
- B. ***Plan labeling.*** A sketch plan shall be scaled and show the approximate proposed layout of streets, lots, buildings, landscaping, signage, open spaces, and other features in relation to existing conditions (the director may waive any information required by this section). It shall also include the following information:
1. Name of the proposed development.
 2. North arrow.
 3. A vicinity map including north arrow.
 4. Boundaries of the tract and the portion of the tract to be subdivided.
 5. Parcel number(s) of the lot(s) to be subdivided.
 6. Adjacent property owners and tax map numbers.
 7. Zoning classification of the tract and of adjacent properties.
 8. Total acreage to be subdivided.
 9. Estimated and proposed uses of the land within the subdivision and the existing uses of land adjoining it.
 10. Existing and proposed road layout with approximate pavement and right-of-way width, lot layout and size of lots.
 11. Name, address, email address, and telephone number of the owner.
 12. Roads and lots of adjacent developed or platted properties.
 13. Existing topographic conditions of the property.
 14. Watercourses, floodplains, and preserved areas.

14.04-4.030. - Plat submittal requirements.

- A. ***Preliminary plat submittal requirements for major subdivisions only.***
1. Twelve full-size paper copies (additional prints shall be provided when deemed necessary)

2. Digital copy in PDF format.

B. Major and minor final plat submittal requirements.

1. Four full size paper copies for review.

2. Digital copy in PDF format.

C. Plat labeling requirements for preliminary and final plats.

1. **Labeling matrix.** The preliminary and (bonded) final plats shall depict or contain the information indicated in the following matrix. An X indicates that the information is required. Preliminary plat information is only required for major subdivisions. Exempt subdivisions and subdivision of one lot into two lots are only required to meet Minimum Standards Manual for the Practice of Land Surveying in South Carolina.

Title Block Information:		Preliminary Plat	Final Plat
a)	Subdivision name	x	x
b)	Name of owner	x	x
c)	Name of the subdivider/developer	x	x
d)	Tax map number(s)	x	x
e)	Location (including township, county and state)	x	x
f)	Bar graph scale and north arrow	x	x
g)	Deed reference	x	x

Plat Preparation Information:		Preliminary Plat	Final Plat
a)	All information required of general property surveys, in accordance with the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, as promulgated by S.C. Code 1976, title 40, chapter 21.	x	x
b)	Names and addresses of all owners, mortgagees, registered land surveyors, land planners, architects, landscape architects, utility planners, and professional engineers responsible for the subdivision.	x	x

Property and Site Calculation Information:		Preliminary Plat	Final Plat
a)	Vicinity map with north arrow showing the relationship between the proposed subdivision and surrounding area	x	x
b)	Corporate limits, extraterritorial jurisdiction and county lines if on	x	x

	the subdivision tract		
c)	Boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented with all bearings and distances shown	x	
d)	Exact boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearings, and the location of existing boundary lines of adjoining lands		x
e)	Adjoining property information including owner name, zoning classification, and subdivision name	x	x
f)	Minimum building setback lines	x	x
g)	Zoning classifications of the tract(s) to be subdivided	x	x
h)	Total acreage in the tract to be subdivided	x	x
i)	Acreage in parks and recreation and open space areas and other nonresidential uses	x	x
j)	Total number of parcels created	x	x
k)	Acreage in the smallest lot in the subdivision	x	x
l)	Linear feet in roads	x	x
m)	Existing structures, watercourses, railroads, bridges, culverts, storm drains	x	x
n)	Proposed lot lines, lot and block numbers, and approximate dimensions	x	x
o)	The lots numbered consecutively throughout the subdivision in a manner using only numeric symbols	x	x
p)	Marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds and any other natural features affecting the site	x	
q)	The location of all special flood hazard areas, floodways and floodway fringe areas from the county's official flood maps, and community panel number if applicable	x	x

Streets, Infrastructure, and Open Space Information:		Preliminary Plat	Final Plat
a)	Right-of-way location and dimensions	x	x
b)	Road surface width	x	
c)	Road profiles	x	
d)	Existing and platted roads on adjoining properties and in the proposed subdivision	x	x
e)	Approved E911 Road names (Sheriff's Office)	x	x

f)	Type of road dedication; all roads must be designated either "public" or "private".	x	x
g)	Utility plan showing proposed connections	x	
h)	Drainage, access-way, and utility easement locations and dimensions	x	x
i)	Fire hydrants, if applicable	x	
j)	Drainage plan and calculations (See section 14.04-5.070(L))	x	x
k)	Buffer strips (where applicable)	x	x
l)	Pedestrian or bicycle paths (where applicable)	x	
m)	Open space areas (where applicable)	x	x
n)	Areas to be used for purposes other than residential with the purpose of each stated with dimensions.	x	x

Agency Approvals:		Preliminary Plat	Final Plat
a)	SCDOT approval of driveway permits and road construction drawings (where applicable)	x	
b)	DHEC-Health (septic or engineered system approval) (Subdivisions of eight lots or less are exempt)	x	x
c)	SCDHEC/OCRM Stormwater approval (see section 14.04-5.070(L))	x	
d)	US Army Corps of Engineers approval for wetlands	x	
e)	City of Walterboro or other applicable utilities	x	
f)	All certifications required below	x	x

2. Certificates and statements for preliminary plats.

a. **Certificate of survey and accuracy.** As required by the Minimum Standards Manual for the Practice of Land Surveying in South Carolina.

b. **Certificate of approval for major subdivision preliminary plats only.** I hereby certify that the preliminary plat for the major subdivision shown hereon has been found to comply with the Land Development Regulations of Colleton County, South Carolina, and that this plat was approved by the planning commission on _____ / _____ / _____.

Date	Director of Planning and Development

3. Certificates and statements for final plats.

- a. **Certificate of ownership and dedication.** I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plat of subdivision with my (our) free consent, establish the minimum building lines, and dedicate all streets, school sites, recreation areas, and other public services and facilities as noted on this plat.

_____	_____
Date	Owner

- b. **Certificate of survey and accuracy.** As required by the Minimum Standards Manual for the Practice of Land Surveying in South Carolina.
- c. **Certificate of approval stamp by the director of planning and development.**

14.04-4.040. - Construction drawing requirements.

A. Construction drawing submittal requirements.

1. Construction drawings for major subdivisions and commercial developments larger than two acres shall be submitted after the existing conditions survey (section 14.04-5.030) is approved by the director.
2. Two full sets and a digital PDF version of sealed construction drawings shall be submitted with the major subdivision preliminary plat, or the final plat for all other subdivisions.
3. Construction drawings shall be prepared for all required improvements by a registered South Carolina engineer at a convenient scale of not less than one inch equals 100 feet.

B. Construction drawing labeling requirements. Construction drawings shall include the following information:

1. Profiles showing existing and proposed elevations along the center lines of all new roads. The elevation along the center line of existing roads shall be shown within 100 feet of their intersection with new roads. Radii of all curves, lengths of tangents, and central angles on all streets shall also be shown;
2. Plans and profiles showing the locations and typical cross section of street pavements, including curbs and gutters, sidewalks, drainage easements, rights-of-way, manholes, and catch basins; the locations of street trees, street lighting standards, and street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, stormwater drains, and fire hydrants, showing connection to any existing or proposed utility systems; and exact location and size of all water, gas, or other underground utilities or structures;
3. Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains,

water mains, easements, water bodies, streams, and other pertinent features such as swamps, railroads, buildings, at the point of connection to proposed facilities and utilities within the subdivisions. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate 100-year flood elevations of the lakes or streams. All public water and/or public sewers are to be installed;

4. The acreage of each drainage area affecting the proposed subdivision;
5. Topography at a contour interval of two feet, referred to sea level datum when public water and/or public sewers are to be installed;
6. All specifications and references required by the construction standards and specifications of the county, any other local government providing any utility, and the SCDHEC and the SCDOT;
7. A site grading plan showing proposed finished contours when any major contour changes or filling for flood protection are proposed in the subdivision; and
8. Title, name, address, telephone, and signature of South Carolina licensed professional engineer and/or surveyor responsible for the plans and date, including revision dates.

ARTICLE 14.04-5. - SUBDIVISION DESIGN STANDARDS

Sections:

14.04-5.010. - Purpose.

14.04-5.020. - General provisions.

14.04-5.030. - Environmental assessment and suitability of land.

14.04-5.040. - Lots.

14.04-5.050. - Open space requirements.

14.04-5.060. - Easements.

14.04-5.070. - Road standards.

14.04-5.080. - Utilities standards.

14.04-5.090. - Emergency management.

14.04-5.100. - Surveying and markers.

14.04-5.110. - Construction procedures.

14.04-5.010. - Purpose.

The purpose of this article is to establish the requirements for subdivision lot configuration, lot access, roadway layout, easements, and utilities to ensure sustainable and adequate subdivision design.

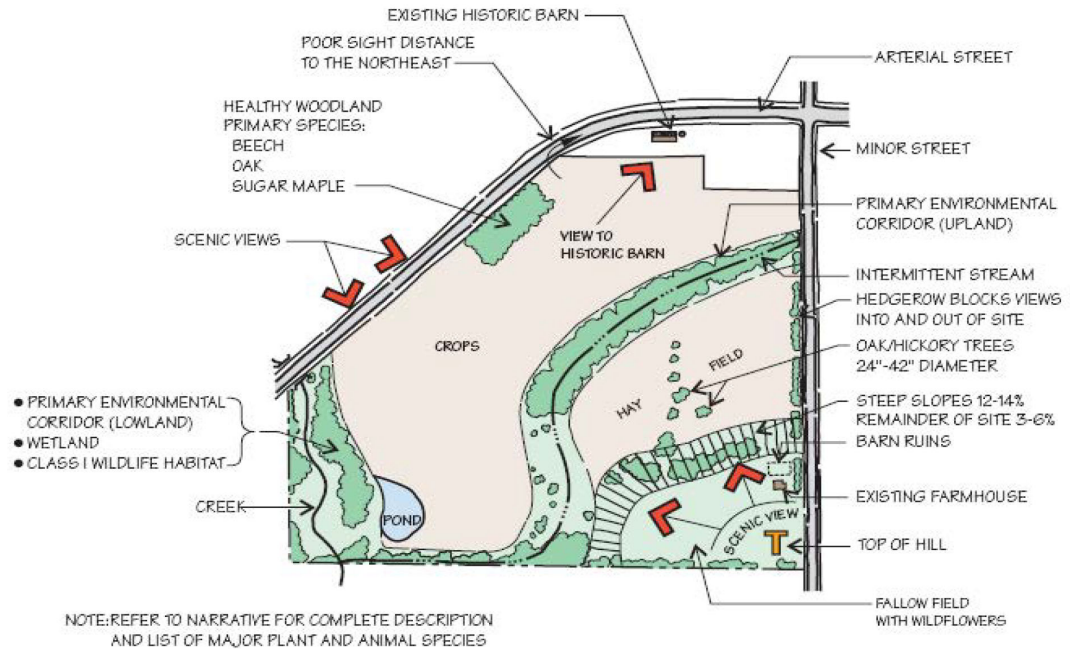
14.04-5.020. - General provisions.

- A. Each subdivision shall contain the improvements specified in this article, which shall be installed in accordance with the requirements of this chapter and paid for by the developer, unless other means of financing are specifically approved.
- B. Land shall be dedicated and reserved in each subdivision as specified in this article.
- C. Each subdivision shall be constructed in accordance with any county, state and federal regulation or permitting requirement where applicable.
- D. The name of the subdivision and the names of the roads within the subdivision shall not duplicate nor closely approximate the name of an existing subdivision, nor any existing roads within the county.
- E. Design standards set out in this chapter may be waived or modified for PDDs provided that the intent of these regulations is not nullified or lessened and provided that sufficient proof is given substantiating the adequacy of the alternative design and given that the requirements of PDDs within chapter 14.08 are met.

14.04-5.030. - Environmental assessment and suitability of land.

- A. ***Preservation of trees and natural features for commercial developments and major subdivisions.***
 - 1. Significant forest stands, specimen/protected trees, severe topography, drainage features and watercourses shall be preserved where reasonable and practical while not reasonably prohibiting development.
 - 2. Forested and vegetated areas whose settings render them unsuitable for development should be used as conservation or open space areas. When portions of wooded sites and forested stands must be developed, consideration should be given to preserve wooded perimeters and/or the most desirable features to retain the aesthetic character of the site. Isolated pockets of existing trees or specimen/protected trees shall be protected whenever possible.
- B. ***Existing conditions survey.*** Existing conditions surveys are required at the preliminary plat stage for major subdivisions and commercial developments larger than two acres prior to submittal of the site construction plans. Existing trees, known endangered species, wetlands, streams, creeks, floodplains, dams, potential locations for community wells, and topographical features shall be identified prior to the construction site plans to enable the preservation of distinctive natural features and protection for previously documented endangered species habitats.

FIG. 5.1 EXAMPLE OF AN EXISTING CONDITIONS SURVEY*



*Figures 5.1 and 5.2 Source: Southeastern Wisconsin Regional Planning Commission (SEWRPC). "Conservation Subdivision Design." 2002.

C. Flood damage prevention.

1. For areas located within a special flood hazard area (SFHA) or floodway, the requirements of chapter 13.12, pertaining to flood damage prevention, shall be met to minimize flood damage to property, buildings and structures and public utilities and facilities.
2. Base flood elevation data shall be provided for subdivisions and commercial developments in accordance with chapter 13.12, section-4.030, standards for subdivision proposals.
3. If the area being developed, or any part thereof, is located within the boundary of a designated SFHA or floodway, as delineated on FEMA maps for the county, adequate plans and specifications for protection from flooding shall be provided as herein required:
 - a. Any subdivision or commercial development which contains land subject to flooding shall be accompanied by evidence that no appreciable expansion of the area subject to flooding would result from the proposed land development, and that the proposed development will be adequately protected from inundation without appreciable interference with the flow of any watercourse or into an impounding basin (approved drainage plan or separate engineer certification will fulfill this requirement).
 - b. In no case shall any fill, levee, or other protective works be approved unless sufficient compensating adjustments of waterways, ditches, or impounding

basins are made to prevent any appreciable expansion of flood hazard areas, as determined by a licensed professional engineer.

- c. The centerline of all streets should be at least on the ten-year flood line.

D. General safety.

1. Land which has been determined by the director, based on engineering or other expert surveys, to pose a danger to life or property by reason of its unsuitability for the use proposed, shall not be platted for that purpose, unless and until the developer has taken the necessary measures to correct and/or eliminate said dangers.
2. Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the county health department, a structural engineer and a soils expert determine that the land is suitable for the proposed use.
3. Areas previously used for domestic sludge application shall have a soils test performed by a certified testing laboratory prior to subdivision or development which must confirm that the land is safe for the proposed use.

14.04-5.040. - Lots.

A. Lot size.

1. Minimum lot size requirements and setbacks are contained in chapter 14.08. It is not permitted to average the lot areas in a subdivision to meet the minimum lot area requirements. However, conservation subdivisions shall be allowed in accordance with the requirements of section 14.08-3.020(H). See figures 5.2 and 5.3 below for examples.

FIG. 5.2 CONVENTIONAL SUBDIVISION EXAMPLE*

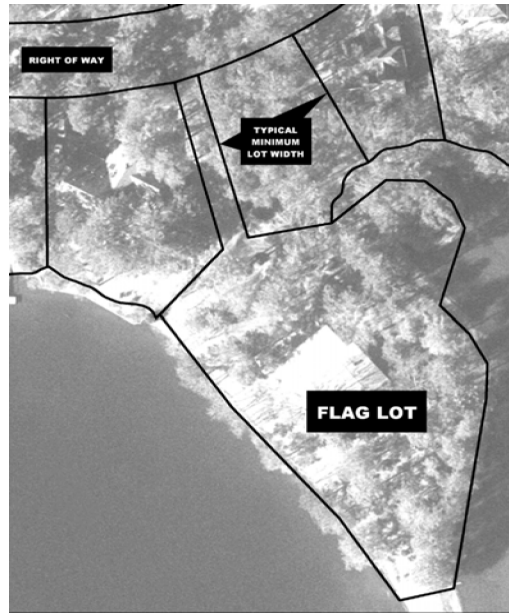


FIG. 5.3 CONSERVATION SUBDIVISION EXAMPLE*



Through a reduction in lot size, open space can be created without losing density.

2. All lots shall be accessible by a public street, except for:
 - a. Lots in an approved PDD, as provided for in chapter 14.08;
 - b. Lots on approved private access easements; and
 - c. Lots in new subdivisions with private street(s). All private streets must meet the requirements of section 14.04-5.070(K).
3. Emergency responders and public utilities shall be uninhibited and have access to all lots by their emergency response vehicles fire trucks and public utility vehicles.
4. Lot size, width, depth, shape, grade, and orientation shall be in proper relation to street and block design, to existing and proposed topographical conditions, and for the type of development and use contemplated.
5. Residential subdivisions involving new public streets, where proposed for areas adjacent and parallel to primary state and federal highways, shall be denied direct access to and separated from such highways by double or reverse frontage lots. Elsewhere, double frontage lots shall be prohibited. Residential reverse frontage lots shall have a minimum rear yard of 50 feet, next to the arterial street or highway, measured from the shortest distance of the proposed back building line to the street right-of-way and shall within such rear yard and immediately adjacent to the right-of-way, have a non-access planting screen easement at least 20 feet deep.
6. Side lot lines shall be aligned at approximately right angles to straight street lines and radial to curved street lines.
7. Following are the requirements for flag lots created from an existing lot of record.



- a. Flag lots are not permitted in the suburban residential (RS) zone.
 - b. The original lot must meet all zoning requirements specified for the respective zone in which it is located, both before and after subdivision.
 - c. The maximum flagpole length shall be 300 feet.
 - d. The minimum flagpole width shall be 30 feet with a ten-foot curve radius on each side on an approved private or public road, with a minimum of fifty feet (50'-0") of frontage at the right-of-way.
 - e. The front setback shall be measured from where the lot meets the district minimum width requirements.
 - f. The flagpole portion of the lot is not used to calculate area, width, or setbacks of the lot or to provide off-street parking.
8. Flag lots created in new subdivisions.
- a. All requirements in subsection A.7 of this section, except subsection A.7.c.
 - b. Flag lots in new subdivisions are permitted only in the RC-1, RC-2, RD-1, RD-2 and UD-2 zones.
 - c. Flag lot access driveways, single or combined, shall be separated by a minimum of 100 feet.
 - d. Not more than two flag lot access driveways can connect at any one point.

- e. Any minor or major subdivision with more than 25 percent of the total number of lots as flag lots requires planning commission approval.
- f. When a flag lot has less than 50 feet of road frontage and is less than two acres, the pole portion of the lot cannot exceed 400 feet.

14.04-5.050. - Open space requirements.

A. ***Applicability.*** The requirements of this section apply to multifamily projects and mobile home parks consisting of seven or more units or land subdivisions of 100 dwelling units or more in the RS, UD-1, and UD-2 districts. Subdivisions with all lots being five acres or more are exempt from this provision.

B. ***General provisions for open space.***

1. Land designated as open space on the approved development plan shall be maintained as open space and may not be separately sold, subdivided, or developed.
2. Access from a public street shall be provided to all designated open spaces with a minimum 15-foot-wide access including lakes or ponds within the subdivision used as open space.
3. Open space shall be contiguous wherever possible.
4. The county comprehensive plan and other plans, particularly park and open space plans, shall be considered when evaluating proposals for dedication.

C. ***Minimum open space dedication.***

1. A minimum of five percent of the total development area for subdivisions shall be dedicated as open space, and 15 percent shall be dedicated for all other projects.
2. Conservation development minimum open space dedication shall meet the requirements of section 14.08-3.020(H).

D. ***Types of open space.*** The developer has the option to choose the types of open space dedicated for the development to satisfy the minimum open space requirements for this section. Dedicated open space shall fit into one or more of the following categories and be classified as private common area or public open space. The existing conditions survey (if required by section 14.04-5.030(B)) should be used as a guide to determine the most appropriate open space type and location.

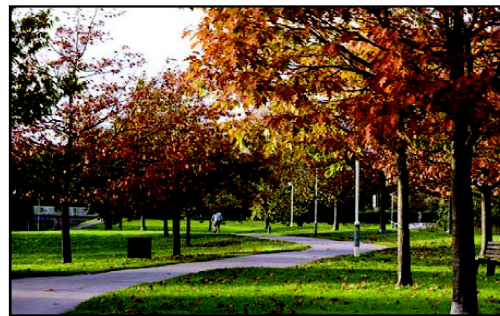
1. ***Playground.*** Playgrounds are for active recreational use and provide play areas and equipment for children as well as shelters with benches. Playgrounds may also be part of other types of open space, such as parks.
Minimum size: 10,000 square feet.
Maximum size: 20,000 square feet.



2. **Square.** Squares are areas for passive recreational use. Squares are encouraged to be entirely bounded on all sides by streets, but they can be bounded by streets on at least 50 percent of their perimeter. Squares shall have canopy trees planted along all street frontages. Minimum size: 2,000 square feet. Maximum size: one acre.



3. **Park.** Parks may be for passive or active recreational use and be bounded by streets on at least ten percent of their perimeter. Large parks should create a central open space which services an entire neighborhood; or incorporates physical features which are an asset to the community (i.e., lake or river frontage, high ground, significant stands of trees). Undergrowth should be limited with landscaping installed that promotes attractiveness and safety. Parks may be combined with greenways and greenbelts and may include golf courses and community gardens. Minimum size: one acre.



4. **Greenway.** Greenways are large, irregular open spaces designed to incorporate natural settings such as creeks and significant stands of trees within and between neighborhoods. Greenways are typically more natural and may contain irregular topography. Greenways shall incorporate active recreational uses such as, trails for walking, jogging, and biking. Greenways shall connect points of interest in the community.



5. **Nature preserve.** Nature preserves shall be left largely undisturbed except for the optional clearing of underbrush for a walking trail (mulch or other natural material only). Nature preserves are encouraged to protect large stands of trees, wildlife, and natural water features, and they are the preferred form of open space for steeply sloped terrain.

Minimum size: three acres.



E. **Open space ownership and maintenance.**

1. Open space may be owned by any legal means, and the owner(s) are responsible for the proper and continued upkeep and maintenance of the dedicated open space into perpetuity.
2. The developer shall place in a conspicuous manner upon the final plat a notation concerning control of the open space.

3. The developer shall provide proof of registration of the articles of incorporation with the appropriate state agency for the formation of the homeowners' association to the director.
4. Homeowners' associations or similar legal entities (HOAs) responsible for the maintenance and control of open spaces and common areas shall be established by the developer who shall record in the register of deeds a declaration of covenants and restrictions that will govern the HOA prior to any final or bonded final plat approval. A copy of the recorded document shall be provided to the director and such document shall at a minimum, include the following:
 - a. Provision for the establishment of the HOA is required before any lot in the development is sold or any building occupied and membership shall be mandatory for each current and future homeowner.
 - b. The HOA has clear legal authority to maintain and exercise control over such common open space areas.
 - c. The HOA has the power to compel contributions from all homeowners to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas. Further, assessments levied can become a lien on the property if allowed in the master deed establishing the HOA.
 - d. The open space restrictions must remain permanent into perpetuity, and not just for a period of years.
 - e. The HOA must be responsible for liability insurance, applicable taxes and the maintenance of open space and other facilities under their control.
 - f. The HOA must be able to adjust the assessment to meet changing needs.
 - g. The HOA shall be responsible for maintaining all public storm water drainage systems and easements within the subdivision not being maintained by the county, state or other approved entity.
 - h. It shall be expressly stated within the restrictive covenants/HOA documents that it will be the responsibility of the developer or successors or assigns to enforce such covenants or restrictions until such time as control has been transferred to the HOA board of directors. It shall be the sole responsibility of the developer, successor or assigns to correct any deficiencies prior to transfer of control over to the HOA board of directors.

F. *Payment in lieu of open space dedication.*

1. If open space within a development is physically impractical due to unusual conditions then the county may accept a fee paid in lieu of dedication.

2. Fees collected in lieu of dedications and any proceeds from such transactions or sales shall be accounted for by the county finance department, and the funds shall be used by the county for the purposes of acquiring and developing recreation, greenway and open space areas as encouraged in the comprehensive plan or in any parks and recreation and greenway/bikeway master plans, and for no other purposes. The depository for such funds may be the same as permitted other funds of the county, pending their expenditure in accordance with the terms of this code; such funds may be invested as other funds of the county. The county may, at its discretion, add additional monies to the fund for the purposes of purchasing open space and recreational land to be used for recreational purposes.
3. Refunds shall not be granted to the developer should the project not be constructed after recording of final plat or if a reduction in density occurs.
4. Such payment in lieu of dedication shall be the product of the current assessed market value of the land to be subdivided (as established in subsection F.5 below) multiplied by the number of acres to be dedicated.
5. The current assessed market value of the gross land area of the development or subdivision at the time of submission of the required plan and/or plat shall be used to determine the land value. The current assessed market value shall be the appropriate value as determined by and maintained on file in the county assessor's office. The average value per gross acres shall be calculated from this total value and applied to the required recreational land area in order to determine the land value.

<u>Total market value of undeveloped property</u>	x	Acres of required open space	=	Payment
Total acres of undeveloped property				

14.04-5.060. - Easements.

- A. **Drainage easements.** Drainage easements shall be provided whenever a development contains a watercourse, drainage-way, channel, or stream, conforming with the lines of such watercourse, and not less than 15 feet wide or of sufficient width, as determined by the county engineer, to carry off stormwater and allow for maintenance and improvements.
- B. **Utility easements.** Utility easements, where required, shall be not less than 15 feet wide. The location of utility easements shall be coordinated with the utility provider.
- C. **Private access easements.** Private access easements are permitted only in the RC-1, RC-2, RD-1, RD-2 and UD-1 districts, provided:
 1. The easement shall be not less than 30 feet wide with a minimum of fifty feet of frontage onto a public right-of-way;

2. The easement shall provide access to only one lot, except in subdivisions of three lots or less in which all lots are at least one acre in size;
3. The lot(s) to be accessed must be subdivided separate and apart from the lots for which the easement is being provided, and not run through these lots; and
4. Access Easements are exempt from the requirements of section 14.04-5.070, road standards.

D. Maintenance of easements.

1. All easements are owned and shall be maintained by the property owner and no structures or trees may be placed within an easement. Easements may be used to satisfy yard and building setback requirements.
2. Covenant restrictions placed on a lot which contains an easement shall stipulate that the county, service provider or utility company shall have full right of access to said easement;
3. The county shall maintain only those easements specifically accepted for public maintenance and use.

14.04-5.070. - Road standards.

A. ***Relationship to transportation plan.*** The provision of road rights-of-way shall conform to the requirements of the SCDOT Statewide Transportation Improvement Program (STIP) and Plans, the comprehensive plan, and any other adopted county transportation plans.

B. ***General provisions.***

1. New streets in major subdivisions “shall” be, and streets in minor subdivisions “may” be located within a platted public right-of-way dedicated to the county or the SCDOT or within a platted private right-of-way deeded fee simple to a specific HOA, POA, HPR, or similar entity.
2. The design criteria contained in this section applies to roads to be accepted into the county road maintenance system which shall be constructed to comply with the design standards required by SCDOT.
3. Street systems shall be designed to permit the safe, efficient, and orderly movement of traffic; to have a simple and logical pattern; to respect natural features and topography; to present an attractive streetscape; and to permit linkage of major collector streets and subdivisions.
4. Proposed streets shall be coordinated with the surrounding area’s existing road network, where possible, to provide for the continuation of existing streets abutting the development.

5. All streets shall be opened to the exterior property lines of the development unless permanently terminated by a cul-de-sac or intersection with another street.
6. Reserve strips controlling access to public streets are prohibited except where their control is approved by county council, under conditions approved by the planning commission.
7. No half streets shall be permitted.
8. For new developments, the minimum rights-of-way shall conform to the design standards established herein. Developments encompassing an existing county road shall provide the standard right-of-way required herein. Developments located on only one side of an existing county road, shall provide half of the required right-of-way, measured from the centerline of the existing road.
9. Access/driveway permit required. It is the responsibility of the owner of any lot fronting onto a state-maintained highway to obtain an SCDOT encroachment permit to create access, and for any lot fronting on a county-maintained road to comply with the policies adopted by the county department of roads and bridges to create access.

C. **Subdivision access.** The planning commission may allow alternatives where access points cannot meet the minimum separation distance required by the SCDOT regulations.

D. **Alleys.** Paved alleys are recommended in commercial and industrial developments for service access, off-street loading and unloading, and parking adequate for the use proposed. Paving is optional for residential alleys. See subsection J of this section for alley width requirements.

E. **Culs-de-sac.**

1. Dead-end streets designed to be closed at one end shall not exceed 1,700 linear feet measured from the right-of-way centerline to the center point of the turnaround with turnaround points every 800 feet.
2. Turnarounds shall have a minimum turning radius of 50 feet.
3. When a stub-out or temporary dead-end street is created as a result of development phasing, a temporary all weather surfaced 50 foot turning radius turnaround shall be required when the dead-end street exceeds 150 feet.

F. **Intersections.**

1. No more than two streets shall intersect at any one point.

2. All streets shall intersect as nearly as possible at 90-degree right angles.
3. Streets entering upon opposite sides of a given street shall have their center lines either directly opposite or offset a minimum distance of 200 feet, measured between the centerlines of the streets.
4. Street intersections shall be located at least 200 feet from the right-of-way of any railroad track, measured from the center point of the intersection to the railroad right-of-way line nearest the intersection.

G. **Connectivity.** Where deemed necessary and beneficial for interconnectivity of developments, proposed public roads shall be extended by dedication to the boundary of the developing property and a temporary turnaround provided in compliance with subsection E.3 of this section. The road shall be designated and constructed as a public road except when it is determined that:

1. Physical barriers or environmentally sensitive areas to be crossed exist, such as railroads, watercourses, steep topography, or flood areas.
2. There is a large discrepancy in the size of the adjacent parcel. (A smaller parcel being subdivided may not have to provide a stub to a much larger parcel, if other, more desirable, interconnections are available to the large parcel.)
3. The stub road would connect to property designated for a public purpose and access to the property is not desirable for orderly development of the road network.
4. The stub road, if extended, would cause the existing road(s) to exceed the capacity allowed on that roadway.

H. **Road names and signs.**

1. All proposed road names must be approved by Colleton County E-911 Addressing.
2. Design and placement of traffic signs shall conform to SCDOT standards. Responsibility for installation shall rest with the developer.
3. At least two street name signs shall be placed at each four-way street intersection, and one at each "T" intersection. Signs shall be installed under streetlights, where possible, and free of visual obstruction. The design of street name signs shall be approved by the sheriff's office.

I. **Sidewalks.** Sidewalks are optional but recommended. The following shall apply if a developer chooses to install sidewalks:

1. When a major subdivision lies within 1,500 feet (property line to property line) of an existing public school, library, or park, or where an adjoining subdivision

already has sidewalks in place, sidewalks should be on the same side of the street as the existing sidewalks or on one side of any new or existing roads.

2. Sidewalks shall be a minimum of five feet wide to meet ADA standards, and be a minimum of four inches thick.

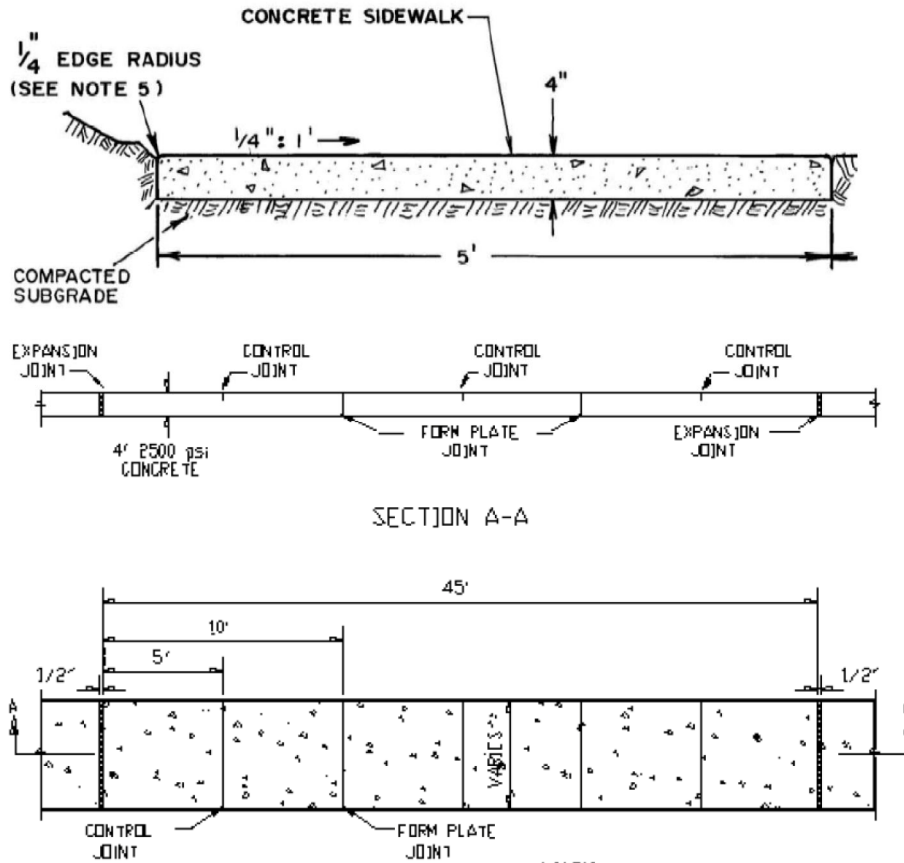


FIG. 5.4 SIDEWALK CONSTRUCTION

3. Sidewalks shall be placed in the right-of-way, unless a development plan calls for a different location.

J. Public road construction standards.

1. The minimum street and right-of-way widths shall be as follows:

Street Classification	Width	
	Right-of-Way	Street/Travelway
Minor street	50'	20'
Major street	66'	24'
Alley	20'	12'

2. All public streets and roads to be dedicated for public use shall be constructed in accordance with the South Carolina Standard Specifications for Highway Construction Manual.
3. Road dedication process.
 - a. Prepare a letter addressed to the County Administrator requesting the road be accepted for County maintenance. Include with the letter the following:
 - i. Petition signed by all the property owners whose land adjoins the road agreeing to the request.
 - ii. If it exists, a copy of a plat noting property ownership along the road.
 - b. The County will reply by letter to the person making the request indicating that an inspection was performed and what improvements are required before the County can accept the road. The minimum design standards to accept any road is as follows:
 - i. The minimum amount of land needed for any road is 50 feet. If the roadway width including the drainage ditches is less than 50 feet, those property owners whose land is adjoining will have to give over to the County enough land to meet the 50 foot requirement.
 - ii. The road must have the proper drainage in place before it can be accepted. This includes ditches, culverts, pipes or retention ponds.
 - iii. The roadbed is to be 28 feet wide measured from shoulder to shoulder and have a 2.5" crown to allow for runoff into the ditches. All ditches must have a 0.5% grade to outfall points.
 - c. If the road meets these standards, the County Administrator will submit a request to County Council for acceptance. Once approved, legal documents at the property owner's cost will have to be provided to the County Administrator's Office deeding the 50 foot road right-of-way to the County. Once the deed is recorded at the Register of Deeds Office, the road will become a part of the county's maintenance system.
 - d. If the road does not meet these standards, the property owners may choose to improve the road to comply with the design standards themselves or pay to the County the cost of improving the road, and permit the County to perform the necessary work. At completion, the County Administrator will request County Council accept the road into the maintenance system conditioned on the proper legal documents being submitted by the property owners dedicating the road over to the County.

K. Private road construction standards.

1. Use and maintenance of private roads.

- a. A private road is permitted by right in subdivisions with less than 50 lots. Subdivisions with more than 50 lots shall be publicly owned and maintained unless approval by the planning commission is granted at preliminary plat review for conversion to private ownership and maintenance.
- b. Roads within gated communities may be private roads, regardless of number of lots. Access information shall be provided to emergency personnel so that the community can be accessed in the event of an emergency.
- c. The guarantees of right of access and maintenance of private roads in the subdivision shall run with the land. The guaranteeing instrument shall be reviewed and approved by the director prior to approval of the final plat. A verified certificate, signed by the owner of the subdivided land, attesting these facts shall be placed on the final plat submitted for approval.

**Example: Certificate of Subdivision Lots Accessed by a Private Road
Certificate of Private Road Maintenance and Disclosures**

I, _____, certify that an instrument will be recorded simultaneously with the recordation of this approved final plat that guarantees:

- a. A right of access to any private road in the subdivision by all lots served by the road; and
- b. Maintenance of any private road in the subdivision at the standards set for approval.
These guarantees of right of access and maintenance of the subdivision roads shall run with the land.

Owner(s)

Date

2. Minimum construction standards for private roads.

- a. General standards and specifications for private roads. All private roads approved and constructed in the county must meet these general standards and specifications.

Private Road Standards and Specifications	Requirements		
	Less Than 50 Lots	Greater Than 50 lots	Nonresidential
Total Number of Lots ¹ Served By the Private Road			
Right-of-way width	50 ft.	50 ft.	50 ft.
Travel-way width	18 ft.	24 ft.	24 ft.

Lane width	9 ft.	12 ft.	12 ft.
Private road surface/travel-way material	Dirt, gravel, or paved	Dirt, gravel, or paved	Paved SCDOT Standards
SCDOT road geometry and specifications	Yes	Yes	Yes
Professional surveyor certification of road in platted right-of-way required	Yes	Yes	Yes

¹ Total number of lots served shall include the residual acreage of the tract being subdivided, where such residual acreage will be accessed by the private road.

- b. Private road maintenance. Maintenance of the private road shall be provided by the lot owners served by the road or an established HOA. A road maintenance agreement and declaration between the lot owners is required to insure the cost is shared, and a mechanism for maintenance is set up where a homeowners association is not created. The responsibility for maintenance is the property owners', and not the state nor the county.
- c. Road maintenance agreement requirements. The developer shall have an instrument recorded simultaneously with the final plat substantially in the form of the county's standard road maintenance agreement in article 14.04-7.

L. Stormwater drainage facilities.

1. The internal storm drainage system shall be designed to accommodate the appropriate design storm based on the location of the street/development. The roadway drainage system (the road surface, curb and gutter where provided) must be designed for a ten-year storm return frequency design and shall follow the design criteria as outlined in the South Carolina Stormwater Management and Sediment Control Handbook (SCSMSCH), current edition, for all unincorporated properties in the county.
2. Any off-site stormwater runoff onto the proposed development must be accommodated. Design parameters and coefficients used in all calculations for off-site stormwater shall be based on the projected build-out of the basin. The design storm shall be dictated by these standards with due consideration given to downstream system capacity.
3. In general, ditches shall be constructed to provide drainage from the road and adjacent areas. The ditches shall be built with sufficient depth and width to carry the expected volume of water. The side slopes shall be graded so they can be stabilized and prevent vehicles from becoming stuck if they enter them.
4. All development shall be subject to the provisions of the SCSMSCH, current edition. Developers of any proposed commercial development or subdivision must obtain a permit from the SCDHEC and OCRM offices, where required.

5. If an SCDHEC Stormwater permit is not required, then any residential development with an overall density of two dwelling units per acre or higher and all commercial developments require a drainage plan which meets OCRM design standards. All other projects are exempt.
6. An approved OCRM drainage plan fulfills the requirements of this section.
7. All drainage plans shall be certified by a South Carolina licensed professional engineer.

14.04-5.080. - Utilities standards.

A. *Community water and sewer (public and private).*

1. All subdivisions and commercial developments shall be provided with water supplies and sanitary sewer systems approved by the SCDHEC.
2. The water supply system shall be adequate to handle the domestic demand, plus the fire flow, based on the completed development.
3. The sanitary sewer system shall be adequate to handle the necessary flow based on the completed development and peak usage.
4. Said facilities shall be "stubbed out" prior to road surfacing.
5. If the subdivision is to have a water or sewer system other than one connected to a public system, said systems are required to receive approval from the SCDHEC prior to preliminary plat submittal.
6. Where a central water system is provided for a development, three-way fire hydrants shall be installed by the developer in accordance with section 14.04-5.090(A) with two 2½-inch and one 4½-inch fire department connections (NST).
7. Community water and/or sewer systems shall be installed prior to final plat approval unless such installation is guaranteed in accordance with section 14.04-3.050.

B. *Wells and septic tanks.*

1. A subdivision or commercial development using individual septic systems and/or wells shall conform to those requirements as set forth by SCDHEC. It is not required for a well or septic system to be installed prior to the sale of any lot.
2. A private septic system may be located off site for conservation subdivisions provided that the location of such system is noted on the final plat as a septic field utility easement.

C. *Street lighting (optional).*

1. Where street lighting is proposed, the following standards shall apply.
2. Street lighting shall be Light-Emitting-Diode (LED) where possible, and provided at all public street intersections, and midway between intersections located more than 800 feet apart; provided such spacing shall not be less than 400 feet between streetlights.
3. The maximum height of streetlights shall be 25 feet.
4. Street lighting shall be properly shielded so as not to create a hazard to drivers or a nuisance to residents.

14.04-5.090. - Emergency management.

A. *Fire hydrants.*

1. Where sufficient water flow and pressure exist, as determined by the county fire marshal and approved by the appropriate water provider, the developer shall install fire hydrants throughout each subdivision or commercial development to maintain a maximum 500-foot radius between hydrants, as approved by the fire marshal.
2. Unless no practicable alternative is available, water lines shall be looped wherever possible and not contain dead-end lines for pressure and volume equalization throughout the system.

B. *Fire suppression requirements.*

1. For any subdivision or commercial development without a fire suppression rated water system, that has access to an adequate permanent surface water supply (100,000 gallon storage in a 50-year drought), the applicant shall install a dry fire hydrant system. An all-weather access road for firefighting equipment shall be provided by the applicant to this permanent surface water supply.
2. Where the subdivision or commercial development is neither served by a public water system nor has access to an adequate permanent surface water supply, such systems shall be reviewed by the director and fire marshal to determine alternative measures to ensure adequacy of fire protection.

14.04-5.100. - Surveying and markers.

All land developments within the jurisdiction of this chapter shall be surveyed, platted, and marked in accord with the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, as promulgated by S.C. Code 1976, title 40, chapter 21. This manual is hereby adopted by reference and is as much a part of this chapter as if contained herein.

14.04-5.110. - Construction procedures.

- A. No construction or installation or improvements shall commence in a proposed subdivision or commercial development until the preliminary plat, existing conditions survey, site plan and construction drawings have been approved by all appropriate authorities.
- B. No building, zoning or other permits shall be issued for erection of a structure in any subdivision or commercial development until all the requirements of this chapter have been met. The approving authorities having jurisdiction or their representatives shall inspect and approve all completed work prior to release of any sureties.

ARTICLE 14.04-6. - DEFINITIONS

Sections:

14.04-6.010. - Purpose.

14.04-6.020. - Interpretation.

14.04-6.030. - Acronyms.

14.04-6.040. - Definitions.

14.04-6.010. - Purpose.

For the purpose of interpreting chapter 14.04 and chapter 14.08, certain words, concepts, and ideas are defined herein. Except as defined herein, all other words used in these chapters shall have their everyday meaning as determined by their dictionary definition.

14.04-6.020. - Interpretation.

- A. Words not defined herein shall have the meanings stated in the Standard Building, Plumbing, Electrical, Gas, or Fire Prevention Codes. Words not defined in the standard codes shall have the meanings in Webster's Tenth Edition Collegiate Dictionary, as revised.
- B. Words in the present tense include the future tense and vice-versa. Words used in the singular include the plural, and vice-versa.
- C. The terms "shall" or "must" are always mandatory.
- D. The terms "may" or "can" are permissive.
- E. The term "lot" includes the word "plot" or "parcel."
- F. The term "person" includes a firm, association, organization, partnership, trust company, or corporation, as well as an individual.
- G. The term "planning commission" refers to the county planning commission.
- H. The term "council" refers to the county council.
- I. Any word denoting gender includes the female and the male.

- J. The term "structure" shall include the word "building."
- K. The term "street" shall include the word "road."
- L. The term “zoning board of appeals” refers to the county zoning board of appeals.
- M. The term “used” or “occupied” as applied to any land or building shall be construed to imply that said land or building is in actual use or occupancy and shall be construed to include the words "intended," "arranged," or “designed” to be used or occupied.
- N. The term “map” or “zoning map” shall mean the official zoning map of Colleton County, South Carolina.

14.04-6.030. - Acronyms.

Following is a list of acronyms (other than zoning districts) and their meanings found throughout chapter 14.04 and chapter 14.08:

BFE	Base flood elevation
DUA	Dwelling units per acre
FEMA	Federal Emergency Management Agency
FIRM	Flood insurance rate maps
HOA	Any legal type of Home Owners Association
ROW	Right-of-way / Rights-of-way
OCRM	Ocean and Coastal Resource Management
SC	South Carolina
SCDHEC / DHEC	South Carolina Department of Health and Environmental Control
SCDOT / DOT	South Carolina Department of Transportation
US / USA	United States of America

14.04-6.040. - Definitions.

The following words, terms and phrases, when used in chapter 14.04 and chapter 14.08, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abutting means sharing a common border; physically touching.

Agricultural production/activity means land used exclusively as a bonafide agricultural operation by the owner and/or tenant. The use of land for agricultural purposes including farming, fish culture, bees for honey production, animal and poultry husbandry, and the necessary accessory uses for packing, treating, curing or storing the

produce or product, provided that the operation of the accessory use is clearly incidental to the agricultural activity. Uses which shall not be classified as agricultural production or uses, for the purposes of this chapter, include zoos, kennels, or riding stables and academies.

Agricultural support services includes the operation, management, conservation, improvement, and maintenance of a farm and the structures on the farm, including building repair, replacement, expansion, and construction incidental to the farming operation; and/or the marketing and selling of agricultural products, agro-tourism, the storage and use of materials for agricultural purposes, packing, treating, processing, sorting, storage, and other similar activities performed to add value to crops, livestock, and agricultural items produced on the farm.

Airport elevation means the established elevation of the highest point on the usable landing area.

Airport hazard means any structure, tree, or use of land which obstructs the airspace required for, or is otherwise hazardous to the flight of aircraft in landing or taking off at the airport.

Airport reference point means the point established and designated as the appropriate geographic center of the airport landing areas.

Animal production means the dairying, raising, management, care, and training of livestock, including horses, bees, poultry, and other animals for individual and public use, consumption, and marketing.

Animal services means a public or private facility for medical or surgical treatment, grooming, breeding, selling, or boarding of animals. Unless outdoor kennels are specifically allowed, all facilities associated with animal services shall be located indoors.

Automotive services means any building, premises, and land, in or upon which the primary use of land is a business which involves the maintenance, servicing or sale of new or used automobiles, motorcycles, boats or other motor vehicles generally and including recreation vehicles and any vehicle leasing, rental, parking service, preparation or repair work conducted. The term "automotive services" includes but is not limited to auto dealerships, auto body shops, auto service stations, boat repair or sales, car washes, convenience stores, gas stations, truck stops, and oil/lube servicing. This does not include the sale of parts or related products (i.e., auto parts store).

Bed and breakfast inn means any owner-occupied dwelling or portion thereof offering rooms and meals at breakfast to transient lodgers in return for compensation.

Buildable area means that portion of any lot which may be used or built upon in accordance with the regulations governing the zoning district within which the lot is

located when the front, side and rear yard, open space, and applicable buffer area requirements have been met.

Building/structure, accessory, means a subordinate structure on the same lot as the principal or main building or use occupied or devoted to a use incidental to the principal use. Included in this definition are private garages, storage sheds, workshops, animal shelters, pool houses, etc., when detached from the principal buildings, and carports attached to the principal building when at least 75 percent open or unenclosed.

Building/structure, alteration means any act or process that changes or alters some or all of the exterior architectural features of a structure, including, but not limited to, the addition onto or reconstruction of any structure.

Building/structure, principal, means a building in which the main or principal use is, or is intended to be conducted.

Campgrounds means land containing five or more campsites which are located, established, or maintained for occupancy by people in temporary living quarters, such as tents, recreational vehicles, or travel trailers which are primarily used for recreation or vacation purposes.

Canopy tree means a deciduous tree that forms the top layer of vegetation in a forest. Examples of such trees include oaks, hickories, maples, and poplars, among others.

Cemetery, accessory, means a portion of property used for the interment of the dead. An accessory cemetery is located at the site of another principal use such as a religious institution or place of worship. A cemetery shall not be used for the preparation, embalming or cremation of bodies.

Cemetery, family, means a family plot used for the interment of the dead of a family member related by blood, marriage, or adoption. A cemetery shall not be used for the preparation, embalming, or cremation of bodies.

Cemetery, principal, means property used principally for the interment of the dead, which use may include the commercial sale and location of burial lots, plots, crypts, or vaults for use exclusively on the subject property. A cemetery shall not be used for the preparation, embalming, or cremation of bodies.

Certificate of occupancy (C of O) means a certificate issued by the building official which certifies that a structure has been erected in accordance with all applicable county zoning, development and building codes, the effect of which shall permit the occupancy of a building.

Certificate of occupancy, Temporary (TCO) means a temporary 30, 60 or 90-day certificate issued by the building official which certifies that a structure has been erected in accordance with all applicable county codes, which allows for the stocking of shelves,

furnishing of space, or installation of specialized equipment prior to the final inspection and issuance of the certificate of occupancy.

Commercial development means the changing of land characteristics through development, redevelopment, and/or construction of any use other than single or two-family residential is classified as a commercial development, such as: apartments and condominiums; commercial parks, centers, and subdivisions; industrial parks; manufactured home and RV parks; and, similar developments for profit, sale, lease, or any combination having owner-rental characteristics.

Community sewer system means infrastructure to remove waste water within a development that is not connected to a public sewer system where the lots are not on individual septic tanks. Such systems shall be approved by the SCDHEC.

Community water system means infrastructure to deliver water within a development that is not connected to a public water system where the lots are not on individual wells. Such systems shall be approved by the SCDHEC.

Conditional use means a use of land or structure, which is permitted in a zoning district with conditions for approval, as specified in chapter 14.08.

Condominium means a unit in a multi-unit structure owned by an individual who has shared use of all common areas associated with that structure with the other individuals who occupy the same multi-unit structure.

Day care services means and includes any home, center, agency, or place, however styled, where children, elderly, and other persons not related to the operator are received for custodial care, apart from their parents, whether for compensation, reward, or otherwise during part or all of the day and for any number of successive days.

Density means the number of dwelling units per acre of land developed or used for residential purposes.

Developer means a person, individual, partnership, or corporation (or agent therefor) that undertakes the activities covered by these regulations.

Development means any manmade change to real estate, including, but not limited to, the construction of buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

Domestic animal shelter means a pen, shelter, or structure where no more than three dogs or small domestic animals, not to include farm animals, such as horses, cows, goats, swine including pot-bellied pigs, sheep, ponies, grazing animals, and fowl of any kind, are boarded and kept.

Drainage means the removal of surface or groundwater from land by drains, grading, or other means.

Driveway means a paved or unpaved area used for ingress and egress to a property from a street or road by motor vehicles.

Dwelling means a building or portion of a building constructed for human habitation, typically with cooking, sleeping, bathing, and toilet facilities.

Dwelling unit means a single unit that fits the description of a dwelling.

Dwelling, apartment. See **Dwelling, multi-family.**

Dwelling, detached, means a single dwelling unit, surrounded by open space or yards and which is not attached to any other dwelling by any means.

Dwelling, duplex, means a single building containing two dwelling units.

Dwelling, multi-family, means a single building containing five or more dwelling units.

Dwelling, patio house, means a single-family detached or semi-detached dwelling unit. It is built on a small lot generally enclosed by walls, which provide privacy. The term is synonymous with zero lot line dwellings.

Dwelling, quadruplex, means a single building containing four dwelling units.

Dwelling, residential designed manufactured home, means a single-family dwelling unit built according to the Federal Manufactured Housing Construction and Safety Standards (245 CFR 3280) HUD Code, 6-15-76, and which:

1. Has a minimum width over 20 feet (multiple section);
2. Has a minimum of 900 square feet of enclosed living area;
3. Has a minimum 3:12 roof pitch; and has a type of shingle commonly used in standard residential construction;
4. Is covered with an exterior material customarily used on site built homes, including vinyl or aluminum lap siding, wood, masonite, or other materials similar to the exterior siding commonly used in standard residential construction; and
5. Has a roof overhang of not less than eight inches.

Dwelling, single-family, means a single building containing one dwelling unit.

Dwelling, standard designed manufactured home, means a single-family dwelling unit built according to the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code, 6-15-76, and which does not meet the definition of a residential designed manufactured home.

Dwelling, townhouse, means a series of attached single-family dwelling units on separate lots, which may or may not have a common roof and are separated from each other by common or shared vertical walls.

Dwelling, triplex, means a single building containing three dwelling units.

Dwelling, zero lot line, means a zero lot line dwelling is a single family detached unit which instead of being centered on a lot, is placed against at least one of the side lot lines. The term is synonymous with patio homes.

Easement means a strip of land extending along a property line or across a lot, for which a limited right of use has been granted for a public or quasi-public purpose and within which the owner of the property shall not erect any trees or permanent structures.

Emergency services means police department, fire department, rescue squad, emergency medical technicians, ambulatory services, or similar services that respond in the event of an emergency.

Evergreen tree means a coniferous or other type of tree that remains green throughout the year.

Family means one or more persons related by blood, marriage, adoption, or guardianship, and not more than four persons not so related, except that mentally and physically handicapped persons for whom care is provided on a 24-hour basis shall be construed to be a family, in accordance with the provisions of S.C. Code 1976, § 6-7-830.

Family group development means a group of up to six individual detached dwelling units allowed on a single lot of record occupied only by persons related by blood, marriage, adoption, or guardianship, where all units comply with the density and setback requirements for the zoning district where the lot is located, except where prohibited in the RS, CC, VC, LID and ID zoning districts.

Farm Structure means a structure less than 5,000 sq. ft., located on no less than five (5) acres in the RC-1, RC-2, RD-1 or RD-2 zoning districts that is being used as a farm for agricultural production purposes, which is not a public livestock area or a residential dwelling unit, which does not have cooking or sleeping amenities or facilities, with or without restroom facilities, a SCDHEC approved septic tank system and electric service not to exceed 200 Amps, where the use is exclusively associated with the production, harvesting, storage, drying or raising and growing of agricultural commodities, including livestock, fowl and bees for honey, or similar commonly known commodities. Further, the owner agrees to prohibit public access to the structure and sign the “*Farm and Accessory Use Structure Non-Conversion Affidavit*” which certifies that the structure cannot be converted to a residential dwelling unit or a commercial use, without prior proper zoning and building permit approvals for such conversion, as may be

allowed by the zoning and building codes in effect at the time of conversion and change of use request.

Federal manufactured home construction and safety standards means regulations promulgated by the Department of Housing and Urban Development (HUD) governing the design and construction of manufactured housing. These standards also set performance requirements for heating, plumbing, air conditions, thermal, and electrical systems.

Floor means the top surface of an area in a building that is walked on and makes contact with people's shoes, from the basement floor to the top floor of a building.

Floor area ratio means an intensity measure of land use derived at by dividing the total floor area of a building by the total site area.

Fuel supply services means a business that distributes petroleum, biodiesel, or similar fuel products for motor vehicles. This does not include gas-selling stations or convenience stores, which are a type of automotive service. Such businesses may have above-ground or below-ground tanks.

Garage, private means a structure built to park vehicles inside of it that is for private use only.

Garage, public means a structure built to park vehicles inside of it that is used by the general public.

Grandfathered/Legal Nonconformity means and describes the status accorded certain properties, uses, structures and activities that legally existed prior to the date of adoption of the current/active zoning ordinance which changed its classification from conforming to nonconforming, where the nonconformity now exists as a legal nonconformity, and where the nonconformity may continue without limitation unless discontinued or abandoned for six (6) months, which then requires the nonconformity to be brought into compliance with the current codes in effect at the end of that six (6) month period of discontinuance and/or abandonment.

Gross floor area (GFA) means the combined sum of the floor area, measured horizontally, where the floor area for every floor or story of a building is added to the sum, including basements and attics, measured from the exterior faces of the structure. It does not include unenclosed porches or detached accessory buildings.

Habitable dwelling means a dwelling meeting the minimum habitability requirements of this chapter, and other applicable regulations.

Hazard to air navigation means an obstruction determined to have a substantially adverse effect on the safe and efficient utilization of the navigable airspace of an airport.

Heavy construction contractor means a construction contractor that utilizes heavy equipment including but not limited to earthmoving equipment and/or cranes.

Height means the vertical distance measurement from the top of a structure or vegetation to the ground directly beneath the structure or vegetation.

Home occupation means any occupation within a dwelling, or an accessory building clearly incidental thereto, carried on by a member or members of the family residing on the premises, which in no way changes the residential character or nature of the neighborhood.

Improvement means any man-made immovable item that becomes part of, placed upon, or affixed to the ground or a structure.

Instrument runway means a runway equipped with a precision electronic navigation or landing aid suitable to assist the landing of aircraft by an instrument approach under restricted visibility conditions.

Kennel, outdoor, means any outdoor place or structure used in whole or in part for the purpose of keeping, housing, or raising 24 or more animals in any combination, outside of a fully enclosed structure, whether the animals are boarded, pet animal rescues, or household pets.

Larger than utility runway means a runway that is constructed for and intended to be used by propeller driven aircraft greater than 12,500 pounds maximum gross weight and jet-propelled aircraft.

Livestock means the keeping or raising of cattle, sheep, goats, swine, horses, donkeys, mules, burros, buffalo, llamas, or similar animals.

Lot means a parcel of land considered as a unit. The terms "lot," "lot of record," "property," or "tract," whenever used in these chapters, are interchangeable.

Lot area means the horizontal area contained within the boundary lines of a lot.

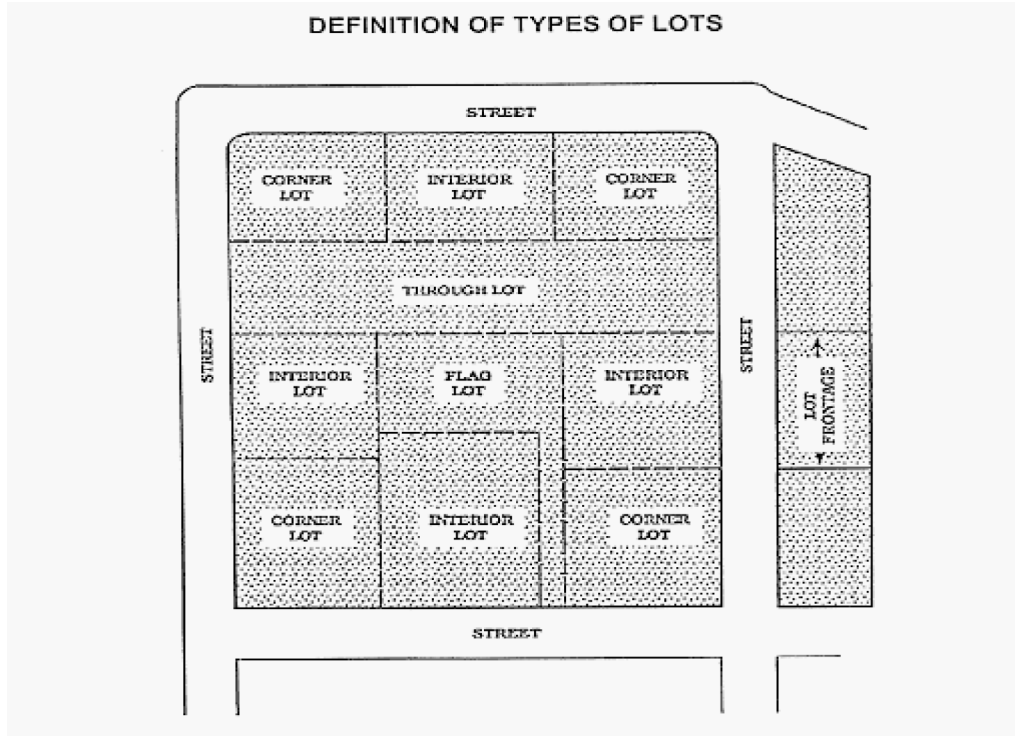
Lot depth means the horizontal distance between the front and rear lot lines.

Lot line means a line bounding a lot which divides one lot from another or from a street or any other public or private space.

Lot of record means a lot, the boundaries of which are filed as a legal record.

Lot width means the horizontal distance between the side lot lines measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

Lot, corner, means a lot located at the intersection of two or more streets.



Lot, existing, means a lot that was recorded prior to the adoption of the ordinance from which this chapter is derived (December 5, 2000) which is the same as when it was initially recorded.

Lot, interior, means a lot, other than a corner lot, which has frontage on only one street other than an alley.

Lot, through or double frontage, means a lot which has street frontage on two opposing ends of the lot.

Lot, flag, means a lot having only its narrow access way to the lot (aka the flag pole) fronting onto a public or private road or access easement, with the bulk of the lot (aka the flag) set back from the road. (See lot definition detail above.)

Manufactured home park means a lot with the size and improvements needed to support the long-term parking of three or more manufactured homes, which may include resident services and facilities.

Manufactured home park space means the individual space within a manufactured home park designed to accommodate one unit.

Manufacturing, heavy, means the assembly, fabrication, production or processing of materials that have greater than average impacts on the environment, or that have

significant impacts on the use and enjoyment of other properties due to the generation of noise, smoke, fumes, odors, glare, health or safety hazards, or uses that otherwise do not constitute "light manufacturing," or any use where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, production or processing exceeds 25 percent of the floor area of all buildings on the lot. The term "heavy manufacturing" shall include, but not be limited to, the following: enameling, lacquering, plating or galvanizing of metals; foundries or mills producing iron and steel products; industrial chemical manufacture; meat packing plants; mixing plants for concrete or paving materials and products; oxygen and other gaseous manufacture and/or storage; pottery, porcelain, and vitreous china manufacture; wholesale poultry dressing; pressure treating of wood; stonecutting; tire recapping and retreading; and, tobacco and textile products manufacturing. (Not including resource extraction, mining, or drilling, or recycling and salvaging operations.)

Manufacturing, light, means the assembly, fabrication, production or processing of materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, production or processing takes place, where such processes are housed entirely within a building, or where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, production or processing does not exceed 25 percent of the floor area of all buildings on the lot. (Not including heavy manufacturing, resource extraction, mining, or drilling, or recycling and salvaging operations.)

Marina means a facility located along a shoreline that may have docks, moorings, supplies and services for watercraft and passengers, to include storage, docking, sales and repair and construction activities.

Mini-warehouse means a building or buildings in a controlled-access and fenced compound that contains individual, compartmentalized spaces for the commercial dead storage of customer's goods or wares.

Mixed occupancy means any building that is used for two or more occupancies classified by different occupancy use groups.

Mixed use building means a two-story or taller building in which the ground floor contains a commercial retail or service business with at least one of the floors above containing one or more residential dwelling units.

Modular building unit or modular structure means any structure other than a mobile or manufactured home, constructed off site, and transported to the point of use for installation. When meeting the requirements of the Modular Building's Construction Act (S.C. Code 1976, § 23-43-10), said structure may be located in any zoning district.

Nonconformity, means any lot, use, structure, sign or vegetation which exists that does not conform to the current requirements of this chapter.

Nonconformity, legal means any lot, use, structure, sign or vegetation legally in existence prior to the effective date of the ordinance from which this chapter is derived, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of this chapter.

Nonresidential use means a principal use of land or structure for other than residential purposes (i.e., commercial, industrial, institutional).

Office, professional, means an office building that houses professional services, such as accounting, engineering, architectural, and legal, which typically doesn't involve the on-site retail sale of goods.

Outdoor market means a use involving the retail sale of items outside an enclosed permanent structure on the same property or by the same organizer(s) more than four days per year, such as, farmers markets and flea markets.

Open space ratio means the intensity of land use as derived by dividing the total amount of open space area within the site by the total site area.

Parcel – see lot.

Parcel, existing, means a lot that was recorded prior to the adoption of the ordinance from which this chapter is derived (December 5, 2000) which is the same as when it was recorded.

Park, public means a public recreational facility which may include commercial activities for recreational uses only, open space and public gardens.

Park model/travel trailer means a recreational vehicle primarily designed and intended to provide temporary living quarters for recreation, camping, or seasonal use. It is built on a single chassis, mounted on wheels with a gross trailer area not exceeding 400 square feet in the setup mode. Each park model shall be certified by its manufacturer as complying with ANSI A119.5.

Personal care services means services provided by licensed professional stylists, aestheticians, and therapists including but not limited to hair care, nail care, waxing, massage therapy, and similar spa services.

Place of worship means a building or structure, or group thereof, which by design and construction are primarily intended for conducting organized religious services whose site may include an accessory area for the interment of the dead in a cemetery. Day care centers (which have enrollment capacities in excess of 25 enrollees) and/or schools operated by the church on the facilities of the church shall be considered separate principal uses.

Plat means a map or drawing upon which the developer's plan of a subdivision or commercial development is presented for approval.

Precision instrument runway means a runway with an instrument approach procedure utilizing an instrument landing system (ILS) or precision approach radar (PAR).

Premises means a lot, plot, or parcel of land including the buildings thereon, under control by the same owner or operator together with all included land within the property boundaries of the premises.

Produce stand means the sale of any form of agricultural or horticultural products at a retail stand located on the same site where the products are grown. Off-site produce stands shall be considered temporary uses and shall meet the requirements of such.

Recreation, commercial means any establishment whose main purpose is to provide the general public with an amusing or entertaining activity and where tickets are sold or fees are collected for the activity. Includes, but not limited to, skating rinks, water parks, miniature golf courses, arcades, bowling alleys, but not billiard halls and movie theaters.

Recreation, private means clubs or recreation facilities for which a membership charge may be made and which are open only to bona fide members and their guests. A private recreational facility may not be open or available to members of the general public

Recreational group quarters means any combination of two or more of the following uses:

1. Housing, including patio homes, single-family detached dwellings, townhomes, and condominiums;
2. Resort accommodations including inns and cottages, but not hotels or motels; and
3. Recreational facilities including golf courses, marinas, horse stables and tracks, trails, tennis courts, swimming and activity centers, hunting and shooting facilities and ecotourism activities.

Recreational vehicle means a motorized vehicle intended to travel over streets and highways that is designed to serve as a temporary dwelling unit with cooking, sleeping, bathing and restroom facilities.

Recreational vehicle park means a site where three or more recreational vehicles are in use for residential or camping purposes.

Residential care facilities means an institutional facility in which supervision, care, therapeutic, or medical services are provided for three or more persons in a residential setting and capacity.

Riparian buffer means land adjacent to a stream where vegetation is strongly influenced by the presence of water. Designated riparian buffers shall remain undisturbed to protect the native vegetation and water quality.

Runway means a defined area on an airport prepared for the landing and takeoff of aircraft along its length.

Scrap (junk) and waste means any materials consisting of waste, discarded or salvage matter which is bought, sold, exchanged, stored, baled, packed or disassembled for profit, trade or hire, and shall include any vehicle damaged so as not to comply with state or federal safety regulations, incapable of self-propulsion or partially dismantled if retained on the premises whether for repair or not. The term "junk" shall also mean, but not be limited to, old, nonfunctioning, or scrap metals, rope, rags, paper, trash, tires, rubber, appliances, other old ferrous or non-ferrous material, barrels or drums, industrial or commercial equipment, fixtures or machinery, batteries, cardboard, plastic, pallets, motors, rubbish, debris; wrecked, dismantled or disabled motor vehicles or parts thereof.

Seasonal sales means the retail sale of items related to the season of the year including, but not limited to, fireworks, pumpkins, Christmas trees, flowers, and produce.

Seasonal worker housing means temporary housing located on the site of an agricultural use for migrant workers present during peak planting or harvesting seasons for a crop.

Sexually oriented business, for purposes of this chapter, means and includes the following:

- A. **"Adult arcade"** means any place to which the public is permitted or invited wherein coin, slug or card-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.
- B. **"Adult bookstore or adult video store"** means a commercial establishment, which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
 - 1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes or video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or
 - 2. Instruments, devices, or paraphernalia, which are designed for use in connection with specified sexual activities. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore or adult video store so long as: one of its principal business purposes is the offering for sale or rental for consideration the specified

materials which depict or describe specified sexual activities or specified anatomical areas.

- C. **"Adult cabaret"** means a nightclub, bar, restaurant or similar commercial establishment, which regularly features:
1. Persons who appear in a state of nudity;
 2. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
 3. Films, motion pictures, videocassettes, slides, or other photographic reproductions, which are characterized by the description of specified sexual activities or specified anatomical areas.
- D. **"Adult motel"** means a hotel, motel or similar commercial establishment which:
1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions;
 2. Offers a sleeping room for rent for a period of time that is less than ten hours; or
 3. Allows a tenant or occupant of a sleeping room to sublet the room for a period of time that is less than ten hours.
- E. **"Adult motion picture theater"** means a commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- F. **"Adult theater"** means a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.
- G. **"Sexual encounter center"** means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:
1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or seminude.

Sign, means any communication device, structure, or fixture that incorporates graphics, symbols, or written copy intended to promote the sale of a product, commodity,

or service, or to provide direction or identification for a premises or facility. Please see Chapter 14.08-6.030 for specific sign types and definitions.

Sign, abandoned, means a sign structure not containing a sign, or not in use for 120 continuous days, or a sign advertising a business no longer occupying the site on which the sign exists, or to which it refers.

Sign face means the area or display surface, measured in square footage, used for the commercial message.

Specified anatomical areas means and includes any of the following:

- A. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae;
- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified criminal act includes criminal sexual conduct, in any degree; criminal sexual conduct with a minor, in any degree; assault with intent to commit criminal sexual conduct; spousal sexual battery; engaging a child for sexual performance; producing, directing or promoting a child for sexual performance; lewd act on a minor; incest; prostitution; assignation or pandering; buggery; indecent exposure; obscenity offenses; and the out of state or federal counterparts to the preceding sexual offenses whether or not referred to by a different name.

Specified sexual activities means and includes the following:

- A. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts.
- B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.
- C. Masturbation, actual or simulated.
- D. Human genitals in a state of sexual stimulation, arousal or tumescence.
- E. Excretory functions as part of or in connection with any of the activities set forth in subsections A through D of this definition.

South Carolina manufactured housing board is authorized by state statute to regulate the construction, repair, modification, installation, tie-down, hook-up, and sale of manufactured homes in South Carolina, which utilizes the Federal Manufactured Housing Construction and Safety Standards, promulgated by HUD, and contained in the board's Manufactured Housing Regulations, current edition.

Special exception means permission granted by the zoning board of appeals to conduct a use with unique circumstances on a specific property.

Street means any public or private thoroughfare (drive, avenue, or boulevard) or space more than 18 feet in right-of-way width which has been designed, constructed and designated for motor vehicle traffic.

Street, major, includes all state primary and federal aid highways and streets that serve to circulate traffic, having signals at assigned intersections, and stop signs on side streets and/or having controlled access and channelized intersections.

Street, minor, means a street designed principally to travel within a neighborhood from house to house and exit onto a major street.

Street, private, means a street not dedicated for public use or maintenance.

Structure. As defined by the International Building Code, current edition.

Structure, accessory, means a subordinate structure on the same lot as the principal or main structure which is devoted to a use incidental to the principal use, such as private garages, storage sheds, farm structures, workshops, animal shelters, pool houses, etc., when detached from the principal buildings.

Structure, principal, means a structure in which the principal or main use is conducted.

Structural alteration means any change in the supporting members of a building, such as load-bearing walls, beams, trusses or girders, or any change in the dimension or configuration of the roof or exterior walls.

Subdivision means the division of an existing parcel or lot into two or more developable lots, or other divisions of land for sale, legacy, or building development, including all divisions of land involving a new street or a change in existing streets and includes the re-subdivision of land.

Subdivision, conservation, means the grouping and condensing of lots in order to conserve land, open space, and unique natural resources and allow innovation in the design of the subdivision. Overall density does not change in a conservation subdivision.

Subdivision, exempt, means a subdivision which meets the following conditions:

1. Involves the division of land into parcels of five acres or more where no new street is involved; or
2. Includes the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this chapter and other applicable regulations;
3. Includes cemetery lots;
4. Includes a single pre-existing lot or record.

Subdivision, family, is a subdivision of land by a property owner among his immediate family members as a gift or for nominal consideration.

Subdivision, major, is any subdivision other than an exempt or minor subdivision.

Subdivision, minor, is one which does not involve the creation of more than 15 lots fronting onto an existing public or private street.

Temporary use means a use not permanently located on a site that may include a special event, sale, or temporary structure.

Tree, canopy, means a tree of a species which, at maturity, can be expected to reach a height of more than 35 feet under normal growing conditions in the local climate. The tree shall have a caliper of at least 2½ inches at the time of planting measured six inches up from the highest root.

Tree, significant, means any tree, other than a pine tree, measuring 30 inches diameter at breast height (DBH).

Tree, understory, means a small deciduous tree that forms the layer of vegetation under the canopy trees in a forest. Examples of such trees include dogwoods, sourwoods, fruit trees, among others. An understory tree may also be referred to as an ornamental tree.

Use means the purpose or activity, for which land or any building thereon is designed, arranged or intended, or for which it is occupied or maintained.

Use, accessory. See **Building, accessory**.

Use, principal, means the primary purpose for which the land is used.

Utility runway means a runway that is constructed for and intended to be used by propeller driven aircraft weighing less than 12,500 pounds maximum gross weight fueled and loaded.

Variance means a modification of the area regulations of this chapter, granted by the zoning board of appeals, where such modification will not be contrary to the public interest, and where, owing to conditions peculiar to the property, a literal enforcement of the requirements of this chapter would result in unnecessary and undue hardship, and where such modification will not authorize a use of the property which is not permitted within the zoning district in which the property is located.

Vegetation means any plant object of natural growth.

Visual runway means a runway intended solely for the operation of aircraft using visual approach procedures.

Waste management services means a business that conducts the collection of garbage or recyclables from roll-off or roll-out garbage containers or dumpsters. The term "waste management services" does not include landfills or recycling operations.

Wetlands means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, and bogs. For official determination if an area is classified as a wetland contact the SCDHEC.

Yard means an open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided by this chapter.

Yard, front, means a yard extending the full width of the front of a lot between the front (street) right-of-way line or property line and the front building line. Where more than one street abuts the lot, the front yard is the more narrow of the street frontages and/or the street frontage to which the property is addressed.

Yard, rear, means a yard opposite of the front yard, extending the full width of the lot in the area between the rear lot line and the rear building line.

Yard, required, means that part of a yard between a lot line and the minimum required building setback line, within which no structure shall be located except as provided by this chapter.

Yards, side, means the yards extending the full length of the lot in the areas between the side lot lines and the sides of a building.

Zoning district means a specifically delineated area or district within which specific zoning and development regulations and requirements govern the use, placement, spacing and size of the land and buildings.

Zoning permit means written permission issued by the director or his designee for the construction or enlargement of a structure, the installation of a sign, or the conducting of a use.

ARTICLE 14.04-7. - FORMS AND EXAMPLES

Sections:

14.04-7.010. - Letter of credit example.

14.04-7.020. - Road maintenance agreement.

14.04-7.010. - Letter of credit example.

**Bank Letterhead
IRREVOCABLE LETTER OF CREDIT FOR PERFORMANCE**

Date:	Month/Date/Year	LOC No.:
Lender:		Applicant:
Name of Financial Institution		Name of individual or Corporation
C/O (Contact Person)		C/O (Contact Person)
Address		Address
City/State/Zip		City/State/Zip
Beneficiary:		Project Name:
Colleton County		Give project name with phase #
C/O Planning Department		
31 Klein Street		
Walterboro, SC 29488		
Amount:		Expiration Date:
Insert amount of LOC		Date of Expiration

We (Bank) hereby issue our irrevocable standby letter of credit No. (LOC #) in your favor for the account of (Applicant), up to the aggregate amount of exactly USD (LOC amount).

Requested drafts presented in compliance with the terms of this letter of credit shall be accompanied by a statement indicating:

" Applicant, as Principal, has failed to complete all improvements for (Name of Development) in accordance with the requirements of the Colleton County Land Development Regulations".

No partial drafts shall be allowed under the terms of this letter of credit by the applicant or the beneficiary.

Except as otherwise stated herein, this letter of credit is subject to the uniform customs and practices for documentary credits (Edition), established by the International Chamber of Commerce Publication (Number).

(Bank) , as surety, hereby agrees that drafts drawn under and in compliance with the terms of this letter of credit will be duly honored on presentation at our counters at the address shown on the letterhead and/or (address of South Carolina branch (if address on letterhead is not in South Carolina) and/or upon facsimile to (bank facsimile number)) on or prior to (Date) , at which time this agreement shall expire.

<u>(Signature)</u>	SIGNATURES MUST BE IN BLUE INK
<u>(Typed Name) (Title)</u>	
	NOTARIZED

5. Upon the initial sale of each lot, _____ dollars shall be set aside in escrow by developer to be drawn upon as determined by the Board of Directors stipulated above to provide maintenance to the aforesaid roadway.
6. There shall also be an annual assessment upon each lot owner, which shall be due on July 1st of each year. Initially this assessment shall be _____ dollars per lot per year. This amount may be changed at any time by a two-thirds vote of the members of the Association. The obligation of lot owner to pay this assessment shall be a continuing lien upon the lot, subject only to the lien on a bona fide first mortgage upon such real property held by a reputable financial institution; and said lien may be enforced by the Association in all respects as though secured by a recorded mortgage as provided by the laws of the State of South Carolina.

This instrument is to be recorded in the Colleton County office of the Register of Deeds, and the Undersigned, _____ (*the owner/developer*) and all future owners shall cause the following statement to be placed in every contract and deed conveying lots out of this subdivision. This statement shall be signed by the grantee(s) and shall be placed immediately below the grantor's signature and shall be binding on all parties thereof. Failure of any subsequent purchaser to comply with this provision shall in no way diminish or impair the terms of this agreement and the conditions, benefits, and obligations imposed and granted thereunder.

7. "I, the undersigned, as purchaser of the above lot described in this deed/contract, acknowledge the existence of the road maintenance agreement as recorded in the office of the Register of Deeds for Colleton County in Deed Book ____ at Page ____, do hereby confirm by acceptance of this deed/contract all the terms and conditions thereof. I understand that since the road described in that agreement is not being engineered and constructed according to Colleton County standards, it will not be the responsibility of Colleton County to maintain the road. I further acknowledge that the lot owners subject to that agreement shall be responsible for the maintenance and upkeep of that road."

It is agreed that said road shall be kept free of all obstructions so as to be open for the passage of fire, police, and other emergency vehicles, personnel, or equipment at all times; and that such responsibility lies with the respective property owners, their agents, guests, and employees.

8. That said roadway shall be posted as a "privately maintained road" prior to the conveyance of properties, and shall remain posted in that manner at all times.
9. These covenants and restrictions are to run with and bind the land, and shall inure to the benefit of and bind property owners subject to this agreement, their respective legal representatives, heirs, successors, and assigns, for a term of twenty (20) years from the date this agreement is recorded in the office of the Register of Deeds for Colleton County; after which time said agreement shall be automatically extended for successive periods of ten (10) years unless an instrument has been recorded whereby the owners of the lots have agreed to a change in this agreement.
10. Changes in this agreement either in whole or in part may be executed at any time by the recording of an instrument signed by a majority of the members of the Association.

IN WITNESS WHEREOF, the undersigned has caused these presents to be executed this the _____ day of _____, 20____ in Colleton County, South Carolina.

WITNESSES:

BY: Property Owner(s)

(Witness #1 sign)

(Witness #2 sign)

(Owner or owners sign)

STATE OF SOUTH CAROLINA)
)
COUNTY OF COLLETON)

PERSONALLY APPEARED before me the undersigned witness, who, being duly sworn, deposes and says that (s)he saw the within named property owner(s) sign and seal the within Road Maintenance Agreement for the uses and purposes therein mentioned and that (s)he with the other witness, witnessed the execution thereof.

SWORN TO BEFORE ME THIS)
)
_____ day of _____, 20____)

_____(L.S.))
Notary Public for South Carolina)
My Commission Expires: _____)

(Witness #1 or #2 sign)

2. **Title 14 – Land Management, Chapter 14.08 – Zoning**, of the Colleton County Code of Laws (the same being inclusive of and one with the Originating and Amending Ordinances), and all subparagraphs thereof, is hereby amended in its totality to read as follows:

CHAPTER 14.08. - ZONING

ARTICLE 14.08-1. - PURPOSE AND LEGAL PROVISIONS

Sections:

- 14.08-1.010. - Title.**
- 14.08-1.020. - Authority.**
- 14.08-1.030. - Applicability.**
- 14.08-1.040. - Conflicting provisions and validity**
- 14.08-1.050. - Conformance with adopted plans.**
- 14.08-1.060. - Vested rights.**
- 14.08-1.070. - Development agreements.**
- 14.08-1.080. - Effective date.**

14.08-1.010. - Title.

This chapter shall be known and may be cited as the Zoning Ordinance of Colleton County, South Carolina. The Colleton County Official Zoning Map designating the various zoning districts shall be titled and known as the zoning map.

14.08-1.020. - Authority.

In pursuance of authority conferred by S.C. Code 1976, § 6-29-710 and for:

- A. Promoting health, safety, and general welfare of the community;
- B. Lessening congestion in the streets;
- C. Securing safety from fire;
- D. Providing adequate light and air;
- E. Providing for adequate transportation, water, sewerage, schools, parks, and other public improvements;
- F. Protecting scenic and unique areas, in accordance with the comprehensive plan; the county council does ordain and enact into law the articles and sections set forth in this chapter.

14.08-1.030. - Applicability.

- A. The provisions of this ordinance shall apply within the county and outside of any municipal jurisdictional boundaries as shown on the zoning map.
- B. Any violation of the previous zoning ordinance will continue to be a violation and subject to penalties and enforcement under article 14.08-8, unless the use, development, construction, or other activity complies with the provisions of this chapter, in which case enforcement action shall cease, except collecting penalties for violations that occurred prior to the effective date of the ordinance from which this chapter is derived.

- C. Any legal nonconformity under the previous zoning ordinances (Ordinance Nos. 99-O-25 and 9-7-2010) will remain a legal nonconformity under this chapter, until brought into conformance with this chapter, or if it becomes conforming because of the adoption of the ordinance from which this chapter is derived.
- D. Variances approved prior to the effective date of the ordinance from which this chapter is derived shall remain valid until their expiration date. Construction may continue in accordance with the development standards in effect at the time, provided the permit remains valid and has not lapsed.
- E. No provision of this chapter shall require a change in the plans, construction, or designated use of any structure for which approval was granted prior to the effective date of the ordinance from which this chapter is derived, provided the permit remains valid and has not lapsed.
- F. No previously approved lot shall be deemed an unusable lot under the provisions of this chapter.
- G. Any use legally established without special exception approval prior to the effective date of the ordinance from which this chapter is derived, which is located in a zoning district that now requires special exception approval, shall not be considered nonconforming. Expansions and modifications of such uses shall be subject to article 14.08-9.
- H. PDDs approved prior to the adoption of the ordinance from which this chapter is derived are "grandfathered" under this chapter and shall adhere to the site plan and provisions of the PDD under which the PDD was approved.

14.08-1.040. - Conflicting provisions and validity.

- A. Whenever the regulations of this chapter conflict with any statutes in affect, the regulations which requires more restrictive standards shall govern.
- B. Should any section or provision of this chapter be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the chapter as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.
- C. All ordinances and parts of ordinances in conflict herewith are repealed to the extent necessary to give this chapter full force and effect.
- D. If the provisions of this chapter are inconsistent with those of the state or federal government, the more restrictive provision shall control, to the extent permitted by law.

- E. If the provisions of this chapter are inconsistent with one another, or if they conflict with provisions found in other adopted county ordinances, the more restrictive provision will control. No text amendment, zoning variance or condition of approval attached to a development approved under this chapter shall have the effect of nullifying, abrogating or diminishing the provisions of any other county ordinance.
- F. This chapter is not intended to abrogate, annul, enforce, or otherwise interfere with any private easement, agreement or other private legal relationship. The county is only responsible for enforcing this chapter. Restrictive covenants affidavits shall be signed by the applicant or property owners for all applicable permit applications in compliance with S.C. Code 1976, § 6-29-1145, that states:
 - 1. 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.
 - 2. 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:
 - a. In the application for the permit;
 - b. From materials or information submitted by the person or persons requesting the permit; or
 - c. From any other source, the local planning agency must not issue the zoning permit unless it 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.
 - 3. As used in this section:
 - a. The term "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;
 - b. The term "permit" does not mean an authorization to build or place a structure on a tract or parcel of land; and
 - c. The term "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.

14.08-1.050. - Conformance with adopted plans.

- A. The regulations adopted pursuant to this chapter and all new developments shall be consistent with and designed in conformance with county adopted plans, including

but not limited to the comprehensive plan, corridor plans, small area land use plans, transportation plans, and recreation plans.

- B. Public projects including new streets, structures, utilities, squares, parks, or other public grounds, open space or buildings for any use, whether publicly or privately owned, shall not be constructed or authorized in the county until the location, character, and extent of it have been submitted to the planning commission for review and comment as to the compatibility of the proposal with the comprehensive plan in accordance with S.C. Code 1976, § 6-29-540. In the event that the planning commission finds the proposal to be in conflict with the comprehensive plan, the commission shall transmit its findings and the particulars of the nonconformity to the entity proposing the facility. If the entity proposing the facility determines to go forward with the project which conflicts with the comprehensive plan, the entity shall publicly state its intention to proceed and the reasons for the action. A copy of this finding must be sent to the county council, the planning commission, and published as a public notice in a newspaper of general circulation at least 30 days prior to awarding a contract or beginning construction. Telephone, sewer, gas, or electric suppliers, utilities and providers, whether publicly or privately owned, whose plans have been approved by the county council or a state or federal regulatory agency or who are acting in accordance with a legislatively delegated right are exempt from this provision. These utilities must submit construction information to the planning commission.

14.08-1.060. - Vested rights.

Pursuant the provisions of the Vested Rights Act, Act 287, adopted in 2004 by the state legislature, the following standards are established to specify the point at which a development is considered to have obtained a vested right:

- A. A vested right is attached to a development project once the developer or landowner has:
 - 1. *Single-phased developments.* Satisfied all conditions of site plan approval placed upon the proposed project by county staff and the planning commission.
 - 2. *Multi-phased developments.* Satisfied all conditions of site plan approval that are placed on the proposed phase of development by county staff and the planning commission.
- B. Such vested right shall extend for an initial period of two years. Within 120 days of expiration of the initial two-year vesting period, the developer or landowner may request, in writing, to the director of the county planning and development department, hereinafter (director), a one-year extension of the vesting period. Extensions of vested rights shall be given in one-year increments and shall not exceed five extensions, for a total vesting period of seven years.
- C. Requests for extensions shall be presented to the planning commission for consideration. The planning commission must approve the annual extension unless an amendment to the land development regulations has been adopted that prohibits

approval. Upon expiration of a vested right, a building permit may be issued for development only in accordance with applicable land development regulations.

- D. A site specific development plan for which a variance, regulation, or special exception is necessary does not confer a vested right until the variance, regulation or special exception is obtained.
- E. Variances or special exceptions approved by the zoning board of appeals prior to planning commission approval of a site specific development plan do not create vested rights until the planning commission or planning department approval of the development plan is obtained and all conditions for approval satisfied.

14.08-1.070. - Development agreements.

Requests for development agreements shall be processed pursuant to S.C. Code 1976, title 6, chapter 31, as amended. Development agreements require planning commission review and comment.

14.08-1.080. - Effective date.

The ordinance from which this chapter is derived shall become effective on May 3, 2022. Upon such date, this chapter and chapter 14.04 shall supersede, repeal, and replace the Colleton County Land Management Ordinance.

ARTICLE 14.08-2. - ZONING DISTRICT REGULATIONS

Sections:

- 14.08-2.010. - Purpose, interpretation, and general provisions.**
- 14.08-2.020. - Establishment of base zoning districts.**
- 14.08-2.030. - Resource Conservation Zoning District (RC-1).**
- 14.08-2.040. - Resource Conservation Zoning District – 2 (RC-2).**
- 14.08-2.050. - Resource Development Zoning District (RD-1).**
- 14.08-2.060. - Resource Development Zoning District – 2 (RD-2).**
- 14.08-2.070. - Suburban Residential Zoning District (RS).**
- 14.08-2.080. - Community Commercial Zoning District (CC).**
- 14.08-2.090. - Village Commercial Zoning District (VC).**
- 14.08-2.100. - Urban Development Zoning District (UD-1).**
- 14.08-2.110. - Urban Development Zoning District – 2 (UD-2).**
- 14.08-2.120. - Industrial Zoning District (ID).**
- 14.08-2.130. - Light Industrial Zoning District (LID).**
- 14.08-2.140. - Planned development district (PDD).**
- 14.08-2.150. - Overlay districts.**

14.08-2.010. - Purpose, interpretation, and general provisions.

- A. *Purposes of zoning.*

1. A zoning ordinance is adopted for the general purposes of guiding development in accordance with existing and future needs of the community and to promote the public health, safety, and welfare as established by S.C. Code 1976, § 6-29-710. The intent of zoning, according to the 1994 South Carolina Comprehensive Planning Act, is:
 - a. To provide for adequate light, air, and open space;
 - b. To prevent the overcrowding of land, avoid undue concentration of population, and lessen congestion in the streets;
 - c. To facilitate the creation of a convenient, attractive, and harmonious community;
 - d. To protect and preserve scenic, historic, or ecologically sensitive areas;
 - e. To regulate the density and distribution of populations and the uses of buildings, structures, and land for trade, industry, residence, recreation, agriculture, forestry, conservation, airports and approaches thereto, water supply, sanitation, protection against floods, public activities, and other purposes;
 - f. To facilitate the adequate provision or availability of transportation, police and fire protection, water, sewage, schools, park, and other recreational facilities, affordable housing, disaster evacuation, and other public services and requirements;
 - g. To secure safety from fire, flood, and other dangers; and
 - h. To further the public welfare in any other regard specified by a local governing body.
2. In order to further the purposes listed in subsection A.1 of this section, a zoning ordinance may regulate the following:
 - a. Use of buildings, structures, and land;
 - b. Size, location, height, bulk, orientation, number of stories, erection, construction, reconstruction, alteration, demolition or removal in whole or in part of buildings and other structures, including signage;
 - c. Density of development, use or occupancy of buildings, structures or land;
 - d. Areas and dimensions of land, water and air space to be occupied by buildings and structures, and the size of yards, courts and other open spaces;

- e. Amount of off-street parking and loading that must be provided, and the restrictions or requirements related to the entry or use of motor vehicles on the land;
- f. Other aspects of the site plan including, but not limited to, tree preservation, landscaping, buffers, lighting, and curb cuts; and
- g. Other aspects of the development and use of land or structures necessary to accomplish the purposes set forth throughout the Comprehensive Planning Act.

B. *Use interpretation.*

1. Each zoning district has uses permitted by right, conditional uses, and special exception uses. Lists are shown for each district placing uses under one of the three categories. Uses not expressly permitted are prohibited. The following describes the processes the three categories must adhere to:
 - a. *Uses permitted by right.* Administrative review and approval by the director or his designee subject to district provisions and other applicable requirements only.
 - b. *Conditional uses.* Administrative review and approval by the director or his designee subject to district provisions, other applicable requirements, and conditions for approval as outlined in article 14.08-3.
 - c. *Special exceptions.* Zoning board of appeals review and approval subject to district provisions, other applicable requirements, and conditions of approval. Some special exceptions may also be subject to conditions outlined in article 14.08-4.
2. A mix of two or more uses on the same lot of record is permitted as long as each use listed is permitted within the zoning district. The requirements for approval of the most restricted use shall apply.

C. *Zoning map and interpretation.*

1. The county is hereby divided into zoning districts as shown on the county zoning map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this chapter.
2. The zoning map is maintained in the form of a machine-readable representation of a geographic phenomenon stored for display or analysis by a digital computer. The digital zoning database stored in the Geographical Information System (GIS) is hereby designated, established, and incorporated as part of these regulations and the originals thereof, which are on file at the offices of the Information Technology (IT) department, shall be as much a part of these regulations as if they were fully described in these regulations. Upon adoption of

the ordinance from which this chapter is derived and any amendment thereto, the IT department may produce a paper version of the zoning map.

3. Where uncertainty exists as to the boundaries of any district shown on the zoning map, the director or his designee shall employ the following rules of interpretation:
 - a. *Centerline.* Where a boundary line lies within and follows a street or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be in the center of such street or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the centerline of the abandoned or vacated road bed or utility easement.
 - b. *Edge line.* Where a boundary line follows the edge of a street or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be on the edge of such street or alley right-of-way, railroad right-of-way, or utility easement. If such a street or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the edge of the abandoned or vacated road bed or utility easement.
 - c. *Lot line.* Boundaries indicated as approximately following lot lines shall be construed as following such lot lines. In the event that a district boundary line divides a lot or tract, each part of the lot or tract so divided shall be used in conformity with the regulations established by this chapter for the district in which said part is located.
 - d. *County/municipal limits.* Boundaries indicated as approximately following county/municipal limits or extraterritorial boundary lines shall be construed as following the county/municipal limits or extraterritorial boundary lines.
 - e. *Watercourses.* Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
 - f. *Extensions.* Boundaries indicated as parallel to or extensions of street or alley rights-of-way, utility easements, lot lines, city limits, county lines, or extraterritorial boundaries shall be so construed.
 - g. *Scaling.* In a case where a district boundary does not coincide with any boundary lines as above and no distances are described by specific ordinance; the boundary shall be determined by the use of the scale appearing on the map.

- h. *Interpretation.* Where the director or his designee determines that physical features existing on the ground, or actual property lines or other man-made boundary lines used to depict zoning district boundaries, are different than those shown on the zoning map, the zoning board of appeals shall have the authority to interpret zoning district boundaries.

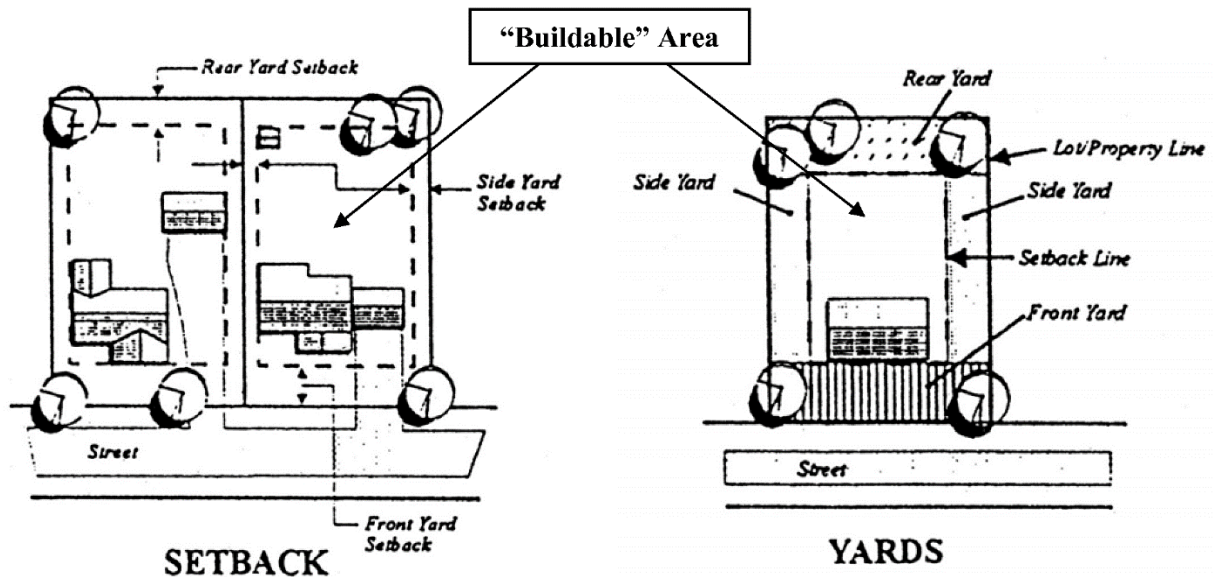
D. ***General provisions and exceptions.*** In addition to the requirements listed below as well as any district specific requirements, further requirements may be set forth in article 14.08-3 for those uses listed as conditional.

1. ***Lot size and configuration.***

- a. County and municipal uses, utility substations or sub-installations shall not be subject to the minimum lot size requirements.
- b. Family cemeteries with less than 15 internments shall not be subject to minimum lot size requirements.
- c. All new lots shall front upon a public road, private road, or private access easement in accordance with article 14.04-5. Each lot shall have a minimum frontage of 30 feet on said road or easement.
- d. Any combination of not more than two single-family detached dwellings and/or manufactured dwellings and their customary accessory structures may hereafter be erected on any lot, provided all lot area and setback requirements are met for both units and so arranged to ensure public access, except as allowed under a family group development.

2. ***Setbacks.***

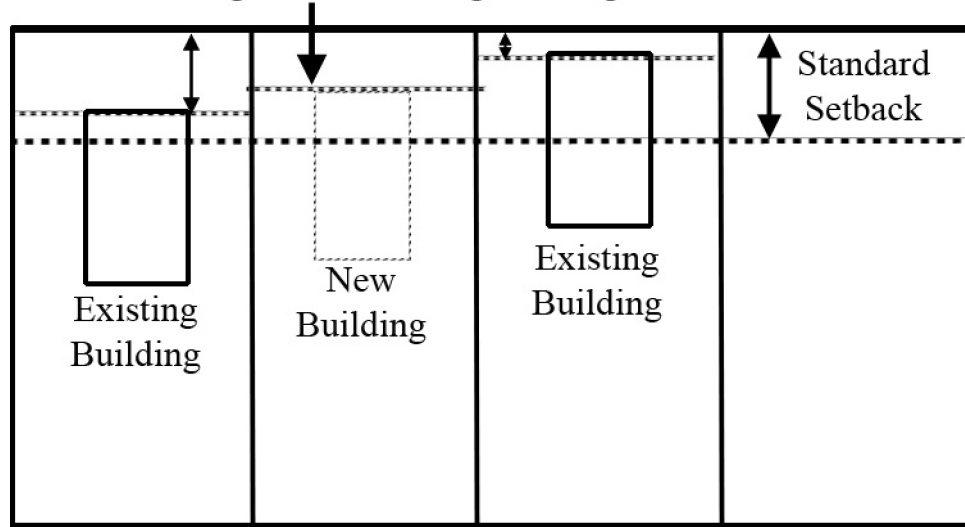
- a. The required front, side, and rear yards for individual lots shall be measured inward toward the center of said lot from all points along the respective front, side, and rear property lines of the lot. Once the yard areas of a given lot have been established, the remaining area of the lot which is not included in any required front, side, or rear yard shall be known as the "buildable" area within which the approved structures shall be placed.
- b. Where a property abuts a street right-of-way or access easement, the setback shall be measured from the edge of the right-of-way line or access easement. Where lots may only be accessed by water, the front setback is applied from the high-water mark along the waterside with the access.



- c. Corner lots shall be considered to have two fronts with the secondary front yard setback 75 percent of the primary front yard setback for the district. The primary front is defined as the street frontage to which the E-911 address for the lot is assigned.
- d. Where the minimum lot width is not met at the front setback for the district, a front setback line shall be established where the minimum lot width for the district is met provided that a minimum of 30 feet of street frontage is provided.
- e. Where the majority of lots in a block fronting on the same side of a street between two intersecting streets are lawfully occupied with buildings having greater or lesser front yard depth than required by these regulations, no building hereafter erected or altered shall vary in the front yard setback by more than five feet from the average depth of said existing front yard setbacks without written approval of contiguous property owners. However, in no case shall setbacks be less than 15 feet. See following diagram.

Allowed Front Yard Setback Reduction

New building may be allowed a setback reduction at the average of the existing building setback lines

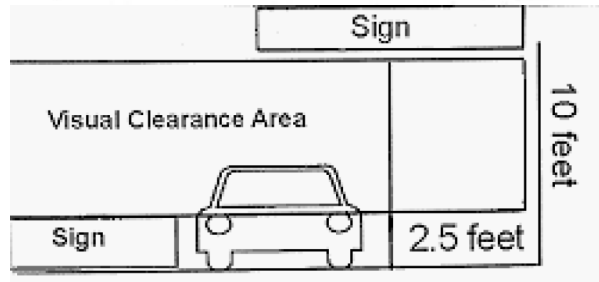
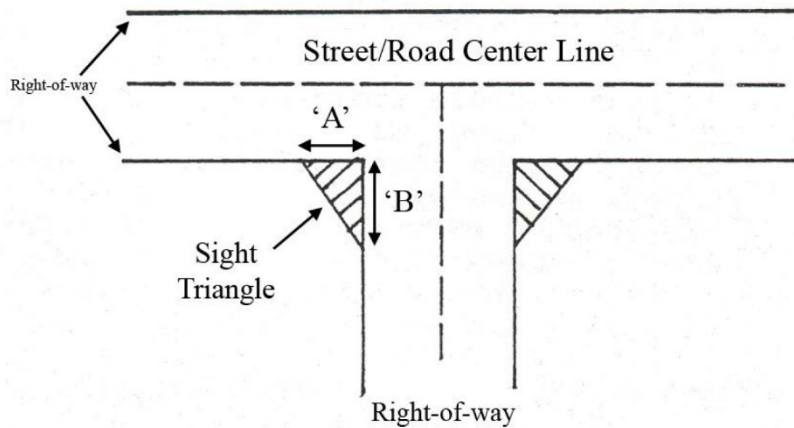


- f. Whenever more than one principal building is located on a lot, the required yards shall be maintained around the group of buildings and buildings shall be separated by a horizontal distance that is at least equal to the height of the highest adjacent building. Accessory buildings are to be separated from principal or other accessory structures by at least five feet.
- g. On any corner lot in any district, no planting shall be placed or maintained and no fence, building, wall, or other structure shall be constructed at any point between a height of 2 feet and nine feet above the upper face of the nearest curb (or street center line if no curb exists) within the sight triangle. The sight triangle is the area bounded on two sides by the street right-of-way lines and on the third side by a straight line connecting points on the two street right-of-way lines as required by the site triangular and vertical vision clearance illustration. However, poles and support structures less than 12 inches in diameter may be permitted in such areas.
- h. The side and rear setbacks in the CC, UD-1, and UD-2 districts shall not apply to the shared property line of attached buildings.
- i. The space in any required yard shall be open and unobstructed except for the ordinary projections of window sills, cornices, eaves, window air conditioning units, and other architectural features (i.e., siding, bricks and overhangs) provided that such features shall project no more than two feet into any required yard.

**Requirements by Street Type
(Measured along R.O.W. Line)**

"A" (Distance in Feet)		"B" (Distance in Feet)	
		Minor	Major
15	Driveway	10	10
30	Minor street	20	30
45	Major street	20	30

VISUAL CLEARANCE ILLUSTRATION



- j. Steps and HVAC units may project into a required yard a distance not to exceed five feet but no closer than three feet of a property line. Fences, walls, hedges, and septic lines may be located in any setback, so long as they remain on the property and don't create sight-triangle issues.
- k. Utility substations shall be exempt from district setback requirements.

3. Height.

- a. The height of a building or structure shall be measured from the average grade elevation within 20 feet of the structure or from the base of a tree when computing height in the airport compatibility zone, to the highest point of the building, structure, or tree.
- b. The height limitations of this chapter shall not apply to the following (except in the AC-O):
 - i. Belfries.
 - ii. Chimneys.
 - iii. Church spires.
 - iv. Conveyors.
 - v. Cooling towers.
 - vi. Cupulas.
 - vii. Domes.
 - viii. Elevator and stair bulkheads.
 - ix. Fire towers.
 - x. Flagpoles.
 - xi. Ornamental towers and spires.
 - xii. Public monuments.
 - xiii. Public utility poles.
 - xiv. Silos.
 - xv. Skylights.
 - xvi. Smoke stacks.
 - xvii. Stage towers or scenery lofts.

Such features shall be erected only to such height as is necessary to accomplish the purpose they are intended to serve and no height extension shall serve as a place for human habitation.

- c. The height of communication towers and antennas, and water tanks shall also be exempt from district height requirements, provided such structures shall be separated from any adjoining residential use by a distance equal to one foot for each one foot in height, or if engineered to collapse in on themselves, the distance away from the residential use as established by the engineer provided that the conditions in section 14.08-3.020(GG) are met.
- d. All unincorporated property on Edisto Island shall be permitted to build up to a height of 50 feet.

E. ***Other requirements.*** In addition to zoning district regulations, see the following sections for other requirements:

- 1. See article 14.08-3 for conditional and special exception uses.
- 2. See article 14.08-4 for landscaping, buffering, and environmental protection.
- 3. See article 14.08-5 for parking.
- 4. See article 14.08-6 for signage.

5. See article 14.08-7 for variances, special exceptions, appeals, and zoning board of appeals.
6. See article 14.08-8 for permits, site plans, administration, and planning commission.
7. See article 14.08-9 for nonconformities.
8. See article 14.08-10 for zone changes, zoning and comprehensive plan map and text amendments.

14.08-2.020. - Establishment of base zoning districts.

Base zoning districts are created to provide comprehensive land use regulations throughout the county. There are nine base zoning districts that provide for a variety of uses that are appropriate to the character areas in which they are located in accordance with the county comprehensive plan. These base zoning districts are as follows and they shall comply with all of the general and specific requirements of this chapter.

1. Resource Conservation: RC-1 and RC-2.
2. Rural Development: RD-1 and RD-2.
3. Suburban Residential: RS.
4. Community Commercial: CC.
5. Village Commercial: VC.
6. Urban Development: UD-1 and UD-2.
7. Light Industrial: LID.
8. Industrial: ID.
9. Planned Development District: PDD.

14.08-2.030. - Resource Conservation Zoning District (RC-1).

A. **Purpose.** The **RC-1 Zoning District** was established to protect fragile wetlands, marshes, beaches, sand dunes, rivers, creeks, islands, and other natural resources critical to the ecosystems within the ACE Basin. This is the most restrictive zoning district in the county and requires large lot development due to its environmentally sensitive resources. Most of the lands in this district are already protected by land conservancies; however, many large undeveloped tracts of land not suited for dense development within the ACE Basin are not under any type of permanent protection. This district allows for a low density development pattern that would help preserve the environmental characteristics of those areas, protecting them from the potential impacts of more concentrated development.

B. **Uses.**

1. **Permitted uses**
 - a. Agricultural production, crops.
 - b. Agricultural support services.
 - c. Cemeteries, family and accessory (excluding cemeteries as the principal use).
 - d. Emergency services.
 - e. Farms and ranches, general.
 - f. Fishing, hunting, trapping (commercial, excludes hunting and fishing camps).

- g. Forestry.
- h. Government buildings (excluding correctional facilities).
- i. Greenhouses and nurseries, commercial.
- j. Places of worship.
- k. Public and private parks and recreation (indoor and outdoor).
- l. Public and private utilities (excluding electric generation, steam, and air supply).
- m. Single-family detached residential dwellings.
- n. Storage, indoor (up to 5000 square feet).

2. Conditional uses (See article 14.08-3 for conditions).

- a. Accessory structures.
- b. Animal production (excluding hogs).
- c. Conservation subdivisions.
- d. Home occupations.
- e. Hunting and fishing camps, temporary.
- f. Family care home for the handicapped.
- g. Family group development.
- h. Gun clubs and outdoor shooting ranges.
- i. Manufactured homes (on individual lots).
- j. Temporary uses (except fireworks stands).

3. Special exceptions (See article 14.08-3 for any conditions).

- a. Bed and breakfast inns.
- b. Communications towers.
- c. Golf courses and country clubs.
- d. Marinas.
- e. Mining.
- f. Museums, historical sites, sightseeing, and similar institutions.
- g. Recreational group quarters.
- h. Taxidermy and wild game processing.
- i. Park model trailers, campers and RVs as Living accommodations (on individual lots but not on Edisto Island).

C. Dimensional requirements - (RC-1) Zoning District.*

Residential Uses	Density and Lot Size			Minimum Requirements			Yard	Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)	
	5 acres	1 dwelling per 5 acres	150	35	20	50	40	

Nonresidential Uses	Minimum Lot Size		Minimum Yard Requirements			Max. Height
	Min. Lot Size	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	5 acres	150	35	20	50	40

*See section 14.08-2.010(D) for general provisions and exceptions to dimensional requirements.

14.08-2.040. - Resource Conservation Zoning District-2 (RC-2).

A. **Purpose.** Many lands within the ACE Basin are suitable for low to moderate density development near and adjacent to areas where small scale community crossroads exist. Although near and adjacent to larger more environmentally sensitive areas within the RC-1, the lands with the RC-2 can support smaller lot development.

B. **Uses.**

1. **Permitted uses.**

- a. Agricultural production, crops.
- b. Agricultural support services.
- c. Cemeteries, family and accessory (excluding cemeteries as a principal use).
- d. Civic, fraternal, professional, and political organizations.
- e. Emergency services.
- f. Farms and ranches, general.
- g. Fishing, hunting, trapping (commercial, excludes hunting and fishing camps).
- h. Forestry.
- i. Fuel supply services (excluding automobile gas stations).
- j. Golf courses and country clubs.
- k. Government buildings (excluding correctional facilities).
- l. Greenhouses and nurseries, commercial.
- m. Museums, historical sites, sightseeing, and similar institutions.
- n. Places of worship.
- o. Public and private parks and recreation (indoor and outdoor).
- p. Public and private utilities (excluding electric generation, steam, and air supply).
- q. Single-family detached residential dwellings.
- r. Storage, Indoor (up to 5,000 square feet).

2. **Conditional uses (see article 14.08-3 for conditions).**

- a. Accessory structures.
- b. Animal production (excluding hogs).
- c. Bed and breakfast inns.
- d. Conservation subdivisions.
- e. Family care home for the handicapped.
- f. Family group development.

- g. Gun clubs and outdoor shooting ranges.
- h. Home occupations.
- i. Hunting and fishing camps, temporary.
- j. Manufactured homes (on individual lots).
- k. Park model trailers, campers and RVs as living accommodations (on individual lots)
- l. Temporary uses.

3. **Special exceptions (see article 14.08-7 for special exceptions and article 14.08-3 for any conditions).**

- a. Camps and recreational vehicle parks.
- b. Communications towers.
- c. Marinas.
- d. Mining.
- e. Recreational group quarters.
- f. Schools, elementary and secondary.
- g. Taxidermy and wild game processing.

C. Dimensional requirements (RC-2).*

Residential Uses	Density and Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	1 acre (43,560 sf)	1 dwelling per acre	100	35	20	50	40

Nonresidential Uses	Minimum Lot Size		Minimum Yard Requirements			Max. Height
	Min. Lot Size	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	1 acre (43,560 sf)	100	35	20	50	40

*See section 14.08-2.010(D) for general provisions and exceptions to dimensional requirements.

14.08-2.050. - Rural Development Zoning District-1 (RD-1).

A. **Purpose.** The **RD-1 Zoning District** was established to conserve, sustain, and protect rural areas and resources, particularly agricultural/farm lands and areas of high flood potential. It is intended to accommodate low density residential uses, agricultural and farming uses, and related support services.

District.

B. *Uses.*

1. *Permitted uses .*

- a. Agricultural production, crops.
- b. Agricultural support services.
- c. Animal services (no outdoor kennels).
- d. Building and special trade contractors (excluding heavy construction).
- e. Cemeteries.
- f. Civic, fraternal, professional, and political organizations.
- g. Emergency services.
- h. Farms and ranches, general.
- i. Farm supply stores.
- j. Fishing, hunting, trapping (commercial, excludes hunting and fishing camps).
- k. Forestry.
- l. Fuel supply services (excluding automobile gas stations and truck stops).
- m. Greenhouses and nurseries, commercial.
- n. Golf courses and country clubs.
- o. Government buildings (excluding correctional facilities).
- p. Landscape services.
- q. Marinas.
- r. Museums, historical sites, sightseeing, and similar institutions.
- s. Places of worship.
- t. Public and private parks and recreation (indoor and outdoor).
- u. Public and private utilities.
- v. Single-family detached residential dwellings.
- w. Taxidermy and wild game processing.
- x. Warehousing and storage (indoor, excluding mini-storage).

2. *Conditional uses (See article 14.08-3 for conditions).*

- a. Accessory structures.
- b. Animal production (excluding hogs).
- c. Bed and breakfast inns.
- d. Campgrounds and recreational vehicle parks.
- e. Conservation subdivisions.
- f. Family care home for the handicapped.
- g. Family group development.
- h. Gun clubs and outdoor shooting ranges.
- i. Home occupations.
- j. Hunting and fishing camps, temporary.
- k. Lumber and saw mills.
- l. Manufactured homes (on individual lots).
- m. Mining.

- n. Park model trailers, campers and RVs as living accommodations (on individual lots but not on Edisto Island).
- o. Seasonal worker housing.
- p. Temporary uses.

3. **Special exceptions. (see article 14.08-3 for any conditions).**

- a. Automotive services and other repair.
- b. Animal services (with outdoor kennels).
- c. Building materials and supply.
- d. Communications towers.
- e. Day care centers.
- f. Health care services (excluding hospitals).
- g. Heavy construction contractors.
- h. Personal care services.
- i. Residential care facilities.
- j. Recreational group quarters.
- k. Schools, elementary and secondary.
- l. Schools, instructional.
- m. Schools, vocational.
- n. Solid waste landfill (excluding hazardous waste).
- o. Waste management services (excluding hazardous waste).

C. **Dimensional requirements (RD-1).***

Residential Uses	Density and Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	1 acre (43,560 sf)	1 dwelling per acre	100	25	10	20	40

Nonresidential Uses	Minimum Lot Size		Minimum Yard Requirements			Max. Height
	Min. Lot Size	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	1 acre (43,560 sf)	100	25	10	20	40

*See section 14.08-2.010(D) for general provisions and exceptions to dimensional requirements.

14.08-2.060. - Rural Development Zoning District -2 (RD-2).

A. **Purpose.** This district is very rural in nature, though more developed than the RD-1 district. This district serves as a transition between the lower density RD-1 and higher density RS district. It allows for agricultural uses, rural residential

development, and low intensity supporting uses. Most of the lands within this district are not heavily farmed or in significant flood prone areas. Some services may be available or planned with this district allowing for a greater density of residential development than the RD-1, but not as dense as the RS District.

B. *Uses.*

1. *Permitted uses.*

- a. Air strips (private use).
- b. Agricultural production, crops.
- c. Agricultural support services.
- d. Animal services (no outdoor kennels).
- e. Building and special trade contractors (excluding heavy construction).
- f. Cemeteries.
- g. Civic, fraternal, professional, and political organizations.
- h. Emergency services.
- i. Farms and ranches, general.
- j. Farm supply stores.
- k. Fishing, hunting, trapping (commercial, excludes hunting and fishing camps).
- l. Forestry.
- m. Fuel supply services (excluding truck stops).
- n. Greenhouses and nurseries, commercial.
- o. Golf courses and country clubs.
- p. Government buildings (excluding correctional facilities).
- q. Health care services (excluding hospitals).
- r. Landscape services.
- s. Libraries.
- t. Marinas.
- u. Museums, historical sites, sightseeing, and similar institutions.
- v. Office uses, general (up to 5,000 square feet).
- w. Personal care services.
- x. Places of worship.
- y. Public and private parks and recreation (indoor and outdoor).
- z. Public and private utilities.
- aa. *Reserved.*
- bb. Schools, elementary and secondary.
- cc. Schools, college and university.
- dd. Schools, instructional.
- ee. Schools, vocational.
- ff. Single-family detached residential dwellings.
- gg. Taxidermy and wild game processing.
- hh. Warehousing and storage (indoor, excluding mini-storage).

2. *Conditional uses (see article 14.08-3 for conditions).*

- a. Accessory structures.
- b. Animal production (excluding hogs).

- c. Bed and breakfast inns.
- d. Conservation subdivisions.
- e. Family care home for the handicapped.
- f. Family group development.
- g. Gun clubs and outdoor shooting ranges.
- h. Home occupations.
- i. Hunting and fishing camps, temporary.
- j. Lumber and saw mills.
- k. Manufactured homes (on individual lots).
- l. Mining.
- m. Park model trailers, campers and RVs as living accommodations (on individual lots).
- n. Residential care facilities.
- o. Seasonal worker housing.
- p. Temporary uses.

3. ***Special exceptions (See article 14.08-7 for special exceptions and article 14.08-3 for any conditions).***

- a. Automotive services and other repair.
- b. Animal services (with outdoor kennels).
- c. Campgrounds and recreational vehicle parks.
- d. Communications towers.
- e. Day care centers.
- f. Heavy construction contractors.
- g. Manufactured home parks.
- h. Outdoor markets.
- i. Retail uses.
- j. Restaurants and drinking establishments.
- k. Recreational group quarters.
- l. Solid waste landfill (excluding hazardous waste).
- m. Waste management services (excluding hazardous waste).
- n. Wholesale trade.

C. Dimensional requirements (RD-2).*

Residential Uses	Density and Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	½ acre (21,780 sf)	2 dwellings per acre	80	25	10	20	40

Nonresidential Uses	Minimum Lot Size		Minimum Yard Requirements			Max. Height
	Min. Lot	Min. Width	Front Setback	Side Setback	Rear Setback	Structure Height

	Size	(ft.)	(ft.)	(ft.)	(ft.)	(ft.)
	½ acre (21,780 sf)	80	25	10	20	40

*See section 14.08-2.010(D) for general provisions and exceptions to dimensional requirements.

14.08-2.070. - Suburban Residential Zoning District (RS).

A. **Purpose.** The purpose of this district is to foster, sustain, and protect areas in which the principal use of land is for single-family dwellings and related support uses in areas at the edge of municipal boundaries within a suburban environment. This district is the transition district between the RD-1 and RD-2 Districts and more intense urban districts.

B. **Uses.**

1. **Permitted uses.**

- a. Agricultural production, crops and horses (excluding all other livestock).
- b. Cemeteries, family and accessory (excluding principal use).
- c. Emergency services.
- d. Forestry.
- e. Golf courses and country clubs.
- f. Government buildings (excluding correctional facilities).
- g. Libraries.
- h. Places of worship.
- i. Public and private parks and recreation (indoor and outdoor).
- j. Public and private utilities (excluding electric generation, steam, air supply and water/sewer treatment).
- k. Schools, elementary and secondary.
- l. Single-family detached residential dwellings.

2. **Conditional uses (See article 14.08-3 for conditions).**

- a. Accessory structures.
- b. Animal production (horses only).
- c. Conservation subdivisions.
- d. Family care home for the handicapped.
- e. Home occupations.
- f. Single-family attached residential.
- g. Temporary uses.

3. **Special exceptions (See article 14.08-3 for any conditions).**

- a. Bed and breakfast inns.
- b. Marinas.

C. **Dimensional requirements (RS).***

Residential	Density and Lot Size	Minimum	Yard	Max.
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Uses				Requirements			Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	¼ acre (10,890 sf)	4 dwellings per acre	80	25	5	10	40

Nonresidential Uses	Minimum Lot Size		Minimum Yard Requirements			Max. Height
	Min. Lot Size	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	¼ acre (10,890 sf)	80	25	10	30	40

*See section 14.08-2.010(D) for general provisions and exceptions to dimensional requirements.

14.08-2.080. - Community Commercial Zoning District (CC).

A. **Purpose.** The **Community Commercial Zoning District** was established to provide small scale, very low intensity commercial development at rural crossroads in convenient and strategic locations of the county to meet "community needs". The community commercial districts are intended to be located nearest to the RD-1, RD-2 and RC-2 areas at major intersections or established rural/community crossroads.

B. **Uses.**

1. **Permitted uses.**

- a. Agricultural production, crops.
- b. Animal services (no outdoor kennels).
- c. Auditorium/Indoor public assembly.
- d. Automotive parking and garages (as a principal use).
- e. Banks.
- f. Building and special trade contractors (excluding heavy construction).
- g. Bus and transit terminals and stops.
- h. Cemeteries, family and accessory (excluding principal use).
- i. Civic, fraternal, professional, and political organizations.
- j. Emergency services.
- k. Farm supply stores.
- l. Financial services and offices.
- m. Forestry.
- n. Funeral homes and services.
- o. Greenhouses and nurseries, commercial.
- p. Government buildings (excluding correctional facilities).
- q. Health care services.

- r. Landscape services.
 - s. Libraries.
 - t. Laundry and dry cleaning services.
 - u. Marinas.
 - v. Museums, historical sites, sightseeing, and similar institutions.
 - w. Office general and professional.
 - x. Personal care services.
 - y. Places of worship.
 - z. Public and private parks and recreation (indoor and outdoor).
 - aa. Public and private utilities (excluding electric generation, steam, and air supply).
 - bb. Railroad stations.
 - cc. Restaurants and drinking establishments.
 - dd. Retail uses.
 - ee. Schools, elementary and secondary.
 - ff. Service uses (indoor).
 - gg. Single-family detached residential dwellings.
 - hh. Telecommunications (excluding towers).
 - ii. Wholesale trade
3. ***Conditional uses (See article 14.08-3 for conditions).***
- a. Accessory structures.
 - b. Animal production (excluding hogs).
 - c. Automotive services and gas stations (no major repair or long-term vehicle storage, excluding truck stops).
 - d. Bed and breakfast inns.
 - e. Day care centers.
 - f. Family care home for the handicapped.
 - g. Home occupations.
 - h. Manufactured homes (on individual lots).
 - i. Mixed use buildings.
 - j. Residential care facilities.
 - k. Temporary uses.
4. ***Special exceptions (See article 14.08-3 for any conditions).***
- a. Animal services (with outdoor kennels).
 - b. Automotive services (with major repair or long-term vehicle storage).
 - c. Communications towers.
 - d. Heavy construction contractors.
 - e. Mini-warehouses.
 - f. Outdoor markets.
 - g. Park model trailers, campers and RVs as living accommodations (on individual lots)

C. *Dimensional requirements in the (CC) Zoning District.**

Residential	Density and Lot Size	Minimum	Yard	Max.
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Uses				Requirements			Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	½ acre (21,780 sf)	2 dwellings per acre	80	25	5	10	40

Nonresidential Uses	Minimum Lot Size		Minimum Yard Requirements			Max. Height
	Min. Lot Size	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	½ acre (21,780 sf)	100	25	5	10	40

*See section 14.08-2.010(D) for general provisions and exceptions to dimensional requirements.

14.08-2.090. - Village Commercial Zoning District (VC).

A. **Purpose.** This district is intended to accommodate existing or developing community or "village" areas that have a mix of uses and commercial/community activities that are much greater than the influence of a country store at a Community Commercial District/rural crossroads, but not enough density to yet be classified as a town. Examples include Jacksonboro and Green Pond.

B. **Uses.**

1. **Permitted uses.**

- a. Agricultural production, crops.
- b. Animal services (no outdoor kennels).
- c. Auditorium/indoor public assembly.
- d. Automotive parking and garages (as a principal use).
- e. Automotive sales and rental.
- f. Banks.
- g. Building and special trade contractors (excluding heavy construction).
- h. Bus and transit terminals and stops.
- i. Cemeteries, family and accessory (excluding principal use).
- j. Civic, fraternal, professional, and political organizations.
- k. Emergency services.
- l. Farm supply stores.
- m. Financial services and offices.
- n. Forestry.
- o. Funeral homes and services.
- p. Greenhouses and nurseries, commercial.
- q. Golf courses and country clubs.
- r. Government buildings (excluding correctional facilities).

- s. Health care services.
 - t. Hospitals.
 - u. Hotels, motels, and inns.
 - v. Landscape services.
 - w. Libraries.
 - x. Laundry and dry cleaning services.
 - y. Marinas.
 - z. Museums, historical sites, sightseeing, and similar institutions.
 - aa. Offices, general.
 - bb. Personal care services.
 - cc. Places of worship.
 - dd. Public and private parks and recreation (indoor and outdoor).
 - ee. Public and private utilities (excluding electric generation, steam, and air supply).
 - ff. Railroad stations.
 - gg. Restaurants and drinking establishments.
 - hh. Retail uses.
 - ii. Schools, elementary and secondary.
 - jj. Service uses (indoor).
 - kk. Single-family detached residential dwellings.
 - ll. Telecommunications (excluding towers).
 - mm. Warehousing and storage (indoor).
 - nn. Wholesale trade.
2. ***Conditional uses (see article 14.08-3 for conditions).***
- a. Accessory structures.
 - b. Animal production (excluding hogs).
 - c. Automotive services and gas stations (no major repair or long-term vehicle storage)
 - d. Bed and breakfast inns.
 - e. Day care centers.
 - f. Family care home for the handicapped.
 - g. Home occupations.
 - h. Manufactured homes (on individual lots).
 - i. Mixed use buildings.
 - j. Residential care facilities.
 - k. Temporary uses.
3. ***Special exceptions (see article 14.08-7 for special exceptions and article 14.08-3 for any conditions).***
- a. Animal services (with outdoor kennels).
 - b. Automotive services (with major repair or long-term vehicle storage).
 - c. Communications towers.
 - d. Heavy construction contractors.
 - e. Mini-warehouses.
 - f. Outdoor markets.

C. Dimensional requirements (VC).*

Residential Uses	Density and Lot Size			Minimum Requirements			Yard	Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)	
	½ acre (21,780 sf)	2 dwellings per acre	100	25	5	10	40	

Nonresidential Uses	Minimum Lot Size		Minimum Yard Requirements			Max. Height
	Min. Lot Size	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	½ acre (21,780 sf)	100	25	5	10	40

*See section 14.08-2.010(D) for general provisions and exceptions to dimensional requirements.

14.08-2.100. - Urban Development Zoning District-1 (UD-1).

A. **Purpose.** The **UD-1 Zoning District** is intended to accommodate urban growth in areas outside of municipalities. The UD-1 is an appropriate transition district between the RS and UD-2 Districts. The UD-1 district accommodates lower intensity uses than the more intense UD-2 district.

B. **Uses.**

1. **Permitted uses.**

- a. Air strips and airports.
- b. Agricultural production, crops.
- c. Agricultural support services.
- d. Animal services (no outdoor kennels).
- e. Auditorium/indoor public assembly.
- f. Automotive parking and garages (as a principal use).
- g. Automotive sales and rental.
- h. Banks.
- i. Building and special trade contractors (excluding heavy construction).
- j. Bus and transit terminals and stops.
- k. Cemeteries.
- l. Civic, fraternal, professional, and political organizations.
- m. Distribution.
- n. Emergency services.
- o. Farms and ranches, general.
- p. Farm supply stores.

- q. Financial services and offices.
- r. Fishing, hunting, trapping (commercial, excludes hunting and fishing camps).
- s. Forestry.
- t. Fuel supply services.
- u. Funeral homes and services.
- v. Greenhouses and nurseries, commercial.
- w. Golf courses and country clubs.
- x. Government buildings (excluding correctional facilities).
- y. Health care services.
- z. Hospitals.
- aa. Hotels, motels, and inns.
- bb. Landscape services.
- cc. Libraries.
- dd. Laundry and dry cleaning services.
- ee. Marinas.
- ff. Motion picture and sound industries.
- gg. Movie theater.
- hh. Museums, historical sites, sightseeing, and similar institutions.
- ii. Pawn shops.
- jj. Personal care services.
- kk. Places of worship.
- ll. Professional offices.
- mm. Public, private and commercial parks and recreation (indoor and outdoor).
- nn. Public and private utilities (excluding power generation from non-renewable sources).
- oo. Railroad stations.
- pp. Research facilities.
- qq. Restaurants and drinking establishments.
- rr. Retail uses.
- ss. Schools, elementary and secondary.
- tt. Schools, college and university.
- uu. Schools, instructional.
- vv. Schools, vocational.
- ww. Service uses (indoor).
- xx. Single-family detached residential dwellings.
- yy. Telecommunications. (excluding cell towers)
- zz. Two-family residential dwellings (duplexes).
- aaa. Warehousing and storage (indoor, excluding mini-storage).
- bbb. Wholesale trade.

2. *Conditional uses (See article 14.08-3 for conditions).*

- a. Accessory structures.
- b. Animal production (excluding hogs).
- c. Automotive services and gas stations (no major repair or long-term vehicle storage).

- d. Bed and breakfast inns.
- e. Boarding and rooming houses.
- f. Camps and recreational vehicle parks.
- g. Conservation subdivisions.
- h. Day care centers.
- i. Family care home for the handicapped.
- j. Family group development.
- k. Home occupations.
- l. Hunting and fishing camps, temporary.
- m. Light manufacturing. (indoors)
- n. Lumber and saw mills.
- o. Manufactured homes (on individual lots).
- p. Mining.
- q. Mixed use buildings.
- r. Multi-family residential.
- s. Park model trailers, campers and RVs as living accommodations (on individual lots).
- t. Residential care facilities.
- u. Temporary uses.

3. Special exceptions (See article 14.08-3 for any conditions).

- a. Animal services (with outdoor kennels).
- b. Automotive services (with major repair or long-term vehicle storage).
- c. Communications towers.
- d. Gun clubs and skeet shooting ranges.
- e. Heavy construction contractors.
- f. Manufactured home parks.
- g. Mini-storage.
- h. Outdoor markets.
- i. Recycling (household paper, plastic, tins and glass).

C. Dimensional requirements (UD-1) .*

Residential Uses	Density and Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	1/6 acre (7,260 sf)	6 dwellings per acre	70	25	5	10	60

Nonresidential Uses	Minimum Lot Size		Minimum Yard Requirements			Max. Height
	Min. Lot Size	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	1/4 acre	70	25	5	10	60

	(10,890 sf)					
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*See section 14.08-2.010(D) for general provisions and exceptions to dimensional requirements.

14.08-2.110. - Urban Development Zoning District-2 (UD-2).

A. **Purpose.** This district, in conjunction with UD-1, is intended to accommodate most of the projected growth in urban transition areas outside of municipalities. This district is intended to have most public facilities and infrastructure in support of urban development such as water, sewer, streets, and schools. The UD-2 district accommodates higher intensity uses than the UD-1 district.

B. **Uses.**

1. **Permitted uses.**

- a. Air strips and airports.
- b. Agricultural production, crops.
- c. Agricultural support services.
- d. Animal services (no outdoor kennels).
- e. Auditorium/indoor public assembly.
- f. Automotive parking and garages (as a principal use).
- g. Automotive sales and rental.
- h. Banks.
- i. Building and special trade contractors (excluding heavy construction).
- j. Bus and transit terminals and stops.
- k. Cemeteries.
- l. Reserved.
- m. Distribution.
- n. Emergency services.
- o. Entertainment uses (excluding pool/billiard halls and sexually oriented businesses).
- p. Farms and ranches, general.
- q. Farm supply stores.
- r. Financial services and offices.
- s. Fishing, hunting, trapping (commercial, excludes hunting and fishing camps).
- t. Forestry.
- u. Fuel supply services.
- v. Funeral homes and services.
- w. Greenhouses and nurseries, commercial.
- x. Golf courses and country clubs.
- y. Government buildings (excluding correctional facilities).
- z. Health care services.
- aa. Hospitals.
- bb. Hotels, motels, and inns.
- cc. Landscape services.
- dd. Libraries.
- ee. Reserved.

- ff. Laundry and dry cleaning services.
- gg. Marinas.
- hh. Mini-storage.
- ii. Motion picture and sound industries.
- jj. Movie theaters.
- kk. Museums, historical sites, sightseeing, and similar institutions.
- ll. Nonprofit organizations.
- mm. Pawn shops.
- nn. Personal care services.
- oo. Places of worship.
- pp. Professional offices.
- qq. Public, private and commercial parks and recreation (indoor and outdoor).
- rr. Public and private utilities (excluding power generation from non-renewable energy sources).
- ss. Railroad stations.
- tt. Research facilities.
- uu. Restaurants and drinking establishments.
- vv. Retail uses.
- ww. Schools, elementary and secondary.
- xx. Schools, college and university.
- yy. Schools, instructional.
- zz. Schools, vocational.
- aaa. Service uses (indoor).
- bbb. Single-family detached residential dwellings.
- ccc. Spectator sports (excluding automotive sports).
- ddd. Telecommunications.
- eee. Two-family residential dwellings (duplexes).
- fff. Warehousing and storage (indoor).
- ggg. Wholesale trade.

2. ***Conditional uses (see article 14.08-3 for conditions).***

- a. Accessory structures.
- b. Animal production (excluding hogs).
- c. Automotive services and gas stations (no major repair or long-term vehicle storage).
- d. Bed and breakfast inns.
- e. Boarding and rooming houses.
- f. Camps and recreational vehicle parks.
- g. Conservation subdivisions.
- h. Day care centers.
- i. Family care home for the handicapped.
- j. Family group development.
- k. Heavy construction contractors.
- l. Home occupations.
- m. Hunting and fishing camps, temporary.
- n. Light manufacturing.

- o. Lumber and saw mills.
- p. Manufactured homes (on individual lots).
- q. Mining.
- r. Mixed use buildings.
- s. Multi-family residential dwellings.
- t. Park model trailers, campers and RVs as living accommodations (on individual lots).
- u. Residential care facilities.
- v. Temporary uses.

3. **Special exceptions (see article 14.08-7 for special exceptions and article 14.08-3 for any conditions).**

- a. Animal services (with outdoor kennels).
- b. Automotive services (with major repair or long-term vehicle storage).
- c. Bars and nightclubs (excluding sexually oriented businesses).
- d. Communications towers.
- e. Correctional facilities.
- f. Gun clubs and skeet shooting ranges.
- g. Manufactured home dealers.
- h. Manufactured home parks.
- i. Outdoor markets.
- j. Pool/billiard halls.

C. Dimensional requirements (UD-2).*

Residential Uses	Density and Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	Max. Density	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	1/6 acre (7,260 sf)	6 dwellings per acre	70	25	5	10	60

Nonresidential Uses	Minimum Lot Size		Minimum Yard Requirements			Max. Height
	Min. Lot Size	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	1/4 acre (10,890 sf)	70	25	5	10	60

14.08-2.120. – Industrial Zoning District (ID).

A. **Purpose.** The intent of this district is to accommodate certain industrial uses and other uses which, based on their operational characteristics, are incompatible with residential, social, medical, and commercial environs. As a result, the establishment of such districts shall be restricted to areas geographically removed or buffered from such environs.

B. *Uses.*

1. *Permitted uses.*

- a. Air strips and airports.
- b. Agricultural production, crops.
- c. Agricultural support services.
- d. Automotive parking and garages (as a principal use).
- e. Building and special trade contractors.
- f. Bus and transit terminals and stops.
- g. Cemeteries.
- h. Distribution facilities.
- i. Emergency services.
- j. Forestry.
- k. Funeral Homes and services.
- l. Government buildings.
- m. Manufactured home dealers.
- n. Marinas.
- o. Mini-warehouses.
- p. Motion picture and sound industries.
- q. Museums, historical sites, sightseeing, and similar institutions.
- r. Professional offices.
- s. Public parks and recreation.
- t. Public and private utilities.
- u. Railroad stations.
- v. Research and testing facilities.
- w. Restaurants and drinking establishments.
- x. Retail uses.
- y. Schools, vocational, business, and professional trade.
- z. Service uses (indoor).
- aa. Telecommunications and towers.
- bb. Warehousing and storage (indoor).
- cc. Waste management services (excluding hazardous waste).
- dd. Wholesale trade.

2. *Conditional uses (See article 14.08-3 for conditions).*

- a. Accessory structures.
- b. Animal production.
- c. Animal services (with outdoor kennels).
- d. Automotive services and gas stations (excluding truck stops).
- e. Lumber and sawmills.
- f. Manufacturing, heavy.
- g. Manufacturing, light.
- h. Mining.
- i. Temporary uses.

3. *Special exceptions (See article 14.08-3 for any conditions).*

- a. Auditorium/stadium indoor/outdoor public assembly
- b. Correctional facilities.
- c. Crematories.
- d. Fuel supply services (excluding gas stations).
- e. Gun clubs and skeet shooting ranges.
- f. Screened outdoor storage.
- g. Salvage yard, junkyard, and recycling operations.
- h. Sexually oriented businesses.
- i. Solid waste landfill (excluding hazardous waste).
- j. Spectator sports.

C. Dimensional requirements (ID).*

ID District	Minimum District Size	Minimum District Buffer	Max. Height
	5 acres	50 feet	60 feet**

Nonresidential Uses (interior lots)	Minimum Lot Size	Lot Width (ft.)	Minimum Requirements			Yard	Max. Height
	Min. Lot Size	Min. Width (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)	
	½ acre (21,780 sf)	90	30	10	15	60**	

*See section 14.08-2.010(D) for general provisions and exceptions to dimensional requirements.

**Buildings in excess of 60 feet shall observe an additional setback from side and rear property lines of one foot for each one foot in height over 60 feet; not to exceed 80 feet.

14.08-2.130. - Light Industrial Zoning District (LID).

A. **Purpose.** The intent of this district is to accommodate distribution, storage, processing, light manufacturing, and general commercial uses. Such uses are usually controlled operations, relatively clean, quiet, and free of objectionable or hazardous elements, such as smoke, noise, odor or dust. In addition, such uses usually operate and/or have storage within open or enclosed structures; and generating no nuisances.

B. **Uses.**

- 1. **Permitted uses.**
 - a. Banks.
 - b. Crop production.
 - c. Churches.
 - d. Distribution facilities.
 - e. Emergency services.
 - f. Forestry.

- g. Government buildings.
- h. Healthcare services.
- i. Hotels and motels.
- j. Motion picture and sound industries.
- k. Professional offices.
- l. Public, private and commercial parks and recreation.
- m. Public and private utilities.
- n. Railroad stations.
- o. Research facilities (no outdoor testing).
- p. Restaurants.
- q. Retail.
- r. Schools, vocational, business, and professional trade.
- s. Service uses (indoor).
- t. Telecommunications.
- u. Utilities.
- v. Warehousing and storage (indoor).

2. ***Conditional uses (See article 14.08-3 for conditions).***

- a. Accessory structures.
- b. Animal service with outdoor kennels.
- c. Automotive services.
- d. Building and Special Trade Contractors
- e. Communication towers.
- f. Day care centers.
- g. Golf courses and country clubs.
- h. Light manufacturing.
- i. Lumber and sawmills.
- j. Mini-warehouses.
- k. Mining.
- l. Mixed use buildings.
- m. Temporary uses.

3. ***Special exceptions (See article 14.08-3 for any conditions).***

- a. Auditorium/stadium indoor/outdoor public assembly.
- b. Crematories.
- c. Fuel supply services (excluding gas stations).
- d. Heavy Manufacturing.
- e. Screened outdoor storage.
- f. Spectator sports.

C. ***Dimensional requirements (LID).****

Nonresidential Uses (interior lots)	Minimum Size	Lot	Minimum Requirements			Yard	Max. Height
	Min.	Min.	Front	Side	Rear	Structure	

	Lot Size	Width (ft.)	Setback (ft.)	Setback (ft.)	Setback (ft.)	Height (ft.)
	½ acre (21,780 sf)	90	30	10	15	60

*See section 14.08-2.010(D) for general provisions and exceptions to dimensional requirements.

14.08-2.140. - Planned development district (PDD).

A. **Purpose.** The intent of this overlay is to allow for flexibility to improve the design, character, and quality of new mixed use developments and preserve natural and scenic features of open spaces. The text of the plan provides for specific uses, densities, setbacks, and other requirements for the PDD. These provisions are tailored to the specific development and may vary from the regulations for other zoning districts concerning use, setbacks, lot size, density, bulk, and other requirements.

B. **Establishment.**

1. In accordance with S.C. Code 1976, § 6-29-740, in order to establish a PDD, which is a zone change from the base zoning to a PDD, the county council must amend the zoning ordinance text and zoning map, after having received a recommendation of approval from the planning commission.
2. A sketch plan showing the proposed PDD shall be presented for approval along with the request to establish a PDD. The sketch plan shall adhere to the requirements of this section and shall show the information required by section 14.04-4.020.
3. Action by the planning commission and county council may be to approve the PDD, which may include specific modifications to the plan, or to deny the PDD. If the PDD zone change is approved, the applicant may proceed in accordance with the approved PDD plan as supplemented or modified, and shall comply with any time or priority limitations established for initiating and/or completing the PDD in whole, or in specified stages.
4. After a PDD has been approved, building and sign permits can then be issued in accordance with the approved PDD as a whole or in stages, or portions thereof, as approved.

C. **Uses.**

1. A PDD may include any use or combination of uses and intensity levels irrespective of existing zoning district requirements where it is to be located upon review and recommendation by the planning commission and approval by county council following a public hearing. (See *Mikell v. Charleston County*, 386 SC 153, 687 S.E. 2d 326 (SC 2009).)

2. Once approved, the proposed uses and no others shall be permitted. Said uses shall be identified and listed on the basis of classification and be binding on the applicant and any successor in title, so long as the PDD zoning applies to the land, unless otherwise amended by ordinance.

D. *Development standards.*

1. Minimum area requirements for establishing a PDD shall be five acres.
2. Residential density, setbacks, impervious surface ratios, and building heights shall be determined by the scale of the project in relation to its surroundings and its impact on existing and proposed support facilities (i.e., transportation, water, and sewerage systems, recreation facilities, fire and police protection, etc.).
3. Overall site design shall be harmonious in terms of landscaping, enclosures of principal and accessory uses, size of structures, street patterns, and use relationships. Variety in building types, heights, facades, setbacks, and size of open spaces shall be encouraged.
4. Parking and loading. Off-street parking and loading spaces for each PDD shall be supported by a parking plan designed by a licensed professional engineer to accommodate all uses proposed for the PDD, and as approved by the director.
5. Buffer areas shall be required for peripheral uses only, and shall be provided in accordance with article 14.08-4. Buffer areas not required for internal use. Other landscaping provisions apply.
6. Private streets may be permitted in a PDD provided such streets meet the design and construction standards for private streets as outlined in article 14.04-5.
7. Signage shall meet the requirements of article 14.08-6.
8. Development of a PDD shall be in accordance with all of the requirements of chapter 14.04.

E. *Amendments to approved PDD.*

1. Except as provided in this section, approved PDD plans shall be binding on the owner and any successor in title.
2. Minor changes in approved PDD site plans may be approved by the director or his designee on application by the applicant, upon making a finding that such changes are:
 - a. In accordance with all applicable regulations in effect at the time of creation of the PDD district; or
 - b. In accordance with all applicable regulations currently in effect.

3. Major changes to an approved PDD shall require approval by the county council following recommendation by the planning commission. In reaching a decision as to whether the change is major, the director or his designee shall use the following criteria:
 - a. Any increase in intensity or use resulting in added floor area, an increase in the number of dwelling or lodging units, or an increase in the amount of outside land area devoted to sales, displays, or demonstrations;
 - b. Any change in parking areas resulting in an increase or reduction in the number of spaces;
 - c. Structural alterations significantly affecting the size, form, style, and location of buildings as shown on the approved plan;
 - d. Any reduction in the amount of open space or buffer area, or any change in the location or characteristics of open space;
 - e. Any change in pedestrian or vehicular access or circulation.
 - f. Any change in use or density.

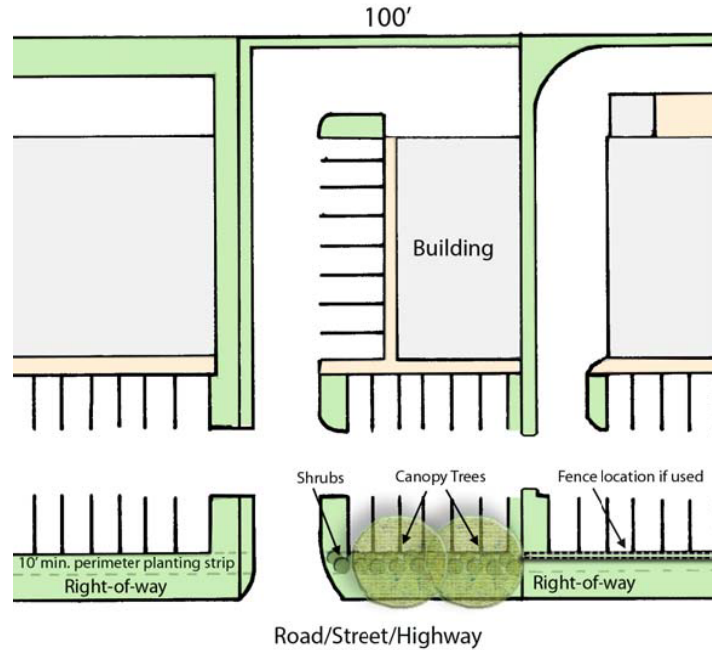
14.08-2.150. - Overlay districts.

A. *Gateway and Corridor Overlay Districts (GC-O).*

1. ***Purpose.*** The intent of the GC-O overlay is to specify the types of uses and additional development standards needed in the gateways or corridors which have significant influence on the overall character and appearance of the county.
2. ***Applicability.*** These overlays are as established on the zoning map as gateways (3,000-foot or 1,000-foot radius) and corridors (500 feet from centerline). These regulations shall apply to all new development and any existing development which meets the following criteria:
 - a. Any change of use of a nonresidential property; and/or
 - b. Any building expansion that increases the floor area of a nonresidential use by 20 percent or more or any parking addition of ten or more spaces.
3. ***Uses.*** All uses allowed in the base zoning district are allowed in the GC-O overlay except the following:
 - a. Air strips and airports.
 - b. Automotive parking and garages (as a principal use).
 - c. Camps and recreational vehicle parks.
 - d. Manufactured homes parks.
 - e. Mining.
 - f. Correctional facilities.
 - g. Flea markets.

- h. Gun clubs and skeet shooting ranges.
 - i. Manufactured home dealers.
 - j. Mini-warehouses.
 - k. Pawn shops.
 - l. Sexually oriented businesses.
4. ***Development standards.***
- a. *Driveways.* Driveways shall be installed and improved in accordance with SCDOT standards.
 - b. *Outdoor lighting.*
 - i. Where outdoor lighting is provided, it shall be L.E.D. directional lighting designed and located to prevent light trespass onto abutting properties and located at least ten feet from side and rear property lines.
 - ii. No flickering or flashing lights shall be permitted.
 - c. *Outdoor storage.* Outdoor storage shall be located in the side or rear yard and shall be screened from view of any street with a solid fence and/or landscaping to achieve an opaque (solid) screen. Chain-link fences with slats shall not be permitted.
 - d. *Parking.*
 - i. Parking areas shall be located to the side or rear of the principal structure for all nonresidential uses.
 - ii. Parking shall be paved with concrete, asphalt, or similar approved paving materials.
 - iii. Parking spaces shall be marked and comply with A.D.A. Standards.
 - e. *Landscaping.*
 - i. A landscaped roadway yard shall be provided to start five feet behind the right-of-way property line and be a minimum of ten feet wide, and contain the following:
 - (1) Native shrubs shall be planted at a minimum rate of ten shrubs per 50 linear feet of street frontage (minus the driveway width). At least 75 percent of the required shrubs shall be native evergreen species.
 - (2) Street trees shall be planted outside the right-of-way at a minimum rate of one large maturing (canopy) tree per 50 linear feet. Where overhead power lines exist, then a minimum of two small maturing (ornamental) trees per 50 linear feet may be installed.
 - ii. Any chain-link or similar fencing visible from the street must be screened with a minimum of one shrub or ornamental tree (min. six feet tall) every ten feet.

LANDSCAPED ROADWAY YARD



Road/Street/Highway

(1 canopy tree per 50 linear feet or 2 ornamental and 10 shrubs)

B. *Airport Compatibility Overlay Zone (AC-O) – Lowcountry Regional Airport.*

1. **Purpose.** It is the intent of the AC-O district to protect the dual interests of the Lowcountry Regional Airport (LRA) and the neighboring land uses, and to:
 - a. Protect and promote the general health, safety, and welfare of people using and living in the vicinity of the Lowcountry Regional Airport (LRA) environment;
 - b. Prevent the impairment and promote the utility and safety of the airport, and protect the significant investment of local, state and federal dollars into the development of the airport;
 - c. Promote land use compatibility between the airport and surrounding developments;
 - d. Protect the character and stability of existing land uses; and
 - e. Enhance environmental conditions in areas affected by the airport and its operations.
2. **Boundaries.** The boundaries of an airport district shall be determined by application of the following zones around the Lowcountry Regional Airport

(LRA). The surfaces and zones are based on the Code of Federal Regulations, Title 14, Part 77 (14 CFR Part 77), paragraph 77.19.

a. **Primary Zone.**

- i. The Primary Zone is longitudinally centered on a runway, extending 200 feet beyond each runway end. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary zones at the LRA are:
 - (1) Runway 5/23 – 1,000 feet.
 - (2) Runway 17-35 – 500 feet.
 - (3) Runway 9/27 – 500 feet.

b. **Approach zones.**

- i. Approach zones include all land which lies directly under an imaginary runway approach surface longitudinally centered on the extended centerline of each runway. The inner edges of an approach surface are at the same width and elevation as the primary zone of each runway, unless otherwise specified.
- ii. The dimensions of an approach zone shall be determined on the basis of the following:
 - 1) The Runway Protection Zone is a trapezoidal shape located at the ends of each runway primary zone, and is identified as such on the LRA Layout Plan, which is not located herein due to lack of readability due to its large size, but it shall be made a part of this section as if included herein.

The dimensions of the Runway Protection Zones for the LRA are:
Runway 5 – 500 feet (inner width) x 1,700 feet (long) x 1,010 feet (outer width).

Runway 23 – 1,000 feet (inner width) x 1,700 feet (long) x 1,510 feet (outer width).

Runway 17 – 500 feet (inner width) x 1,700 feet (long) x 1,010 feet (outer width).

Runway 35 – 500 feet (inner width) x 1,700 feet (long) x 1,010 feet (outer width).

Runway 9 – 500 feet (inner width) x 1,000 feet (long) x 500 feet (outer width).

Runway 27 – 500 feet (inner width) x 1,000 feet (long) x 500 feet (outer width).

- 2) The Runway Approach Zone is dependent upon the runway type, (i.e. the type of aircraft the runway is rated for) and the approach minimum the runway is rated for.

The dimensions of the Runway Approach Zones at the LRA are:
Runway 5 – 500 feet (inner width) x 10,000 feet (long) x 3,500 feet (outer width).

Runway 23 – 1,000 feet (inner width) x 50,000 feet (long) x 16,000 feet (outer width).

Runway 17 – 500 feet (inner width) x 10,000 feet (long) x 3,500 feet (outer width).

Runway 35 - 500 feet (inner width) x 10,000 feet (long) x 3,500 feet (outer width).

Runway 9 – 500 feet (inner width) x 5,000 feet (long) x 1,500 feet (outer width).

Runway 27 – 500 feet (inner width) x 5,000 feet (long) x 1,500 feet (outer width).

c. **Transitional zones.**

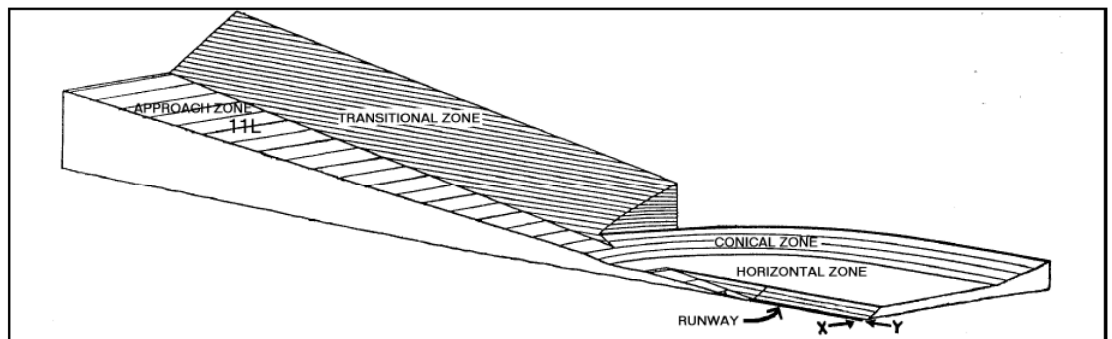
- i. Transitional zones are the areas beneath the transitional surfaces. The transitional zone extends from the edge of the primary surface and extends to the horizontal zone. See subsection 4(b) for further descriptions of the transitional zone.
- ii. Transitional zone determination for heliports. These zones extend outward starting at 1.5 times the helipad surface to a horizontal distance of 4,000 feet at a slope of 8 to 1 measured from the approach and departure path centerline (see AC 150/5390 2c figure 2-7).

d. **Horizontal zones.**

- i. The horizontal zone is established by an arc with a radius of 10,000 feet, measured out from the centerline end of all runways and connecting where each runway arc intersects, all the way around the airport. The horizontal zone does not include the approach or the transitional zones.

e. **Conical zones.**

- i. The conical zone is the area that extends outward from the outer limits of the horizontal zone for a horizontal distance of 4,000 feet.



Code of Federal Air Regulations (FAR) Part 77.19

3. **Prohibited uses in the airport zones.** The following uses in subsections (a) and (b) below are prohibited in the airport zones, regardless of whether the base zoning district lists these uses as permitted:

- a. ***In all airport zones. Any use which would deleteriously:***
 - i. Create electrical interference with navigational signals or radio communications between the airport and aircraft;
 - ii. Diminish the ability of pilots to easily distinguish between airport lights and other lights;
 - iii. Create glare in the eyes of pilots using the airport;
 - iv. Impair visibility in the vicinity of the airport;
 - v. Create bird strike hazards, or otherwise endanger or interfere with the landing, takeoff, or maneuvering of aircraft using the airport.
 - b. ***In the ultimate runway protection zone (See the Lowcountry Regional Airport Layout Plan).***
 - i. Single-family dwellings, including manufactured homes in excess of two units per acre;
 - ii. Multi-family and cluster housing projects, manufactured home parks, and group housing; Transient lodging, motels and hotels;
 - iii. Hospitals, sanatoriums, and nursing homes;
 - iv. Schools and day care centers; and
 - v. Churches, theaters, auditoriums, and similar places of assembly.
4. ***Height restrictions.*** Except as otherwise provided herein, no structure or tree shall be located in any airport zone at a height in excess of the limits herein established for each of the following zones:
- a. ***Approach zones.*** Height limits within approach zones shall be determined by calculating a slope ratio (measured in feet outward and upward) from the elevation and end of each primary zone, as measured along the extended centerline of each runway, out to a prescribed horizontal distance and slope, as follows:

Approach Zone Height Limitations	Horizontal Distance (Feet)	Slope Ratio (Out and Up)
Runway 5	10,000	34:1
Runway 23	50,000	50:1 for the first 10,000 feet, Then 40:1 for 40,000 feet
Runway 17	10,000	34:1
Runway 35	10,000	34:1
Runway 9	5,000	20:1
Runway 27	5,000	20:1

- b. ***Airport transitional zone.*** Height limits within transitional zones shall be determined by measuring outward and upward at a 7:1 slope from the sides and same elevation as the runway to the point of intersection with the horizontal zone or conical zone.
- c. ***Horizontal zone.*** Height limits in the horizontal zone are established at 150 feet above the airport elevation.

- d. **Conical zone.** Height limits in the conical zone are established by measuring out and up from the horizontal zone from an elevation of 150 feet above airport elevation at a 20:1 slope to a height of 350 feet above airport elevation.
5. **Noise restrictions.**
- a. Noise restrictions shall apply within the approach zone of all instrument runways. Private airports shall be exempt from the provisions of this section.
 - b. Where permitted in the approach zone, residential dwellings and portions of buildings which are open to the public shall be constructed to achieve an outdoor to indoor peak noise level reduction (NLR) of at least 30 decibels (db). Normal construction methods provide a NLR of 20 (db), so a reduction of only 10 additional decibels is required, which can be achieved through sound insulating materials. All other permitted uses and structures are exempt from this section.
 - c. A description of such methods and materials shall accompany all building applications for uses affected by this section, and shall be subject to approval by the director or his designee.
6. **Lighting regulations.** No permitted use, subdivision, or development in an airport district shall have outdoor lighting or illumination arranged and/or operated in such a manner as to be misleading or pose a danger to aircraft operations, as determined by the Airport Manager.
7. **Regulations applicable to existing structures.**
- a. Filing of the Federal Aviation Administration (FAA) Form #7460-1 - "Notice of Proposed Construction or Alteration" is required whenever a proposed structure is planned for development which breaks the plane of the 100 feet out to 1 foot up 100:1 slope ratio away from an airport, as required by the FAA. The FAA response to Form 7460-1 shall accompany all site and construction plans when submitting for a building permit application to the director.
 - b. The owner of any existing structure or vegetation that is penetrating any referenced plane within an established airport district shall permit the installation, operation, and maintenance of whatever markers and lights deemed necessary by the FAA or the State Aeronautics Commission (SAC) to warn aircraft operators of the presence of an airport obstruction. These markers and lights shall be installed, operated, and maintained at the expense of the airport operator.

- c. However, the regulations prescribed in this section shall not be construed to require the removal, lowering, or other change or alteration of any existing structure or tree not conforming to these regulations when adopted, or otherwise interfere with the continuance of an existing use. Nothing contained herein shall require any change in the construction, or use of any structure, whose construction began prior to the adoption of these regulations. The exceptions above are subject to the following constraints:
 - i. Any trees that were not conforming to these regulations when adopted, must be maintained at the same height at the time the exception was granted.
 - ii. Existing buildings that were not conforming to these regulations when adopted, may remain as long as the building is utilized for the same purposes as at the time the exception was granted. The buildings may not be expanded, added to, or reconstructed in a manner that would increase the existing structures height beyond what existed when these regulations were adopted.

8. ***Variances.***

- a. Any person who determines that the strict application of the height restrictions imposed in the AC-O will cause them an undue hardship may apply for a variance from such regulations to the zoning board of appeals. The application for a variance shall be accompanied by an explanation of the hardship created where no other viable options exist for the development, along with a determination from the FAA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace.
- b. Additionally, no application for a variance may be considered by the board unless a copy of it is provided to the airport operator for advice as to the aeronautical effects of the variance. If the airport operator does not respond within 15 days after receipt, the board may act on its own to grant or deny the variance.
- c. Any permit or variance order granted, if such action is deemed advisable and reasonable, may contain conditions of approval, such as requiring the owner to install, operate, and maintain at the owner's expense, such markings and lights as may be deemed necessary by the FAA, the SAC, and the airport operator, or other such conditions deemed appropriate by the board.

ARTICLE 14.08-3. - CONDITIONAL USES

Sections:

14.08-3.010. - Purpose.

14.08-3.020. - Conditional use regulations.

14.08-3.010. - Purpose.

- A. The county finds that there are certain uses that exist which may be constructed, continued, and/or expanded provided they meet certain conditions for approval specific to their design and/or operation. Such conditions ensure compatibility among other uses. This article specifies those requirements that must be met by all the uses listed as conditional or special exception uses in any zoning district.
- B. Each use shall be permitted in compliance with all conditions listed for the use in this article, plus any additional conditions deemed necessary by the director to make the conditional use more compatible with the surrounding properties and/or uses. Certain uses are also classified as special exceptions and require approval by the zoning board of appeals. These special exceptions may also be conditioned by the director for the board's approval, and the board may add conditions of their own as deemed appropriate.

14.08-3.020. - Conditional use regulations.

A. *Accessory structures and uses.*

1. Manufactured homes, campers, trailers or recreational vehicles cannot be used for storage or as any type of accessory structure, and only one shipping container may be used as an accessory structure per lot.
2. No accessory use shall occupy any part of a dedicated easement, a required setback, a buffer yard, a landscaped area or any areas designated as parking and loading zones or areas.
3. Unless specifically stated in subsections A.5, A.6 and A.7 and Table 8 of this section, all accessory uses and structures shall observe all required setbacks, yard, and other requirements applicable to the principal building or use for the district where they are located.
4. Accessory structures shall be located within the buildable area on the same lot as the principal structure and observe the height limits for the district where they are located, but in no instance exceed the height of the principal structure.
5. Farm structures up to 5,000 square feet located on parcels two acres or larger in the RC-1, RC-2, RD-1 and RD-2 zones may be located no closer than 150 feet from the front property line; otherwise, no accessory structure may be located in a front yard. Please also see paragraphs A.6 and A.7 and Table 8 below for more information.
6. In the RD-1 and RD-2 Zoning Districts only, accessory structures of any size on agricultural properties of 5 acres or more, may be located in the front yard

between the principal structure and be no closer than 50 feet from the front property line, if provided with a natural landscaped buffer which has the opacity of a solid wall in accordance with section 14.08-4.020 (D)(3), to ensure complete concealment of the structure from any public/private rights-of-way and on the sides facing any residential dwelling units located within 300 feet of the structure on any abutting properties.

7. Waterfront properties with or without an OCRM Critical Line may locate only one (1) accessory structure in the designated front yard under the following circumstances:
 - a. One (1) accessory structure may be located in front of the principal dwelling unit (between the street and the front of the principal dwelling unit) when the minimum lot area is 50% larger than the minimum lot area requirement for the zoning district.
 - b. When the accessory structure is to be located to the side or rear of the principal dwelling unit the accessory structure shall adhere to the minimum principal structure side yard setbacks for the zoning district and a minimum of 30 feet from the OCRM Critical Line or rear property line.
 - c. Accessory structures shall be located a minimum of 15 feet from all other structures.
8. Where an accessory structure is erected in the required rear yard on a corner lot, it shall not be located any closer to the secondary street than the required primary front yard setback.
9. Customarily incidental accessory uses shall be located on the same lot as the principal structure or use, and except for properties utilized for agricultural purposes, a permanent accessory structure shall not be placed on the lot prior to the principle structure.
10. Table 8 below describes the setbacks allowed and other information necessary for specific types of residential, waterfront, commercial and industrial accessory uses and structures.

Accessory Use/ Structure	Allowed Location	Allowable Encroachment into Principal Structure Setbacks	Required Setback	Other
Sheds and structures for dry storage and greenhouses	Side or rear yard*	Rear yard setback and side yard setback	3 feet from property line	Accessory structures shall be located a minimum of 15 feet from all other structures and overhead power lines. See subsection A.7 for requirements on waterfront properties.

Domestic Animal Shelters and Pens	Rear yard	Rear yard setback and side yard setback	10 feet from property line	This does not apply to the conditional or special exception use of animal services with outdoor kennels for 24 or more animals of any combination.
Swimming pools & Spas, tennis courts, and recreational uses	Rear yard	Rear yard setback	10 feet from property line	All lighting shall be shielded down and away from adjoining residences. Pre-application meeting and special IBC safety requirements for pools and spas.
Ground supported communication and reception antennas	Side or rear yard	Rear yard and side yard setback	5 feet from property line	none
Fences and walls	All yards	All yard setbacks	Along property line. Driveway and sight-triangle setbacks are required.	Less than 6 feet high - zoning permit. 6 to 8 feet high - building permit. More than 8 feet high – ZBA variance required with hardship.
Boat houses and docks	All yards	All yard setbacks	Along property line where line meets water's edge	Shall adhere to all FEMA and OCRM requirements and permits.
Carport canopies	All yards	Rear yard setback and side yard setback	3 feet from property line	Non-enclosed; square footage not to exceed 25% of principal residence
Handicap access ramps, Ground mounted solar panels, Gate houses, Hunting stands, Gazebos, Landscaping, features and Commercial accessory structures	All yards	All yard setbacks	3 feet from property line	Single-family; mobile homes; commercial; business; office; and, industrial
Park model trailers, campers, and RVs as temporary Housing.	Side and rear	Side and rear	5 feet	Temporary use only up to one (1) year without ZBA approval, see subsection 'Y' for all requirements, and all floodplain and floodway requirements apply, restrictive covenants apply, not allowed on Edisto Island.

*See subsection A.5, A.6 and A.7 of this section, for the requirements for accessory structures, including waterfront accessory structures, and farm structures allowed in the front yard setback.

B. *Animal production.*

1. No livestock shall be kept on less than one acre of land.
2. All livestock shall be kept within a fenced area. Any structure used for boarding or feeding livestock shall be located not less than 75 feet from any property line.

Structures for boarding or feeding livestock existing at the time of adoption of this ordinance are exempt.

3. This section shall not apply to dogs, cats, rabbits, small potbellied pigs, chickens (not to exceed 23 in number), or other similar household pets. Exotic pets are excluded from this list.
4. All commercial livestock operations, including poultry, are required to meet SCDHEC regulations for operation.

C. *Animal services with outdoor kennels.*

1. In any place or premises, used in whole or in part for the purpose of keeping, housing, or raising 24 or more animals in any combination whether commercially boarded, rescued, or household pets, they shall be kept a minimum of 300 feet from any property line, and the outdoor kennel place or premises shall meet in full the screening requirements of section 14.08-4.020 for commercial buffers. If allowed to roam freely on the property, outside of their kennels, those outside roaming areas shall also meet the same setback and screening requirements as the outdoor kennels.
2. All outdoor kennels and roaming areas shall be located only in the rear or side yard area of any lot, whichever is determined by the director to be farthest from any abutting residences.
3. Animal waste shall be regularly collected and contained in containers with lids to minimize noxious odors and the accumulation of flies and other disease carrying insects and vermin to minimize deleteriously affecting neighboring properties. Waste containment, and removal from the property at regular intervals, shall be as approved by the director, to minimize the spreading of diseases, the contamination of neighboring properties, the quality of air, and/or any waterways or water bodies.

D. *Automotive services or other non-automotive repair services.*

1. Gas station pumps or other appliances shall be set back at least ten feet from the property line, and all service, storage, or similar activities connected with such use shall be conducted entirely on premises.
2. Wrecked, damaged or inoperable vehicles, boats, heavy equipment, appliances, or above-ground fuel storage tanks shall be located behind the principal structure and shall not be visible from any public right-of-way. Such areas shall be screened in accordance with section 14.08-4.020(D) within 12 months of the adoption of these regulations. This conditional use cannot be grandfathered as a legal nonconforming use and shall be brought up to code as mentioned herein.
3. A permanent structure with permanent restroom facilities must be provided on premises.

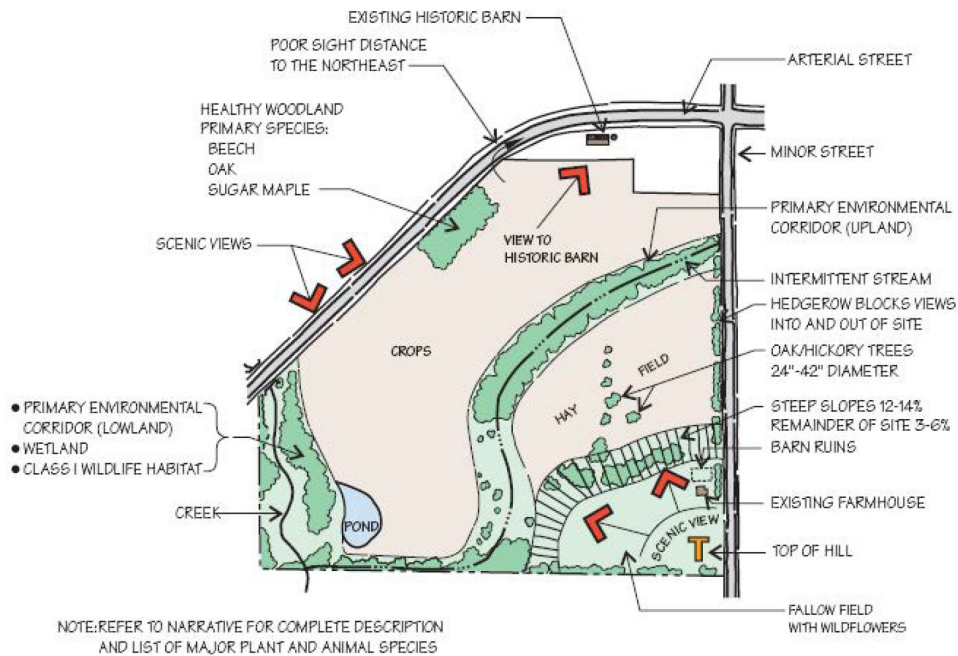
4. No outdoor sound system shall be permitted which can be heard beyond the boundaries of the property.
 5. Nothing shall be stored or displayed within the public right-of-way.
- E. ***Bed and breakfast inns.*** These inns are intended to provide a unique transient lodging experience in predominantly residential environs and care shall be taken to protect the environs that contribute to the experience of such lodging while promoting their use. Bed and breakfast inns, where permitted by this title, shall:
1. Be occupied by the resident/owner.
 2. Serve no regularly scheduled meal other than breakfast.
 3. Maintain the interior architectural integrity and arrangement of the structure and shall not increase the number of guestrooms above the number of bedrooms in the original structure.
 4. Maintain the exterior architectural integrity of the structure and grounds and make changes only if compatible with the residential character of the area.
 5. Provide off-street parking of one space per guest room, plus two spaces for the resident, and sufficient off-street parking to accommodate private gatherings, when proposed by the applicant.
 6. Be permitted one non-illuminated identification sign, not to exceed four square feet in sign face area.
- F. ***Boarding and rooming houses.***
1. The maximum number of bedrooms shall be six rooms for guests plus one for the resident manager.
 2. The use shall be located in a structure which was originally constructed as a dwelling, with only one kitchen which shall only serve meals on premises to overnight residents and guests of the facility.
 3. Provide one off-street parking space per guest room and two spaces for the resident manager.
- G. ***Campgrounds and recreational vehicle parks.***
1. The site shall be at least three acres.
 2. The site shall be developed in a manner that preserves natural features and landscape.
 3. The development shall not exceed the following dimensional requirements.

- a. Maximum impervious surface ratio shall not exceed 15 percent of the project site.
 - b. Minimum setbacks for all structures and recreational vehicles shall be at least 100 feet from any street frontage and 50 feet from all other property lines.
 - c. Maximum density shall not exceed ten vehicles per acre.
 - d. Buffer yards shall meet the requirements of section 14.08-4.020 for commercial uses.
- 4. Areas designated for parking, loading and driveways for travel lanes shall be separated from public streets by a distance of at least 150 feet from any street intersection and designed in a manner conducive for safe vehicular ingress and egress.
 - 5. All streets within RV parks shall be private and shall comply with the requirements of chapter 14.04.
 - 6. Each park site shall be serviced by public water and sewer or other systems approved by DHEC.

H. ***Conservation subdivisions.*** A conservation subdivision is a subdivision of five acres or more that preserves agricultural and forestry lands, natural and cultural features, and the rural character that would likely be lost through conventional development practices, which allows the lot sizes to be reduced, subject to the following requirements:

- 1. The density shall not exceed that permitted for the zoning district. A yield plan shall be provided at the pre-application meeting to demonstrate that the maximum permissible density has not been exceeded. Yield plans are conceptual in nature and they shall be realistic and not show development in areas that would not be permitted in a conventional subdivision, such as in wetlands, or where streets should be located.
- 2. A minimum of 50 percent of the total area of the subdivision shall be set aside as common open space.
- 3. Each site plan for a conservation subdivision shall follow a four-step design process as described below. When the conceptual site plan is submitted, applicants shall be prepared to demonstrate that these four steps were followed in determining the layout of their proposed streets, lots and open space conservation areas.
 - a. Step #1. All conservation areas (primary and secondary) shall be identified, using an existing conditions survey. Primary areas shall consist of wetlands and other environmentally protected areas and secondary areas shall include the most sensitive and noteworthy natural, scenic and cultural resources.

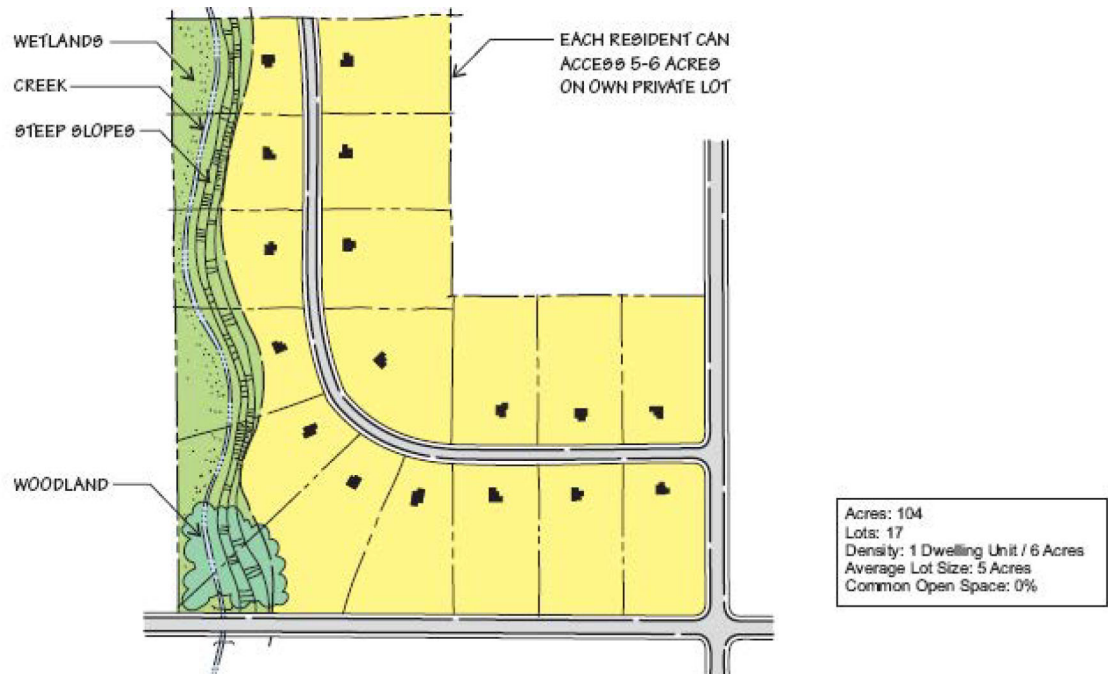
FIG 3.1: EXAMPLE OF AN EXISTING CONDITIONS SURVEY



Source: Southeastern Wisconsin Regional Planning Commission (SEWRPC). "Conservation Subdivision Design." 2002. conservationsubdivisions/pdfs/conservation_subdivision_design_process.pdf

- b. Step #2. Potential house sites and lots are tentatively located since the proposed location of the houses on the lots represents a significant decision with potential impacts on the ability of the subdivision to meet the evaluation criteria, and the applicant shall show these on the conceptual sketch plan. House sites should be located no closer than 30 feet to primary conservation areas.
- c. Step #3. Aligning proposed streets to provide vehicular access to each house in the most reasonable way that avoids, or minimizes, adverse impacts on the primary and secondary conservation areas. Wetland crossings shall be avoided. Street connections shall be provided to minimize the number of culs-de-sacs and facilitate easy access to and from homes throughout the subdivision.
- d. Step #4. Involves drawing in the lot lines where applicable. Setbacks are to be identified and in no case be less than five feet from any property line.
- e. All final plats shall be reviewed and approved by the director for compliance with the terms of this section.

FIG. 3.2: EXAMPLE OF CONVENTIONAL SUBDIVISION VS. CONSERVATION SUBDIVISION



Through a reduction in lot size, open space can be created without losing density.

- I. **Day cares.** The following shall apply to commercial day cares not operated as a home occupation:
 1. The facility must be registered or licensed by the state, as required.
 2. There must be at least 100 square feet of outdoor play area for each child, with the play area being fenced to a height of at least four feet.

3. All play equipment shall be located in the fenced area. Front yards shall not be used as play areas.
 4. Hours of operation shall be limited to 6:00 a.m. to 8:00 p.m. unless approved as a special exception, the hours of operation may be specified by the zoning board of appeals.
 5. No parking areas shall be permitted in the required setbacks.
 6. For loading and unloading children, one on-street space shall be provided for each 20 children enrolled, or fraction thereof.
- J. ***Family care homes for the handicapped.*** In accordance with S.C. Code 1976, § 6-29-770(E), family care homes for the handicapped are deemed residential uses and permitted in all districts where single-family homes are permitted, subject to the following conditions:
1. The homeowner and immediate family plus up to nine mentally or physically handicapped residents are permitted to live in the home.
 2. The operator of the home shall give prior notice to the local governing body advising of the exact site of the proposed home and identify the individual responsible for site selection.
 3. If the county objects to the selected site, it must notify the individual responsible for site selection within 15 days of receiving notice and must appoint a representative to assist in selecting a comparable alternate site. This triggers the following:
 - a. The site selection representative of the entity proposing the project and the county representative select a third mutually agreeable person.
 - b. The three people have 45 days to make a final site selection by majority vote.
 - c. This final site selection is binding for both the proposing entity and the governing body.
 - d. In the event that no selection has been made at the end of the 45-day period, the entity selecting the site may select the site without further proceedings.
 4. A home shall be licensed with the state before operating.
 5. Prospective residents of these homes must be screened by the licensing agency to ensure that the placement is appropriate.

6. The licensing agency shall conduct reviews of these homes no less frequently than every six months for the purpose of promoting the rehabilitative purposes of the homes and their confirmed compatibility with their neighborhoods.
7. No exterior signage is permitted.
8. No lockdown, violent, or dangerous residents.
9. Only incidental and occasional medical care may be provided.

K. *Family group development.*

1. Family group developments may incorporate up to a maximum of six dwelling units of family members related by blood, marriage, or adoption on a single lot of record.
2. The maximum of six dwelling units on a single lot only applies if the development density of dwelling units per acre, and the setbacks for every unit complies with the zoning district for the subject property.
3. Each dwelling unit shall be placed a minimum of 15 feet away from any other unit and be accessed by a minimum 15 foot wide driveway for the passage of emergency services vehicles.
4. A special exception is required for any family group development that exceeds this threshold of six dwelling units on a single lot. The special exception can only be requested if the subject single lot has enough acreage to allow all six units to comply with the density, setback, access way, and space between units requirements.
5. A notarized Family Group Development declaration/affidavit shall be recorded at the county register of deeds stating that all residents on the single lot are related by either blood, marriage or adoption and the land will not be subdivided in the future unless all of the requirements of this chapter and chapter 14.04 are met.

L. *Gun clubs, outdoor shooting ranges and turkey shoots.* The unique nature of this use is such that the following criteria shall be observed in siting any such use in the county:

1. It shall be located west of I-95 and no closer than one-fourth mile to any existing residential use. Gunfire shall be oriented away from habitable areas. Areas east of I-95 shall require special exception approval by the zoning board of appeals. Hours of operation shall be extended to accommodate law enforcement training and certification for low-light conditions.
2. The site upon which the use is proposed shall be suitable in size and topography, and preferably contain a wooded perimeter to buffer noise and improve the safety of any surrounding residents.

3. Seasonal "turkey shoots." Separately, turkey shoots are temporary in nature, not lasting more than 60 days, shall meet the following requirements:
 - a. Gunfire shall be no closer than 500 feet from any residential use, and not allowed from 11:00 p.m. until 8:00 a.m.
 - b. Gunfire oriented towards residential uses shall be no closer than one-half mile. This distance may be reduced by the use of licensed engineer approved projectile absorbing barriers on the subject property.
 - c. A site plan submitted to the director illustrating the shooting range, orientation of fire, topography of the land, and distances and locations of adjacent residential uses.
 - d. Turkey shoots are allowed in the UD-2, RD-1, RD-2 and RC-1 zoning districts as a conditional use.

- M. ***Heavy construction contractors.*** All outdoor storage of materials and equipment associated with a heavy construction contractor business shall be set back a minimum of 25 feet from property lines, 50 feet from any residential use, and be screened in accordance with section 14.08-4.020(D).

- N. ***Home occupations.***
 1. ***Customary home occupations (RS and UD-1 district only).***
 - a. The home occupation shall be carried on wholly within the dwelling and occupy no more than 25% of the principal building floor area, up to a maximum of 400 square feet.
 - b. No exterior signs, merchandise, storage or articles shall be visible from outside the building.
 - c. No more than one person not residing in the residence may be employed on site.
 - d. No alteration away from the residential nature of the buildings or property is allowed.
 - e. Only cars, vans and pickup trucks used primarily as passenger vehicles shall be allowed in the daily operations of the home occupation.
 - f. The occupation shall not create any noxious fumes or odors, light emissions, noises or interference with radio or television reception that can be detected off of the premises.
 - g. Home occupations may operate between the hours of 7:00 a.m. and 8:00 p.m. with no merchandise manufactured off premises and brought in for retail sales.

2. ***Child care home occupation.*** In addition to the requirements for a customary home occupation, the following requirements shall apply to a child care home occupation:
 - a. Child care home occupations shall be limited to a maximum of six children in addition to any children of the operator.
 - b. A minimum of 100 square feet of outdoor play area per child shall be provided in the rear yard which shall be fenced to a minimum height of four feet.
3. ***Rural home occupations.*** For residential lots located in the RC-1, RC-2, RD-1, RD-2, and UD-2 districts, and in addition to the requirements for a customary home occupation, the following requirements shall also apply to a rural home occupation:
 - a. A rural home occupation may be carried on within the principal dwelling or an accessory building, not to exceed 400 square feet. Any accessory building used for a rural home occupation shall meet the principal structure setbacks for the district.
 - b. Rural home occupations include carpentry, metal working, electrical, welding, plumbing, repair shops, professional and technical services, insurance and real estate services, personal care services, and retail, excluding the sale of firearms.
4. ***Motor vehicle repairs and sales home occupations.*** In addition to the requirements for a customary home occupation, the following requirements shall apply to motor vehicle repairs and sales home occupations:
 - a. The repair of motor vehicles at a place of residence is subject to the following restrictions:
 - i. Only minor repairs and maintenance may be performed, which for the purposes of this subsection are defined as the:
 - (1) Changing and replenishment of fluid levels, such as hydraulic fluid, windshield washer fluid, and lubricating oil.
 - (2) Replacement of sparkplugs and wires.
 - (3) Rotation of tires and checking of adequate pressure.
 - (4) Replacement of drive belts and hydraulic lines.
 - ii. Any other repairs shall be restricted to totally enclosed spaces and only accomplished on privately registered vehicles having current state license plates, or motor vehicles designated by the state as qualifying for any antique or horseless carriage designation.
 - b. The sale of motor vehicles at a place of residence is subject to the following restrictions:
 - i. No more than two vehicles at any given time.
 - ii. The vehicle may be displayed by appropriate window or other attached signage.

- iii. The vehicle and associated signage may not be located in the public right-of-way.

O. ***Hunting and fishing camps.***

1. A maximum density of ten campers per acre is allowed.
2. Any structure or camper shall be setback a minimum of 50 feet from property lines.
3. Demonstrate compliance with SCDHEC waste treatment.
4. All structures and campers within 100 feet of the front property line shall meet the buffer requirements found in section 14.08-4.020 (B) Street yard.

P. ***Lumber and saw mills.*** All outdoor storage of materials and equipment associated with a lumber or saw mill business shall be set back a minimum of 200 feet from the property line and screened in accordance with section 14.08-4.020(D).

Q. ***Manufactured homes (on individual lots).*** Manufactured homes on individual lots shall:

1. Be built according to the Federal Manufactured Housing Construction and Safety Standards Code (245 CFR 3280), enacted June 15, 1976. Manufactured housing built prior to the effective date of the code shall not be permitted for reasons of safety.
2. Be installed in accordance with the Manufacture's Installation Manual. In the absence of such a manual, the home must be installed in accordance with the requirements of the state manufactured housing board regulations.
3. Be under-skirted around the entire home with brick, masonry, vinyl, or similar materials designed and manufactured for outdoor installation.
4. Have landing steps installed or constructed at each exterior doorway, in accordance with applicable building codes.
5. Be provided with a sanitary sewer system approved by SCDHEC.
6. It shall be unlawful for any such home to receive electricity except by use of this separate meter. It shall be unlawful for any public utility or electrical supplier to connect power to any manufactured home in the absence of all approved permits.

R. ***Manufactured home parks.*** The establishment and operation of a manufactured home park shall comply with the following design and development standards:

1. The park site shall not be less than two acres, and have not less than 200 feet frontage on a publicly maintained street or road.

2. The park shall be served by public water and sewer systems or other systems as approved by local DHEC officials. A storm drainage plan is required and subject to compliance with section 14.04-5.070(L).
3. All manufactured home spaces shall abut upon an interior all-weather roadway subject to section 14.04-5.070(K)1 and shall have unobstructed access to a public street or road.
4. All on-site roadway intersections shall be provided with a street light.
5. Each individual home site shall be at least 25 feet from any other site and at least 25 feet from the right-of-way of any street or drive providing common circulation.
6. All homes shall be installed in accordance with the installation requirements of the state manufactured housing board regulations.
7. Not less than 15 percent of the park site shall be set aside and developed for common open space and recreational usage.
8. Permanent space numbers shall be provided on each space and located to be visible from the street or driveway. Signs identifying space locations shall be provided at each street or driveway intersection.
9. The maximum number of spaces shall not exceed eight per acre.
10. Two parking spaces shall be provided for each designated space. Parking may be provided at the designated space or in community parking areas.
11. Existing trees and other natural site features shall be preserved to the extent feasible.
12. Buffer yards shall be provided on the perimeter of the park or court in accord with the requirements of section 14.08-4.020.
13. The zoning permit may be revoked by the director or his designee for a violation of this title or other applicable ordinances and regulations governing the operations of such uses.
14. A site plan showing the above required data, and in all other respects meeting the minimum requirements for a building permit shall accompany all applications to establish a manufactured home park.

15. All pre-existing manufactured home parks at the time of the adoption of the ordinance from which this chapter is derived are considered legal nonconforming uses, and any expansions must comply with these requirements.
- S. **Manufacturing.** All proposed manufacturing uses shall meet the following performance standards:
1. The emission of visible smoke, dust, dirt, fly ash, particulate matter from any pipes, vents, or other openings, or from any other source into the air, shall comply with the regulations of the state department of health and environmental control (SCDHEC).
 2. There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive at the property line. Any process, which may involve the creation or emission of any such odor, shall be provided with a primary and a secondary back-up system to maintain control in the event of the primary system failure.
 3. There shall be no direct or sky reflected glare, whether from floodlights, high temperature processing, combustion, welding or otherwise, so as to be visible from any residence.
 4. There shall be no emission of any fumes or vapors of a noxious, toxic or corrosive nature, which can cause damage or irritation to health, animals, vegetation, or any property.
 5. Activities which could produce any adverse effect on the temperature, motion or humidity of the atmosphere beyond the lot line shall not be permitted.
 6. The applicant for a facility which would utilize toxic matter in the process of manufacturing, fabricating, assembling, packaging, or any related activity, shall provide with the application a certificate from the SCDHEC, indicating compliance with the rules and regulations of such agency.
 7. All outdoor light fixtures shall be fully shielded and installed to prevent any light trespass onto any abutting property. Light-emitting-diode (LED) lighting shall be used. Light sources visible in residential or medical areas shall not exceed one-tenth footcandle, and in all other areas, shall not exceed one-half footcandle, measured at the property line.
 8. The applicant of a permit for a manufacturing or processing plant which would produce any of the above "objectionable elements" shall acknowledge in writing their understanding of the performance standards applicable to the proposed use and shall submit with the permit application, an agreement to conform with such standards at all times. Any violation of the agreement shall constitute a violation of this chapter and shall be treated accordingly. Enforcement of this agreement shall be precipitated by complaint from any person aggravated by the uses

failure to comply with the provisions of this section. Where there is a problem in complying with any one of these performance criteria, the applicant shall mitigate a solution satisfactory to the director, or request a variance before the zoning board of appeals.

T. ***Commercial mining and extraction.***

1. Minimum lot size shall be five acres.
2. All land disturbing activity shall be located at least 100 feet from any property line and at least 500 feet from any residential, religious, civic,, community service or day care use, school, or public park.
3. All extractive uses shall be surrounded by a solid fence or berm at least eight feet high, located no less than 100 feet from any public right-of-way, and no less than 50 feet from any adjacent property.
4. Blasting may only be conducted between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Loading and hauling operations are not permitted between the hours of 9:00 P.M. and 7:00 A.M.
5. Operations shall not create any light, noise, smoke, odors, or dust at a level which creates a nuisance to any person of normal sensitivities at the property line.

U. ***Mixed use buildings.*** Dwelling units in a mixed use building shall not be located on the ground floor.

V. ***Multi-family residential.***

1. Such projects shall have a minimum of one acre.
2. Not more than eight, nor fewer than three, townhouses may be joined together, with approximately the same (but staggered) front line.
3. Minimum distance between buildings shall be 20 feet.
4. Minimum lot width shall be 18 feet.
5. Sidewalks not less than five feet in width, to meet ADA Standards, shall be provided along the front property line and the parking area side of each building.
6. Not less than ten percent of the site shall be dedicated as common open space.
7. No building shall exceed a length of 150 feet.
8. All trash containers shall have a lid and be completely screened from view from the street and adjacent properties with fencing and/or landscaping.

- W. ***Outdoor markets (including farmers markets, flea markets, etc.).***
1. Any sale of items where booths or spaces may be rented on the same property or by the same organizers more than four days per calendar year shall be considered an outdoor market, and all sales shall be conducted under cover of an approved structure or tent.
 2. Approved SCDHEC restroom facilities shall be provided but not located between the permanent structure or tent and the street right-of-way and be screened from view.
 3. Trailers for delivery or pickup may be stored temporarily on site for not more than three days at a time and shall be parked to the side or rear of the permanent structure.
 4. When the outdoor retail market is not open for business, all items shall be removed or screened from view from the street and any adjacent residentially zoned properties.
- X. ***Outdoor storage.*** Outdoor storage as an accessory use may be permitted provided such storage area does not occupy over 20 percent of the lots' buildable area, is not located in any required setback yard, and is screened from public view as set forth in section 14.08-4.020(D).
- Y. ***Park model trailers, campers and RVs as temporary living accommodations (on individual lots).***
1. All units must retain their axles, wheels and towing hitch and remain road-ready. Units are not to have a permanent foundation nor can they have any structurally and permanently attached additions, such as porches, decks, platforms, coverings, steps, stairs, landings, supports or related elements.
 2. Only one camper, park model trailer or RV is permitted per lot as a principle use and it shall comply with all district setbacks and buffers established for the principle use, not accessory use.
 3. Units may not be renter-occupied for income generation.
 4. Units must demonstrate compliance with all applicable restrictive covenants.
 5. No park model trailer, camper or RV may be permitted as a principle use on an individual lot of record within the unincorporated portion of Edisto Island.
 6. Units will comply with all provisions of the County's Floodplain Ordinance when located in a Special Flood hazard Area. Units located in a floodway must receive a permit for each three (3) day stay, and up to six 3-day permits may be issued per calendar year per unit. Units located in a floodway in excess of three

(3) days per stay or 18 days per year must comply with the completion of a no-rise-no-impact study performed by a licensed professional engineer.

7. No more than 100 amp electrical service is to be provided on-site, and only after the site has a SCDHEC approved septic system installed.
8. Units located within the Urban Development-1 district shall have a minimum of one acre lot size.
9. These units are designed as temporary housing units only, and not recognized by the International Residential Codes as a permanent residential dwelling unit, where they can only be used as temporary housing for up to one (1) year, such as during construction or reconstruction of an active permitted onsite residence, where they are allowed in all zoning districts, unless prohibited by restrictive covenants, and may be granted an additional six months extension upon review of the zoning board of appeals. They are considered Temporary Uses and must comply with the above stated conditions of approval, except where they are prohibited to be placed on Edisto Island.

Z. *Produce stands (year-round and permanent).*

1. All produce grown on a lot under the same ownership as the lot upon which the produce stand is located is exempt for the provisions of this chapter.
2. All other produce stands shall be considered temporary uses and shall follow the special requirements for temporary uses.

AA. *Recreational group quarters.*

1. Recreational group quarters are located on lands intended for outdoor recreational purposes in combination with on-site residential dwellings.
2. A minimum of 100 acres is required.
3. Accessory uses and structures including golf courses, marinas, horse stables, trails, tennis courts, hunting preserves, shooting ranges, and similar type uses are permitted.
4. All structures shall be set back a minimum of 500 feet from any property line.
5. Hotels, motels, condominiums, apartments, and townhomes are not permitted.

BB. *Residential care facilities.*

1. A minimum of two acres is required for a residential care facility.
2. Structures shall be set back a minimum of 50 feet from all property lines.

CC. ***Salvage yards, junkyards, and recycling operations.*** The location of these uses shall be regulated by the following:

1. No such use shall be located closer than 500 feet to any residential use, church, school, historical place or public park or within 50 feet of a public street right-of-way.
2. No material because it is discharged and incapable of being reused in some form shall be placed in open storage.
3. No material shall be placed in open storage in such a manner that it is capable of being transferred out by wind, water, or other causes.
4. All paper, rags, cloth and other fibers, and activities involving the same, other than loading and unloading, shall be within fully enclosed buildings.
5. All materials and activities not within fully enclosed buildings shall be enclosed by an opaque fence or wall or vegetative material, excluding points of ingress or egress, at least eight feet in height. No items may be stacked in a manner so that they protrude above the top of the opaque screen within 50 feet of the screen.
6. Disposal of garbage unrelated to motor vehicles shall be in an approved container and regularly maintained. Open dumping of garbage is prohibited.
7. Disposal of toxic/hazardous matter is prohibited without a state permit.
8. Storage of items shall be so arranged as to permit easy access for firefighting purposes.

DD. ***Seasonal worker housing.***

1. Seasonal worker housing shall be permitted on agricultural land of greater than 20 acres.
2. Seasonal worker housing shall be either permanent residential structures built to South Carolina Building Codes, HUD approved manufactured homes, or park model homes. Recreational vehicles may only be used for seasonal worker housing if they are located on the property no more than three months per calendar year.
3. There shall be a minimum 30-foot easement and driveway to the housing that is suitable for access by emergency personnel.
4. All seasonal worker housing shall be set back a minimum of 100 feet from all property lines.
5. The farm operator shall provide a site plan showing the proposed location of seasonal worker housing.

6. Sanitary sewer and water supply shall be provided as approved by the SCDHEC.

EE. ***Sexually oriented businesses.***

1. This section regulates sexually oriented businesses to uphold the health, safety, morals and general welfare of the county residents,, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses in the county. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials including sexually oriented materials. Similarly, it is not the intent or effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually-oriented entertainment to the intended market. Neither is it the intent of this section to condone or legitimize the distribution of obscene material.
2. The county has conducted an extensive review of land use studies concerning the secondary effects of sexually oriented businesses in other cities including, Palm Beach Co., FL (2007), Ellicottville, NY (1998), Cleburne, TX (1997), Dallas, TX (1997), Houston, TX (1997), Newport News, VA (1996), New York, NY (1994), St. Croix Co., WI (1993), Oklahoma City, OK (1992), Garden Grove, CA (1991), Tucson, AZ (1990), Indianapolis, IN (1984).
3. The clear conclusions to be drawn from these reports are that in areas surrounding adult-entertainment establishments crime increases, property values decrease, and the quality of life for residents declines. Specifically, the reports indicate that sex-related crimes and property crimes increase significantly in close proximity to sexually oriented businesses, including prostitution, pandering, exposing minors to harmful materials, possession and distribution of obscene materials and child pornography, possession and distribution of controlled substances and violent crimes against persons and property. Owing to the potentially objectionable operational characteristics of sexually oriented or adult uses, and the deleterious effect of such uses on existing businesses and/or residential areas around them, the location of such uses, where permitted by article 14.08-2, shall be tempered by the supplemental siting criteria of this section.
4. No property line of such use shall be located within 1,000 feet (measured in a straight line, without regard to intervening structures or objects, from the nearest property line of any lot on which contains a building or structure from which any part is used as a sexually oriented business) of the nearest property line of the uses listed below and documented on a map drawn to scale of:
 - a. A residence or an RS zone;
 - b. A church or religious institution;
 - c. Public or private schools and educational facilities;
 - d. Public parks and recreational facilities;

- e. U.S. Highway 15, 17A, 17, and 21, and S.C. Highways 61, 63, 64, 174, 303, 641, and the Walterboro Bypass, and Interstate 95;
 - f. Another sexually oriented business;
 - g. Day care facilities; or
 - h. Licensed nursing home.
5. It shall be a misdemeanor for a person to operate a sexually oriented business without a valid permit, issued by the responsible governing authority for the particular type of business. An application for a permit must be made on forms provided by the director. The premises must be inspected and found to be in compliance with the law by health, fire and building officials.
 6. Each permit shall expire at the end of each calendar year and may be renewed only by making application as provided herein prior to the end of each consecutive calendar year. If an application and permit fee are not received within 30 calendar days from the end of the previous year, the permit has expired and the business shall be required to shut down until a new application and fee are received before the end of the current year, to have a permit for the following calendar year.
 7. The annual permit fee for a sexually oriented business permit shall be \$1,000.00.
 8. An applicant or permittee shall allow representatives of the county planning and development department, county sheriff's office, SCDHEC and/or county fire-rescue or other governmental departments or agencies involved in code enforcement to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.
 9. A person who operates a sexually oriented business and/or his agent or employee commits a misdemeanor if he refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.
 10. The director shall suspend a permit and/or license for a period not to exceed 30 days if he determines that a permittee and/or licensee has:
 - a. Violated or is not in compliance with any section of this chapter; or
 - b. Refused to allow an inspection of the sexually oriented business premises as authorized by this section.
 11. Revocation. The director shall revoke a permit and/or license if he determines that:
 - a. A permittee gave false or misleading information in the material submitted as part of the application process.

- b. A permittee or an employee has knowingly allowed possession, use or sale of controlled substances on the premises.
- c. A permittee or an employee has knowingly allowed prostitution on the premises.
- d. A permittee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's permit and/or license was suspended or revoked.
- e. A permittee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted premises.
- f. On two or more occasions within a 12-month period, a person or persons committed an offense, occurring in or on permitted premises, constituting a specified criminal act for which a conviction has been obtained, and the person or persons were employees of the sexually oriented business at the time the offenses were committed. The fact that a conviction is being appealed shall have no effect on the revocation of the permit.
- g. A permittee is delinquent in payment to the county for any taxes or permit fees past due.

FF. ***Solid waste landfills.***

1. ***Sanitary landfills.***

- a. Sanitary landfills shall be located no closer than 1,000 feet from the nearest property line of any existing residential, recreational, religious, educational, medical or public use (measured in a straight line).
- b. A geotechnical engineering firm approved by the director shall render a written opinion that, in their best professional judgment, the formations being used to contain the waste are impermeable and that surrounding ground water sources will not be contaminated.
- c. The facility shall be enclosed by an opaque fence or wall structure on all sides visible from the street serving the facility and an opaque cyclone fence on the remaining unexposed boundaries. Said screen fencing shall be a minimum of six feet tall.
- d. A plan showing restoration of the site upon completion of the landfill use shall accompany the request.

2. ***Construction and demolition landfill.***

- a. A construction and demolition landfill may be located internally up to, but not closer than 300 feet from any property line, and no property line of a

landfill shall be located any closer than 300 feet from the nearest property line of a residential dwelling, school building, day care center, religious, recreational, or medical facility.

- b. No material shall be placed in open storage or areas in such a manner that it is capable of being transferred out by wind, water, or other causes.
- c. All materials and activities shall be screened in such fashion as not to be visible from off site. The provisions of this subsection may be waived by the director where such facility will be utilized for a period not to exceed 90 days. Screen fencing shall meet the opacity of a solid wall and be a minimum of six feet tall.
- d. A plan showing restoration of the site upon completion of the landfill use shall accompany the request.

GG. *Telecommunications towers.*

- 1. All new towers (including antennas) shall be designed to accommodate additional antennas equal in number to the applicant's present and future requirements.
- 2. All applicable safety code requirements shall be met.
- 3. Towers shall not be painted or illuminated unless otherwise required by state or federal regulations.
- 4. No tower shall be located in any marsh or wetlands.
- 5. No tower shall be located within 1,000 feet of an existing tower, except where the applicant certifies that the existing tower does not meet the applicant's structural or technical design requirements, or that a co-location agreement could not be obtained.
- 6. Towers shall be exempt from the maximum height requirements, except as provided in section 14.08-2.010(D)3.
- 7. Tower shall be located so adequate setbacks are provided on all sides to prevent the tower's fall zone from encroaching onto adjoining properties. Should this fall zone encroach onto another property, a recorded easement may be prepared and signed by the adjacent property owner to ensure that no structure will be built within the fall zone. If the tower is designed to collapse within a specified "fall-zone" this must be certified by a letter from a licensed professional engineer or the tower manufacturer.
- 8. Permit requirements for the erection or replacement of a tower shall be accompanied by the following:

- a. One copy of the tower specifications, including the design characteristics and materials.
- b. A site plan drawn to scale showing: property boundaries; tower location and height; guy wires and anchors; existing structures; fall zone; CGI generated images, photographs or elevation drawings depicting design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property (site plan not required for colocation on an approved existing structure).
- c. A map showing locations of applicant's tower, any existing towers within 1,000 feet, and proposed towers planned for the future.
- d. Identification of all owners of all antennae and equipment to be located on the site.
- e. Written authorization from the site owner for the tower.
- f. Evidence that a valid FCC license for the proposed activity has been issued.
- g. A line of sight analysis, drawing and/or CGI generated images showing the potential visual and aesthetic impacts on adjacent residential districts.
- h. A written agreement to remove the tower and/or antenna within 120 days after cessation of use.
- i. A certificate from a licensed professional engineer that the proposed facility and equipment will meet all FCC requirements, together with written indemnification of Colleton County and proof of liability insurance or financial ability to pay claims up to \$1,000,000.00 in the aggregate related to the operation of the facility, at no cost to the county.

HH. *Temporary/seasonal sales uses and structures.*

1. *General provisions for all temporary uses and structures.*

- a. The director or his designee is authorized to issue permits for temporary uses and structures specified in this section, including fireworks and Christmas sales. No temporary use may be established without receiving such permit and shall be valid for up to 30 days unless otherwise specified.
- b. Temporary use permits may be renewed no more than twice within one calendar year, for a total of three permitted use terms, provided use doesn't create traffic congestion or a nuisance to surrounding uses. Any temporary use creating a nuisance may have its temporary permit revoked by the director.
- c. Temporary uses and structures shall be removed from the site after the permit has expired.
- d. All temporary uses shall:
 - i. Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
 - ii. Be compatible with the principal uses taking place on the site;

- iii. Not have substantial adverse effects or noise impacts on any adjoining permanent uses or nearby residential neighborhoods;
- iv. Not include permanent alterations or in any way create damage to the site;
- v. Meet all the setbacks of the underlying base and any overlay zoning districts;
- vi. Comply with the maximum signage size for temporary signs;
- vii. Remove temporary signs associated with the use or structure after the activity ends;
- viii. Not violate the applicable conditions of approval that apply to a site or use on the site;
- ix. Not interfere with the normal operations of any permanent use located on the property; and
- x. Contain sufficient land area to allow the temporary use, structure, or special event to occur, and accommodate the associated parking, traffic movement, port-a-potties, and waste receptacles, without disturbing principal parking areas, traffic flows and/or environmentally sensitive lands.

2. ***Carnival, fair, circus, or special events.***

- a. The total amount of required off-street parking spaces shall be determined by the director. If shared parking for the event is co-located on a parcel with an active use during the event, a shared parking agreement shall be approved by the director prior to the event. The traffic management plan shall be approved by the director for any events with over 100 attendees that will enter and exit off of a local road or highway.
- b. All activities shall be located a minimum of 50 feet from all lot lines. Any concerts or events requiring amplified sound systems shall be approved in advance to be directed away from residential and medical uses and facilities. Any stages, raised platforms, or scaffolding shall require inspection approvals from the building department prior to the start of the event.
- c. Demonstrate compliance with SCDHEC regulations for food safety, sewage, trash, and wastewater disposal and/or removal from the site.
- d. Provide documentation on how electrical services will be provided to all food vendors, rides, attractions, and any other structures or devices which require additional electricity needs.
- e. Churches, places of worship, and/or religious institutions are exempt from the provisions of this section.

3. ***Seasonal agricultural sales.*** This includes the sale of such items as Christmas trees, pumpkins, seasonal produce, and similar agricultural products, may be permitted in accordance with the following standards:

- a. The property contains an area not actively used that will support the proposed temporary sale of products without encroaching into or creating a negative impact on existing vegetated areas, open space, landscaping, traffic movements, or parking.
 - b. The sale of goods shall not occur within the public right-of-way, or within 50 feet of a dwelling.
 - c. A minimum unobstructed pedestrian walkway of at least five feet in width along the front of the display shall be maintained in accordance with ADA Standards.
 - d. The range of goods or products available for sale shall be limited to products obtained primarily through farming or agricultural activities, including, but not limited to: grains and seeds; fruits; vegetables; nursery, floral, ornamental, and greenhouse products; forest products, including trees, Christmas trees, firewood, and pine straw; bees and bee biproducts; seafood; and dairy products. Processed/prepared food products shall not be considered agricultural products.
 - e. The itinerant sale of products from a vehicle that does not involve the display or short term storage of products on a property for a period of two days or longer, shall not be considered seasonal agricultural sales.
 - f. The seasonal sale of agricultural products shall be allowed to operate from 7:30 a.m. until 10:00 p.m.
 - g. Seasonal sales shall be allowed on an individual lot for no more than 120 days per calendar year.
 - h. When seasonal sales are not in operation, the stand shall be properly closed up and maintained.
 - i. Churches, places of worship, and/or religious institutions are exempt from the provisions of this section.
4. ***Temporary construction trailers.***
- a. Commercial construction trailers or equipment sheds used in conjunction with construction projects are allowed provided the following requirements are met.
 - b. Authorization to place a commercial construction trailer onto a development site may be granted after the preliminary plans for the development or phase have been submitted. Multiple construction trailers are allowed; however, no sales may occur from the construction trailers.

- c. Such construction trailers may be located at a commercial or residential building site where a valid building permit exists.
 - d. All construction trailers shall be located at least ten feet off of any street right-of-way.
 - e. For construction projects or residential subdivisions valued at more than \$1,000,000.00, one or more residential security guard houses may be installed which include sleeping, kitchen and full restroom facilities for overnight stay, provided the same conditions and requirements for construction trailers are met.
 - f. Authorization to relocate commercial construction trailers and/or residential guard houses from a completed phase to a future phase of the development may be approved by the director provided that the completed phase has received final approval for recording and no further improvements are required to close out that phase of work.
 - g. Authorization to relocate a construction trailer and/or guard houses to a future phase of development does not grant the developer the right to begin site improvements in the future phase unless the preliminary plat for the next phase of construction has been approved
5. ***Residential sales offices.***
- a. Temporary or permanent commercial structures located in a subdivision may be used as sales offices for the subdivision development.
 - b. Any temporary structure used as a sales office shall be located on a lot which is in compliance with the regulations of this chapter and meets all yard requirements for the applicable zoning district.
 - c. Five off-street parking spaces plus two spaces for sales employees shall be provided on the lot where the sales office is located.
 - d. A commercial trailer may be used as a temporary sales office, provided that the following conditions are met, as approved by the director:
 - i. The trailer shall have underpinning installed from the bottom of the walls to the ground.
 - ii. Landscaping shall be provided around the base of the trailer.
 - iii. At the completion of the sales in a tract, or two years from the date the temporary sales office began operation, whichever is sooner, said sales office shall cease operation unless the director determines that substantial progress is being made in the selling of the lots and/or homes in the subdivision. Extensions may be so authorized by the director as required. The temporary sales office structure shall be removed after its use as a sales office has terminated and the lot shall

be returned to a natural state, including the removal of any paved or graveled driveway and/or parking area used by the sales office. All remaining bare soil areas shall be returned to a natural vegetative state (reseeded or sodded) immediately after removal of the sales office and driveway/parking area.

6. ***Portable classrooms.*** Portable classrooms in any district for cultural, community, educational, or religious facilities are permitted for an indefinite period provided all required setbacks for the zoning district are met and the portable structure is located on the same site as the principal structure.
7. ***Tent sales and vendor sales from vehicles.*** Sale of commercial goods may be conducted within a tent or from a vehicle located on a lot with a legally established commercial principal use, provided the following criteria are met:
 - a. A temporary permit is obtained prior to erecting the tent or parking the vehicle for sales.
 - b. The tent or vehicle shall be located outside the normal flow of traffic and areas of ingress and egress.
 - c. The tent or vehicle shall be located on an improved surface such as asphalt or gravel, and not within areas devoted to required landscaping, tree protection, or open space.
 - d. The tent or vehicle shall be located to ensure the minimum number of required parking spaces for the principal use are maintained over the duration of the sale.
 - e. The tent sale shall not include any signage other than that allowable as temporary signage.
 - f. The hours of operation shall be from 7:30 a.m. until 10:00 p.m.
 - g. The total number of days allowed for tent or vehicle sales per lot shall be limited to a maximum of 15 total days per calendar year.
8. ***Yard and estate sales.***
 - a. Yard and estate sales may be conducted for a total of six days in any calendar year by civic or religious organizations, occupants of a residence, or in cooperation with neighbors for the purpose of selling household items.
 - b. One on-premises sign and three off-premises signs no larger than six square feet each may be displayed 24 hours in advance of the sale and removed within 24 hours after the sale ends. Signs shall not be located within the street right-of-way, or attached to street signs, trees or utility poles.

9. **Temporary emergency permits.**
 - a. **Individual emergency.** When a structure or building has been damaged or destroyed by fire, flood, wind or other forces major, and strict compliance with zoning permit requirements will impair the health and safety of the affected individuals or the security of the premises, the director may declare an emergency condition and grant a temporary administrative permit in accordance with the following requirements:
 - i. If the structure or building complies with all applicable requirements of this chapter, a nonrenewable, temporary administrative permit shall be issued for a period not to exceed one year.
 - ii. If the structure or building is a legal nonconformity, and less than 50 percent of the appraised value has been damaged or destroyed, a nonrenewable, temporary administrative permit shall be issued for a period not to exceed one year.
 - iii. If the use, structure or building is a legal nonconformity, and 50 percent or more of the appraised value has been damaged or destroyed, only emergency housing or the use of manufactured housing units for the conduct of emergency business operations while relocation efforts are in progress shall be allowed. The nonrenewable, temporary administrative permit shall be issued for a period not to exceed six months.
 - b. **Community emergency.** Where a major disaster affects the health, safety or welfare of the general public and compliance with zoning permit requirements will delay remedial action, the director shall be authorized, upon approval of the county administrator, to waive zoning permit requirements for a period of time.

ARTICLE 14.08-4. - LANDSCAPING, BUFFERING, AND ENVIRONMENTAL PROTECTION

Sections:

14.08-4.010. - Purpose and applicability.

14.08-4.020. - Landscaping types.

14.08-4.030. - Landscaping and screening installation, protection, and maintenance.

14.08-4.040. - Environmental Protection.

14.08-4.010. - Purpose and applicability.

This article regulates the protection, installation, and mandatory long-term management of trees and shrubs to minimize potential nuisances, such as visual impacts, noise, dust, odor, litter, and glare of lights, onto adjacent properties. The appropriate use of existing and supplemental landscaping enhances the appearance of developed properties with natural landscaping. Existing vegetation should be retained wherever possible.

14.08-4.020. - Landscaping types.

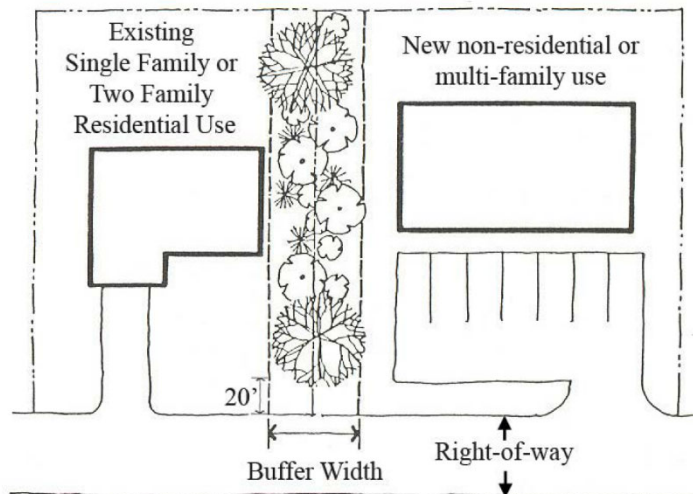
This section is designed to specifically address the application of landscaping to varying styles of development to enhance the appearance, health, and financial well-being of the community. The provisions are broken into four landscaping categories:

*	Buffers (Type A)
*	Street yards (Type B)
*	Parking lot landscaping (Type C)
*	Other Screening and landscaping (Type D)

A. Type A landscaping: Buffers.

1. **Applicability.** A buffer shall be required for all new commercial uses adjacent to any existing single or two-family residential use or adjacent to properties zoned RS, CC, VC, UD-1, UD-2, LID and ID. The expansion of a commercial use by more than 50 percent of building area or land area also requires compliance with this section.
2. **Buffer location, width, and composition.**
 - a. The buffer shall be located entirely on the property of the new or expanding use.

BUFFER LOCATION



- b. The buffer shall begin 20 feet back from the street right-of-way line and extend the length of the property line separating two uses, or 100 feet beyond the end of the use to be buffered.
- c. Type A landscaping functions as an opaque or solid screen with a minimum height of six feet.

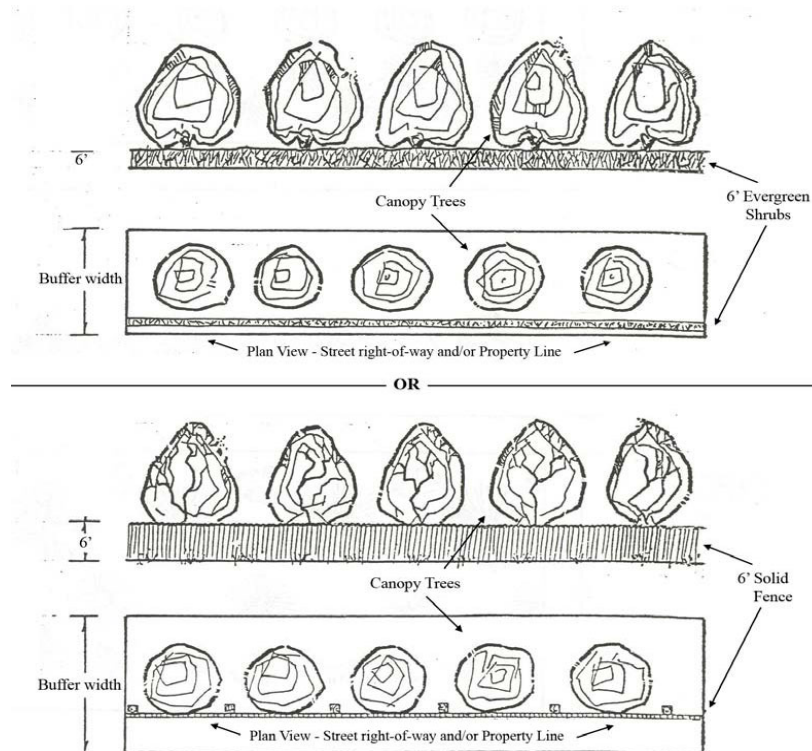
- d. Shrub plantings shall have no unobstructed openings wider than four feet. At least 75 percent of the required shrubs shall be native evergreen species.
- e. No buildings, parking areas, sanitary containers, utilities, or other paved areas may be located within the required buffer area. A buffer may be used for passive recreation and may be interrupted by access driveways, as long as the sight triangle is adhered to.
- f. Composition of the buffer area may include a wall, solid fence, landscaped berm, planted vegetation, existing vegetation, or any appropriate combination of these elements to be a minimum of six feet high as approved by the director.
- g. The use of existing vegetation to satisfy this requirement is encouraged. Supplemental planting may be required in addition to native materials to meet the screening and opacity requirements.
- h. The following table shows the minimum buffer width and composition for a new or expanding commercial use adjacent to an existing single or two-family residential use or property zoned RS, CC, VC, UD-1, UD-2, LID and ID.

New or Expanding Development Use	Minimum Buffer Width	Composition (per 100 linear feet)
Civic, institutional/government	10 feet	2 canopy* trees, 20 shrubs**
Commercial and Mixed-Use	15 feet	3 canopy* trees, 30 shrubs**
Industrial	30 feet	4 canopy* trees, 60 shrubs**

*If overhead power lines exist, then a minimum of two ornamental trees may be installed in lieu of each required canopy tree affected.

**A six-foot solid fence or wall may be used in lieu of shrubs for any buffer. Canopy or ornamental trees are still required.

TYPE 'A' LANDSCAPING BUFFER



B. Type B landscaping: Street yard.

1. Applicability.

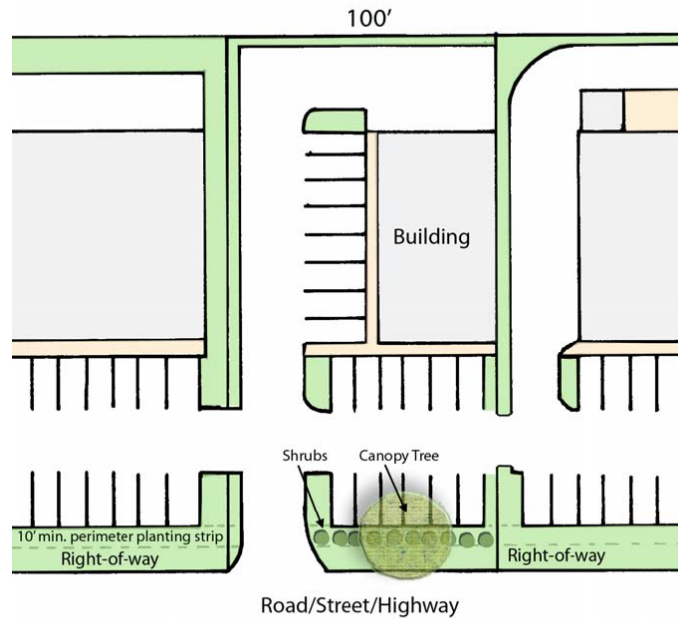
- a. A street yard shall be required for all new commercial uses within the CC, VC, UD-1, UD-2, LID and ID zoning districts. An expansion of an existing commercial use by more than 50 percent of building area or land area also requires compliance with this section.
- b. For districts in which a street yard is not required, landscaping complementary to the site and surroundings is required as approved by the director.

2. Street yard location, width, and composition.

- a. The minimum street yard width is eight feet. The street yard shall be located outside of the right-of-way and on the property side of any required sidewalks.
- b. The minimum height for Type B landscaping adjacent to the street right-of-way is two feet at maturity.
- c. No buildings, parking areas, sanitary containers, items displayed for sale, or utilities may be located within the required street yard area. Driveways may cross the street yard for access to the site.
- d. Composition of the Type B landscaping may include a wall, fence, planted vegetation, existing vegetation, or any appropriate combination thereof.

- e. Shrubs shall be planted at a minimum rate of ten shrubs per 100 linear feet of street frontage (minus driveways). At least 75 percent of the shrubs shall be native evergreen species.
- f. Street trees shall be planted outside the right-of-way within the street yard at a minimum rate of one large maturing (canopy) tree per 100 linear feet, or two small maturing (ornamental) trees in lieu of each required canopy tree where overhead power lines exist.

TYPE B - LANDSCAPING



(1 canopy tree per 100 linear feet or 2 ornamental and 10 shrubs)

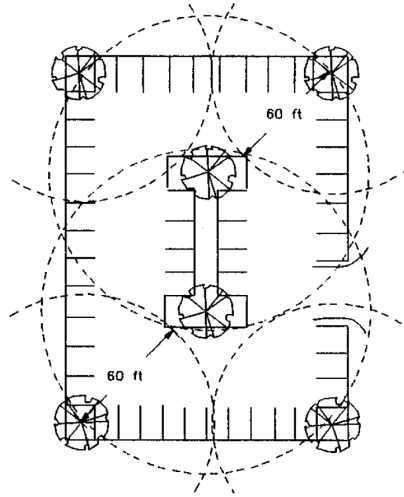
C. Type C landscaping (parking lot canopy).

1. Applicability.

- a. A parking lot canopy is required within all parking lots except automobile sales display areas in the CC, VC, UD-1, UD-2, LID and ID.
- b. Landscaping between the building and the parking area that is complementary to the site and surroundings is encouraged.

2. Location and composition.

- a. A minimum of one canopy tree shall be located within 60 feet of every parking space. The measurement shall be taken from the base of the tree.



- b. Canopy trees shall be planted in a manner that provides shade for parking areas at maturity. Two ornamental trees shall be used in lieu of each required canopy trees under power lines. The use of existing vegetation to satisfy this requirement is encouraged.
- c. Each planting area shall be a minimum of 49 square feet, with a minimum dimension of seven feet.

D. Type D - ***Other screening and landscaping.***

- 1. Screening shall be required for all open commercial or industrial storage areas (not devoted to retail sales) or trash containers of four or more cubic yards visible from any public street.
- 2. Screening shall be accomplished by an opaque or solid divide not less than six feet in height or the height of the object to be screened, whichever is greater.
- 3. Screening may be in the form of a berm, wall or fence, or an appropriate amount of landscaping as to provide the necessary amounts of screening as determined by the director to effectively screen the storage from view from any adjacent lot or street right-of-way. Chain-link fence with slats shall not be used to meet the requirement of this section.

14.08-4.030. - Landscaping and screening installation, protection, and maintenance.

A. ***Fence, wall, and berm standards.*** Whenever a fence, wall, or berm is being installed, whether part of a screen or not, they shall meet the following requirements:

- 1. Fences and walls must have the finished side facing outward. Fences shall be wooden, vinyl, wrought iron or a combination of these materials to achieve the opacity of a solid wall, as approved by the director. Chain-link fences and wood, plastic, or metal chain-link fence slats are expressly prohibited. However, a black

or green coated chain-link fence with evergreen hedges is acceptable. Fences shall not be tin, corrugated metal, plywood, wood pallets, or any plastic other than vinyl. Walls must be made of masonry materials such as poured concrete, rock, decorative block, concrete blocks covered with stucco, and/or brick.

2. No wall or fence used as part of a screen shall be less than six feet tall. All fences and walls are required to obtain a zoning permit prior to construction, regardless of height or location. Fences or walls taller than six feet and shorter than eight feet require a building permit prior to construction. Fences or walls taller than eight feet in height are required to obtain a height variance from the zoning board of appeals prior to obtaining a building permit to construct. The specific hardship, not created by the applicant, explaining why the height variance is being requested, must accompany the variance application.
3. It is the applicant's responsibility to ensure, for their own protection, that any fence or wall installed near property boundaries is being installed completely on their property, so as not to create an undue civil dispute between property owners. County Staff will not determine if a fence or wall is installed on the correct property, nor will they assist in any way in settling said dispute between parties. These disputes can only be solved by SC licensed surveyors and/or engineers as a civil matter.
4. Sight-Triangle and Visibility at Intersections. No fence, wall, berm or landscaping shall block a motorist's visibility, in any direction, from being able to safely see oncoming pedestrian, bicycle or motor vehicle traffic, when attempting to exit a property in accordance with the sight-triangle and visibility at intersections provisions outlined in paragraph H below.
5. Fence or wall "gate setbacks" required when fronting onto a street or road. Fence or wall gates that allow vehicles to enter or exit a property through a gate, off of a road or highway, require the gate to be setback a minimum of forty-five feet (45'-0") from the right-of-way line being crossed, to allow the vehicle and an attached trailer to safely pull completely off of the road or highway before stopping to open or close the gate, so as not to interfere with the flow of traffic on the road or highway.
6. Where a fence or wall is used as part of a required screen area, any required plantings accompanying the fence or wall shall be located on the street side of such fence or wall, opposite the new development.
7. All berms shall be grassed and/or planted with other plant materials sufficient to prevent soil erosion. If a specific height for the screen is required, this can be obtained by the berm itself, or a combination of the height of the berm plus the height of the planted vegetation needed to meet that overall height requirement, while also meeting the opacity of a solid fence or wall. No berm shall exceed a slope greater than one foot of rise for every three feet in plane. At least 75 percent

of any required shrubs shall be planted on the slope of the berm facing the street, opposite the new development.

- B. ***Existing vegetation.*** If existing vegetation is located on the property being developed and it meets the screening requirements for height, width and opacity, further plantings and or improvements shall not be required. If the existing vegetation is deficient in meeting the screening requirements, the developer shall make needed improvements and/or additions as required by the director.
- C. ***Plant standards and plant installation standards.*** The following standards shall apply to all new plant material installed as general landscaping or as part of a screen required under these regulations:
1. All plants and trees installed for general landscaping or as part of a screen fence shall be approved plants that are native to our area as defined by the American Nursery and Landscape Association's current edition of American Standard for Nursery Stock (ANSI Z60.1-2004).
 2. Invasive and/or exotic pest plants listed on the South Carolina Exotic Pest Plants website located at www.sc-eppc.org are expressly forbidden from being planted as part of the general landscaping or screen fence requirements, where doing so could result in fines levied against the property owner.
 3. The minimum required size for a canopy tree at planting shall be two-inch caliper and/or 12 feet in height.
 4. The minimum required size for an understory tree at planting shall be one and one half-inch caliper and/or eight feet in height.
 5. The minimum required large screening shrub shall be the seven gallon container size and/or four to five feet in height.
 6. The minimum required small screening shrub shall be the three gallon container size and/or 18 inches in height.
 7. No large maturing trees shall be planted within 20 feet of an electrical distribution line. This does not include insulated low-voltage lines of 240 volts or less or telephone or cable lines.
 8. All plants shall be installed free from disease, in accordance with generally accepted and recommended planting practices and in areas that ensure the availability of sufficient soil, water, air and sunlight needed to sustain healthy growth.
 9. No plants, and specifically no trees, shall be planted within an easement that could be intrusive to utilities, ingress/egress access to a property, or deleteriously impact proper drainage.

D. Landscaping maintenance.

1. The maintenance of all required landscaping shall be the responsibility of the property owner in order to fulfill the purpose for which it is established.
2. Debris and litter shall be picked-up, and berms, fences, and walls shall be maintained at all times.
3. Dead plants in the required landscaping shall be replaced promptly and during the growing season and all landscaping shall be protected from damage by erosion, motor vehicles, or pedestrians which could reduce its effectiveness.
4. Failure to maintain landscaping as outlined in this section shall constitute a code violation which could result in fines and/or imprisonment.

E. Tree protection.

1. Trees to be protected.

- a. Any tree, excluding pine trees, measuring 30 inches DBH (diameter breast height) shall constitute a "significant or protected tree" and shall be protected to the extent that no person shall directly or indirectly destroy or remove any tree in violation of the terms of this section.
- b. Ordinary cutting, trimming and maintenance of any tree, and/or the cutting or removal of any tree that the county shall certify as required for public safety is permissible.
- c. The provisions of this section shall apply only to developments that meet any of the following criteria:
 - i. Major subdivisions with lot sizes of less than one acre within the RS and UD-1 or UD-2 zoning districts.
 - ii. Commercial developments in the UD-1, UD-2, LID or ID zoning districts on lots of ten acres or more.

2. **Tree survey required.** As part of the application process for a subdivision preliminary plat or a commercial site plan approval, the applicant shall conduct a tree survey identifying the location of all significant or protected trees and said tree survey must accompany the preliminary plat or site plan review application packet. Said trees shall be shown on a survey plat and in the field be physically marked with brightly colored tape or other markings.

3. Site design for tree protection.

- a. The design of any commercial development or subdivision shall take into consideration the location of all significant protected trees identified on the tree survey. Lot and site design shall minimize the need to fell significant protected trees, and the site plan shall include the following:
 - i. Existing location and size of all significant protected trees;
 - ii. Significant protected trees to be removed;
 - iii. Significant protected trees to remain;
 - iv. Areas to be cleared;

v. All proposed development structures and improvements.

b. Where a zoning permit or subdivision approval has not been issued, the destruction of any significant tree, as defined by this section, without prior approval of the director shall be prohibited and constitute a code violation for every tree destroyed and for each day the violation has not been cured.

4. ***Tree and root protection during development.*** During development, a minimum protective zone, marked by barriers, shall be erected at the drip line and maintained around all trees to be retained. Protective zones may be modified from the drip line with an approved mitigation plan acceptable to the director. There shall be no construction, pouring of concrete, paving, grading, operation of equipment or vehicles, or storage of materials within this protected zone.

5. ***Tree replacement.*** Where significant trees have been approved to be removed as part of the zoning permit, or where removal is required due to acts of negligence, or where sites were cleared of significant trees in violation of this section, replacement trees shall be planted in accordance with either method (a.) or (b.) below as required by the director who shall specify the number, species, DBH, and location of replacement trees required:

a. Combined DBH of replacement trees is equal to the DBH of the trees removed; or

b. Individual replacement trees are of the largest transplantable DBH available.

F. ***Relief from landscaping requirements.***

In the event that hardships created by the property, and not created by the owner, prevent the strict application of the landscaping requirements from being fulfilled in their entirety, such as topography or an unusually shaped lot, the director may alter the requirements of this section provided the spirit and intent of this article are maintained. Should this occur, the applicant shall submit a plan to the director showing existing site features that would screen the proposed use, plus any additional screening materials the developer may propose to have installed. If the director agrees that the adjusted site plan does meet the intent of these requirements, then the adjusted landscaping shall be installed according to the approved site plan. The mere desire of an owner to make a more intensive use or generate more profits from a greater economic use of the property cannot be grounds for reducing the landscaping requirements, since only a hardship not created by the owner can be accepted.

G. ***Sight-Triangle and Visibility at intersections.*** No hedge, shrubbery, tree, natural growth, sign, fence, wall, or other obstruction of any kind to vision which prevents a motorist from safely seeing oncoming pedestrian, bicycle and/or vehicular traffic from either direction will be permitted between two feet and nine feet above the center of the street where the projection of the sight triangles intersect the centerline of the street, in accordance with section 14.08-2.010, subsection D – general

provisions, paragraph (2)(g). In instances where SCDOT sight triangle provisions are applicable, such regulations shall prevail.

14.08-4.040. - Environmental protection.

A. *Environmental buffers.*

1. A riparian buffer setback of not less than 30 feet or one-third the depth of a lot or parcel, whichever is less, shall be provided along the banks of all streams, rivers and shorelines. The buffer setback area for tidal waters shall be measured from the mean high tide line. The buffer setback area for rivers and streams shall be measured from the point on a sloped bank where natural vegetative growth begins, or from the edge of the bank if the bank is steep and elevated vertically above the surface of the water.
2. The buffer area shall remain undeveloped except for piers, docks, utilities, and pervious access paths to the water, as approved by FEMA and Chapter 13.12.

ARTICLE 14.08-5. - PARKING

Sections:

14.08-5.010. - Purpose and applicability.

14.08-5.020. - Parking lot surface materials.

14.08-5.030. - General design provisions for parking lots.

14.08-5.040. - Parking ratios.

14.08-5.050. - Shared parking and parking connectivity.

14.08-5.060. – Standard parking dimensions.

14.08-5.070. – Loading area requirements.

14.08-5.080. – Parking lot maintenance.

14.08-5.090. – Commercial driveways.

14.08-5.010. - Purpose and applicability.

- A. The purpose of this article is to ensure adequate and well-designed parking is provided for new developments.
- B. This article applies to all new commercial developments and the expansion of existing parking areas by more than 50%. Single and two-family residential uses are subject to the minimum parking requirements of section 14.08-5.040(A).

14.08-5.020. - Parking lot surface materials.

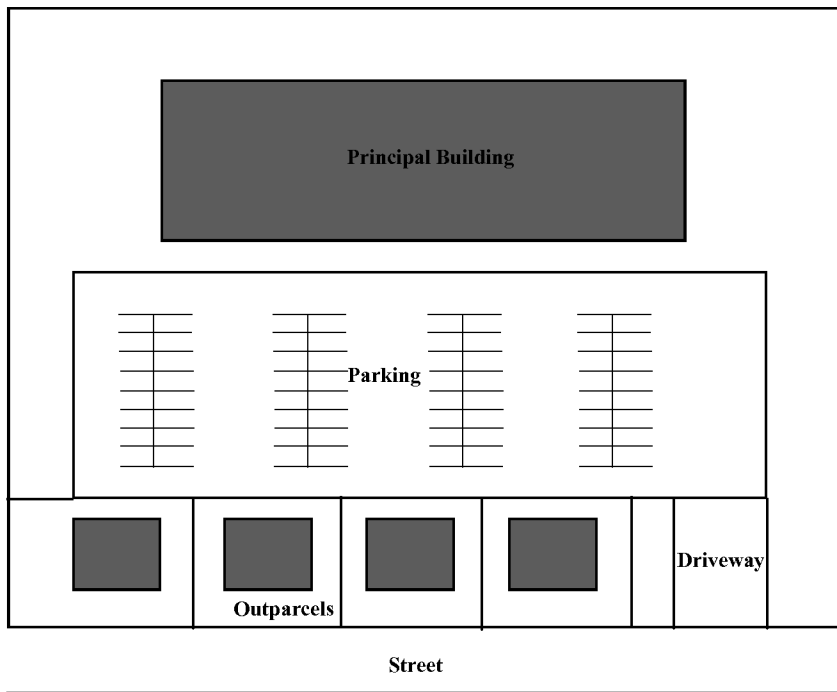
- A. All primary front yard off-street commercial parking areas with more than ten spaces shall be paved with concrete, asphalt, County Engineer approved semi-pervious pavers, or other similar material(s). All other parking areas secondary to the primary parking areas, or any parking areas smaller than ten spaces may use gravel, crushed stone, or other County Engineer approved materials, so long as the materials are confined to the parking area, the driveway aprons and access to the site are paved and

installed in accordance with SCDOT requirements on state roads, and the handicapped parking spaces are provided in accordance with ADA Standards. Curb and gutters are optional.

- B. Paved parking areas shall have permanent lines demarcating each parking space.
- C. Where less than 20 parking spaces are required, places of worship may use grass as the parking surface, otherwise the requirements outlined in paragraph ‘A’ above shall apply.

14.08-5.030. - General design provisions for parking lots.

- A. A maximum of two rows of parking spaces may be located in the front yard of the principal building and all other parking shall be located in the rear or side yards. For large-scale developments with large parking areas, parking may be shared and screened with outparcel buildings as shown in the diagram below:



- B. Off-street parking shall be provided on the same lot as the corresponding principal use.
- C. Off-street parking and loading spaces, not to include parking structures, are permitted in all required yards and setback areas, but no closer than five feet to a residential property line and two feet to any other property line, where no required landscape buffers are required.
- D. Off-street parking areas shall be designed to facilitate large sanitation, emergency, and delivery type vehicles.

- E. Off-street parking areas shall be designed to prevent parked vehicles from: parking on or backing onto public rights-of-way, sidewalks or adjacent property; or, hitting any fence, wall, vegetation, utility, or structure.
- F. The size of any single surface parking area shall be limited to a maximum of three acres, unless divided by a street, building, or a landscaped area a minimum of ten feet wide.
- G. No surface parking or circulation driveway is permitted within any required buffer area.
- H. A stormwater management plan shall be provided to minimize off-site stormwater runoff, and not drain into or across public sidewalks or an adjacent property, except into a natural watercourse or a drainage easement. In areas where this condition may be impossible to meet, the director may exempt the developer from this requirement, provided that adequate provision is made for stormwater detention. Stormwater retention is prohibited.
- I. Adequate lighting shall be provided for off-street parking areas used at night. Lighting shall be arranged so that light does not trespass onto, or interfere with traffic or adjacent residential properties.
- J. All off-street parking areas shall be landscaped in accordance with section 14.08-4.020(C).
- K. Bicycle racks are encouraged for all parking areas with more than 50 spaces, and they may be placed in the front yard.
- L. Adequate vehicle storage for drive-thru lanes shall be provided on-site to prevent vehicles from backing up into any street, public rights-of-way or adjacent properties during peak business hours.

14.08-5.040. - Parking ratios.

A. *Parking ratios by use.*

- 1. The following are the recommended parking ratios for the uses indicated, except as shown as required. For all other uses, a Parking Plan prepared by a licensed professional engineer, as approved by the director, will be accepted in lieu of the following parking ratios:

Use	Minimum
Single-family and two-family residential (attached and detached)	2 per dwelling unit (required)
Multi-family residential	1 per bedroom

Residential care facilities and hospitals	1 per 3 beds
Commercial (office and retail)	1 per 300 square feet gross floor area
Restaurants	1 per 4 seats
Nightclubs and bars	1 per 75 square feet
Warehousing/industrial	0.25 per 1,000 square feet gross floor area
Hotel/motel/inn	1 per room
Government buildings	1 per 300 square feet
Civic and public assembly uses (not including schools)	1 per 4 seats
Day care centers	1 per 10 children and 1 per employee
Elementary and middle schools	1.5 per classroom
High schools and colleges	10 spaces per classroom
Drive-through (queuing/storage lanes)	The sufficient number of car lengths of vehicle storage needed to prevent back-up into the street during peak business hours, as determined by an engineered Parking Plan, as approved by the director.
Other	An engineered Parking Plan or the minimum of the most similar use(s) as determined by the director.

2. The director can authorize a reduction to the minimum number of parking spaces required if the applicant can demonstrate through an engineered Parking Plan that the number of required spaces is excessive.
3. Where more than one principal use will exist to use the same parking area, an engineered Parking Plan shall be submitted for approval by the director, to indicate the true number of parking spaces needed for all uses, taking into consideration the peak use hours for all uses, to prevent an underutilized sea of asphalt for the majority of time the parking area is used. Please reference Section 14.08-5.050 - Shared Parking and parking connectivity below.

B. *Parking spaces for the physically disabled.*

1. All commercial uses shall provide the following number of disabled parking spaces and van-accessible disabled parking spaces:

Total Number of Standard Parking Spaces Required	Minimum Number of Disabled Parking Spaces Required	Minimum Number of Van-Accessible Disabled Parking Spaces Required
1—25	1	1

26—50	2	1
51—75	3	1
76—100	4	1
101—150	5	1
151—200	6	1
201—300	7	2
301—400	8	2
401—500	9	2
500+	2% of required total	

2. The number of disabled spaces shall be in addition to those standard spaces required.
3. A minimum of one van-accessible disabled parking space shall be required, plus an additional one for each additional eight (8) regular disabled parking spaces required.
4. All off-street disabled parking spaces, signage, curb-cuts and ramps shall be designed and located in accordance with the current ADA Design Standards.

14.08-5.050. - Shared parking and parking connectivity.

- A. **Shared parking.** The joint use of shared off-street parking between two or more uses may be made by contract between all participating uses, as approved by the director, and it shall include at a minimum: a parking plan prepared by a licensed professional engineer; the days and hours of operation and peak hours for all uses; any overflow parking areas that may be utilized; any conflicts in usage time between the uses; and, how any conflicts shall be resolved.
- B. **Parking connectivity.** Adjacent parking lots shall be interconnected except where topographical issues prevent it. Each participating interconnected parking area may reduce their minimum required parking by five percent. Reductions in excess of five percent shall require a parking plan prepared by a licensed professional engineer.

14.08-5.060. – Standard Parking dimensions.

- A. **Parking space dimensions.**
 1. Each standard parking space, shall be a minimum of 19 feet long by nine (9) feet wide.

2. Ten percent of the total number of spaces may be compact spaces measuring 18 feet long by 8.5 feet wide.
3. Parallel spaces shall measure no less than 24 feet long by nine (9) feet wide.

B. **Parking lot dimensions.** The following are dimensional standards for all required parking areas:

	Angle of Parking Spaces				
Aisle Direction	0 (parallel)	30	45	60	90 (perpendicular)
One-way	13 feet wide	14 feet wide	18 feet wide	20 feet wide	24 feet wide
Two-way	19 feet wide	20 feet wide	21 feet wide	23 feet wide	24 feet wide

14.08-5.070. - Loading area requirements.

- A. All uses shall provide off-street loading space sufficient for their requirements and arranged so that no vehicle shall project onto a public right-of-way or sidewalk.
- B. Off-street loading/unloading space shall be located on the same lot as the structures they serve.
- C. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, and vice-versa.
- D. Each loading space shall be a minimum of 12 feet wide by 40 feet in length and have a minimum vertical clearance of 14 feet.

14.08-5.080. - Parking lot maintenance.

Off-street parking areas shall be properly maintained and kept in good condition (free from potholes, etc.) with all parking space lines or markings kept clearly visible and distinct.

14.08-5.090. – Commercial Driveways.

- A. Where required, landscaping, curbing, or other approved barriers shall be located along boundaries to control vehicle and pedestrian ingress and egress. Off-street parking areas shall be designed so that movement onto a public street is in a forward motion. Ingress and egress driveways to public streets must be located at least 50 feet, measured along the curblines, from the intersection of the nearest curblines.
- B. Driveways shall be no less than twelve feet wide for one-way traffic and 20 feet wide for two-way traffic.
- C. Fourteen-foot-wide driveways are permissible for two-way traffic when:
 1. The driveway is not longer than 50 feet;
 2. The driveway provides access to not more than five parking spaces; and

3. Sufficient turning radius and storage area is provided so no vehicles back onto a public street.
- D. In no case shall a driveway width exceed 36 feet, except as required by SCDOT.
 - E. Driveways shall be as nearly perpendicular to the street right-of-way as possible and in all instances the sight triangle shall be maintained.
 - F. Driveways are encouraged to line up with driveways across the street and be shared between adjacent uses wherever possible.

ARTICLE 14.08-6. - SIGNS

Sections:

14.08-6.010. - Purpose and applicability.

14.08-6.020. - General provisions.

14.08-6.030. - Sign type descriptions.

14.08-6.040. - Signs allowed by zoning district and special requirements. Signs not specifically listed in a category in Article 6 as an approved sign type are expressly prohibited.

14.08-6.050. - Sign requirements by type.

14.08-6.060. - Prohibited signs.

14.08-6.010. - Purpose and applicability.

- A. This article regulates and controls signs and their placement throughout the county for the following purposes:
 1. To provide an aesthetically pleasing environment which is vital to the economic attractiveness of the county;
 2. To create a more productive, enterprising, and professional business atmosphere;
 3. To allow signs appropriate to the planned character and development of each zoning district;
 4. To ensure that permitted signs do not become a hazard or nuisance;
 5. To maintain the sight triangle and otherwise promote traffic, bicycle and pedestrian safety;
 6. To prevent business and advertising signs from conflicting with public safety signs;
 7. To prevent the overcrowding of land;
 8. To facilitate fire and police protection;
 9. To protect and enhance the value of properties; and
 10. To promote the public safety and general welfare of the residents.
- B. The provisions of this article shall apply to the construction, erection, alteration, demolition, use, type, number, location, size, height, and maintenance of all signs. For all signs requiring a permit, it shall be unlawful for any person to erect,

construct, demolish, enlarge, move, remove, or replace any sign, without first obtaining a sign permit from the planning and development department.

14.08-6.020. - General provisions.

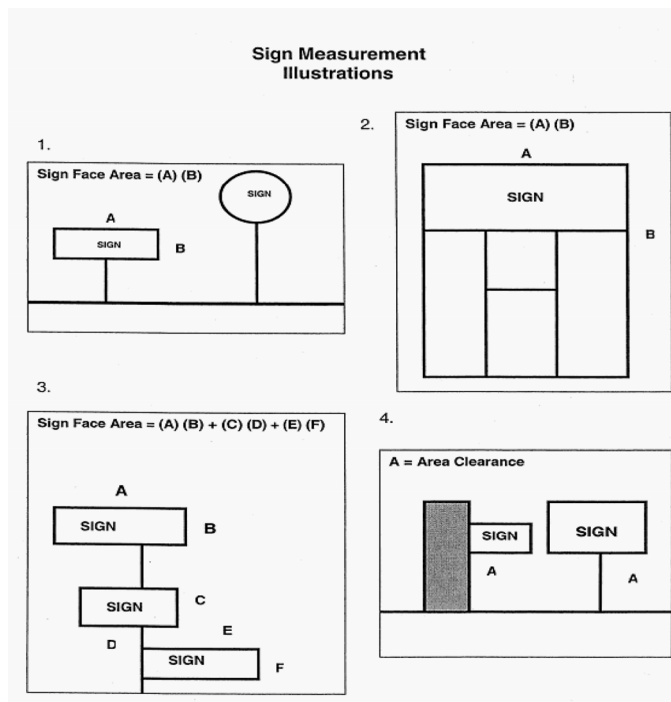
A. *Sign design guidelines.*

1. No sign shall be located within a sight (visibility) triangle as defined by this chapter.
2. When a sign extends over an area where vehicles travel or park, the bottom of the sign structure shall be at least 14 feet above the ground.
3. When a sign extends over a sidewalk, walkway, or other space accessible to pedestrians, the bottom of the sign structure shall be at least eight feet above the ground.
4. Signs shall be constructed in accordance with all applicable provisions of the current building and electrical codes, and consist of durable all-weather materials.
5. Images, logos, graphics, etc., painted on permanent signs or buildings must be performed in a professional and aesthetically pleasing manner. Permits for painted signs will only be issued to companies who are engaged as professional sign painters.
6. Stacked or double-decked sign faces or side-by-side sign faces shall not be permitted except within 600 feet of the I-95 right-of-way.
7. Illuminated signs shall not directly shine on abutting properties, simulate traffic control devices or emergency vehicles, intermittently switch on and off, change in intensity or color, or otherwise create the illusion of flashing or movement. A commercial sign within 100 feet of an existing residential structure shall not be illuminated between the hours of 10:00 p.m. and 6:00 a.m.
8. Billboards are required to be setback no less than ten feet from any property line while all other signs are to be setback no less than five feet, and in no instance shall any part of any sign overhang across a property boundary or obstruct the sight triangle.

B. *Sign measurements.*

1. The area of a sign is determined by the outer dimensions of the frame or cabinet surrounding the sign face (Illustration 1). Sign area does not include foundations or supports. Only one side of a double-faced or V-shaped, freestanding sign is counted.
2. For signage without a frame, the sign area shall include every portion of the sign that contains a sign display, symbol, or decoration.

3. For signs constructed of individual pieces attached to a wall, sign area is determined by a perimeter drawn around all the pieces (Illustration 2).
4. For signs containing multiple signage, the sum area of all signage on one side only is counted as one sign face (Illustration 3).
5. The maximum surface area visible at one time on a round or three-dimensional sign is the sign area.
6. For signs incorporated into awnings, #2 above applies by measuring the perimeter of the sign display, symbol, or any decorations.
7. Clearances are measured from the ground directly beneath the sign to the bottom of the sign structure (Illustration 4).



C. Common signage plan required.

1. A common signage plan shall be required for any sign permit involving:
 - a. Two or more contiguous lots or parcels under the same ownership;
 - b. A single lot or parcel with more than one principal use or building or where multiple lots exist which allows for one free-standing sign per lot; and
 - c. A PDD (planned development district) project.
2. The plan shall contain all information required for sign permits generally and all signs shall be consistent with regard to:
 - a. Lettering or graphic style;

- b. Lighting;
 - c. Location of each sign on the buildings;
 - d. Materials; and
 - e. Sign proportions.
3. A common signage plan shall allow a total of one freestanding sign for each lot on each side of each lot which has street frontage.
 4. Once approved by the director, the common signage plan shall become binding on all participating businesses and uses, but it may be amended by filing a revised plan in conformance with the requirements of this chapter.
 5. All common signage plans for properties which contain existing signs shall include a schedule for bringing any nonconforming signs into compliance within three years.
- D. ***Maintenance and upkeep of signs.*** All signs and their components shall be kept in a good state of repair, in compliance with all building and electrical codes, and in conformance with the requirements of this chapter (unless deemed a legal nonconforming sign by article 14.08-9). Any sign determined to be unsafe shall require the property owner to be notified and directed to immediately remove the sign or bring it into compliance.

14.08-6.030. - Sign type descriptions.

A sign is any communication device, structure, or fixture that incorporates graphics, symbols, or written copy intended to promote the sale of a product, commodity, or service, or to provide direction or identification for a premises or facility. The following are descriptions of the different types of signs regulated by this article:

- A. ***A-frame sign (sandwich board).*** A temporary ground sign with two sides attached at the top with hinges that allows the bottom to open up away from each other.
- B. ***Animated sign.*** Temporary signage that uses movement or change of lighting to depict action or creates a special effect or scene.
- C. ***Awning sign.*** Permanent Signage painted onto or attached to a fabric or canvas awning.
- D. ***Banner.*** Temporary signage made of fabric or canvas advertising a special sale or event. A banner may be placed on a building wall or on freestanding stakes or fences.
- E. ***Billboard (off-premises sign).*** A large permanent sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than where the sign is located. These are typically located along interstates and major highways.

- F. **Building sign.** Any permanent sign attached directly to any part of a building.
- G. **Canopy sign.** A permanent sign that is mounted or painted onto or attached to a canopy.

CANOPY SIGN



- H. **Changeable copy sign.** A temporary or permanent sign or portion thereof with interchangeable characters, letters or illustrations that are changed manually or electronically. Signs with messages that change more than eight times per day are considered animated signs for purposes of this article. Signs where only the time and temperature portion of the sign change are not changeable copy signs for purposes of this article.
- I. **Construction sign.** A temporary sign indicating that a construction project is taking place which may include the contractor's information and information about the construction project.
- J. **Government sign.** A temporary or permanent sign posted by local, state, or federal agencies which provide information to the community, including regulatory, traffic, welcome, and wayfinding signs, community bulletin boards, and directory signs.
- K. **Statuary or Facsimile sign.** A permanent three-dimensional object, molded or sculpted to look like an animal, a human figure, or some inanimate object like a donut or an automobile part, which may or may not contain advertising or information about the products or services sold on the premises.

STATUARY SIGN



- L. ***Freestanding on-premises signs.*** Any permanent, elevated, stand-alone and self-supporting sign located on the same property as the establishment being advertised that is not affixed to a building. An elevated sign supported by a pole is a common freestanding on-premises sign.

FREESTANDING ON-PREMISES SIGN



- M. ***Identification signs.*** A permanent sign giving the nature, logo, trademark, or other identifying symbol; address; or any combination thereof for a building, business, development, or establishment on the same property.

IDENTIFICATION SIGN



- N. ***Illuminated sign.*** A temporary or permanent sign that is illuminated either internally or externally.
- O. ***Incidental sign.*** A permanent informational sign, such as "no parking," "entrance," "loading only," "telephone," and other signs that provide similar directives, which don't contain a commercial message.
- P. ***Inflatable sign.*** A temporary three-dimensional object, filled or inflated with air or gas, which may or may not contain commercial advertising that is used to attract attention.

INFLATABLE SIGN



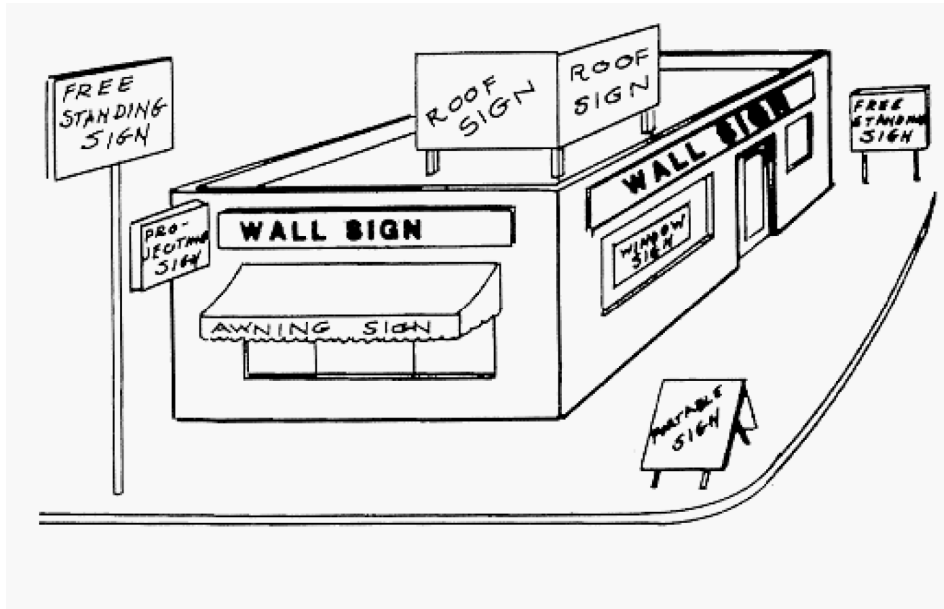
- Q. **Legal/warning sign.** A permanent sign erected to warn of danger or hazardous conditions or required or specifically authorized for a public purpose by any law, statute or ordinance, such as “No Trespassing”, “Private Property” and/or “Towing Enforced”.
- R. **Marquee signs.** A permanent sign painted onto or attached to a marquee (i.e., a movie theater).
- S. **Neighborhood identification sign.** A permanent sign identifying the name and located at the entrance of a residential subdivision or neighborhood.

NEIGHBORHOOD IDENTIFICATION SIGN



- T. **Occupant/street number sign.** A permanent sign affixed to a structure, mailbox, driveway entrance, etc., which serves to identify the address of the structure or occupant.
- U. **Pennant.** Any lightweight flexible material, which may or may not contain commercial advertising, attached along the length of a rope or wire, designed to move in the wind as a temporary attention-getting device.
- V. **Permanent sign.** A permanent sign attached to a building, structure or the ground made of materials intended to last for long-term use.
- W. **Political sign.** A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election or referendum.
- X. **Portable sign.** A temporary sign designed to be transported, but not limited by means of wheels.

- Y. **Poster sign.** A small temporary sign advertising a business or commodity off-premises that is intended to be read by pedestrians.
- Z. **Projecting sign.** A permanent sign supported by a building that projects outward more than 12 inches.
- AA. **Real estate sign.** A temporary sign advertising a property for sale or lease.
- BB. **Roof sign.** A permanent sign mounted on the roof of a building.
- CC. **Unspecified, temporary sign.** Any temporary sign that cannot be classified as another type of sign that is used for only a short period of time which is not permanently mounted.
- DD. **Vehicular sign.** A temporary sign not permanently attached to a vehicle parked in a manner solely to attract attention. Magnetic, painted on or wraps and other signs on vehicles are not covered or enforced by these regulations.
- EE. **Wall sign.** Any permanent sign which displays only one sign face that is attached to a wall of a building.
- FF. **Window sign.** A temporary sign attached to or visible through a window from outside the building.



14.08-6.040. - Signs allowed by zoning district and special requirements. Signs not specifically listed in any category in Article 6 as an approved sign type are expressly prohibited.

A. *Noncommercial signs allowed in all zoning districts without a permit.*

1. Government signs.
2. Identification signs.
3. Incidental signs.
4. Legal and warning signs.
5. Occupant/street number signs.
6. Political signs (temporary)
7. Posters (temporary).
8. Real estate (temporary)

The maximum sign display area for all on-premises signs in the unincorporated areas of Edisto Island shall not exceed 50 square feet, regardless of the zoning district.

B. *There is no height limit for any freestanding or billboard sign within 300 feet of I-95.*

C. *Resource Conservation (RC-1 and RC-2).*

1. ***Signs allowed without a permit.***
 - a. Unspecified temporary signs.
 - b. Window signs.
2. ***Signs allowed with a permit.***
 - a. Canopy signs.
 - b. Freestanding on-premises signs (excluding billboards).
 - c. Neighborhood identification signs.
 - d. Wall signs.
3. ***Sign characteristics allowed.***
 - a. Changeable copy.
 - b. Illuminated.

E. *Rural Development (RD-1 and RD-2).*

1. ***Signs allowed without a permit.***
 - a. A-frame signs (temporary).
 - b. Pennants (temporary).
 - c. Portable (temporary).
 - d. Unspecified temporary signs.
 - e. Window signs.
2. ***Signs allowed with a permit.***
 - a. Banner (temporary).
 - b. Canopy signs.

- c. Freestanding on-premises signs
- d. Marquee signs.
- e. Neighborhood identification signs.
- f. Projecting signs.
- g. Wall signs.
- h. Billboard signs. (within 300 feet of I-95 only).

3. ***Sign characteristics allowed.***

- a. Changeable copy.
- b. Illuminated.

F. ***Suburban Residential (RS).***

1. ***Signs allowed without a permit.***

- a. Construction signs for residential projects (temporary).

2. ***Signs allowed with a permit.***

- a. Neighborhood identification signs.

3. ***Sign characteristics allowed.***

- a. Illuminated.

G. ***Community Commercial (CC) and Village Commercial (VC).***

1. ***Signs allowed without a permit.***

- a. A-frame signs (temporary).
- b. Inflatable signs (temporary).
- c. Pennants (temporary).
- d. Portable (temporary).
- e. Unspecified temporary signs.
- f. Window signs.

2. ***Signs allowed with a permit.***

- a. Banner (temporary).
- b. Billboards.
- c. Canopy signs.
- d. Freestanding on-premises signs.
- e. Marquee signs.
- f. Neighborhood identification signs.
- g. Projecting signs.
- h. Roof Signs
- i. Wall signs.

3. ***Sign characteristics allowed.***

- a. Changeable copy.
- b. Illuminated.

H. ***Urban Development (UD-1 and UD-2).***

1. ***Signs allowed without a permit.***
 - a. A-frame signs (temporary).
 - b. Inflatable signs (temporary).
 - c. Pennants (temporary).
 - d. Portable (temporary).
 - e. Unspecified temporary signs.
 - f. Window signs.

 2. ***Signs allowed with a permit.***
 - a. Banner (temporary).
 - b. Billboards.
 - c. Canopy signs.
 - d. Freestanding on-premises signs.
 - e. Marquee signs.
 - f. Neighborhood identification signs.
 - g. Projecting signs.
 - h. Roof signs.
 - i. Wall signs.

 3. ***Sign characteristics allowed.***
 - a. Animated.
 - b. Changeable copy.
 - c. Illuminated.
- I. ***Industrial (ID) and Light Industrial (LID).***
1. ***Signs allowed without a permit.***
 - a. Window signs.

 2. ***Signs allowed with a permit.***
 - a. Canopy signs.
 - b. Freestanding on-premises signs.
 - c. Marquee signs.
 - d. Projecting signs.
 - e. Wall signs.
 - f. Roof Signs
 - g. Billboards.

 3. ***Sign characteristics allowed.***
 - a. Changeable copy.
 - b. Illuminated.

14.08-6.050. - Sign requirements by type.

A. *Permanent signs.*

1. *Billboards:*

- a. Maximum area: 378 sq. ft. (672 sq. ft. within 300 feet of I-95).

- b. Maximum height: 36 feet (no height limit within 300 feet of I-95, and where allowed by zoning district).
- c. Maximum number: one sign per 700-foot radius.

2. **Building signs:** (includes canopy, marquee, projecting, roof, wall signs, and permanent window signs).

- a. Maximum area by district: (see table below)

Zoning District	Maximum Area
RC-1, RC-2, RD-1 and RD-2	10% of wall area
CC, VC, UD-1, UD-2, ID and LID	25% of wall area

- b. **Maximum height (for roof signs):** 12 feet above highest point of roof.
- c. **Maximum number:** The number of signs is limited only by the maximum allowable sign area.

3. **Freestanding on-premises signs.** (Billboards are not considered freestanding signs for this Article)

- a. **Maximum area by district: ***

Zoning District	Maximum Area
RC-1 and RC-2	24 sq. ft.
RD-1 and RD-2	80 sq. ft.
CC and VC	72 sq. ft. + 12 per tenant up to combined total of 144 sq. ft.
UD-1 and UD-2	1 square foot per linear foot of street frontage up to a total of 120 sq. ft.
ID and LID	120 sq. ft.

* Special Exception approval required where sign area thresholds are requested to be exceeded.

- b. **Maximum height by district: ***

Zoning District	Maximum Height **
RC-1 and RC-2	24 feet
RD-1 and RD-2	24 feet
CC and VC	36 feet
UD-1 and UD-2	36 feet
ID and LID	36 feet

* No height limit for billboard or freestanding signs within 300 feet of I-95, and where allowed by zoning district.

** Special Exception approval required where height thresholds are requested to be exceeded with justification.

- c. **Maximum number:** One per street frontage of developed lot, except as allowed for common signage plans where multiple lots exist.

4. ***Neighborhood identification signs.***

- a. **Maximum area:** 32 sq. ft (area may be split between two signs on either side of entrance).
- b. **Maximum height:** Six (6) feet tall.
- c. **Maximum number:** One per street frontage entrance, except maximum area may be split between two signs on either side of the entrance.

B. ***Temporary signs.***

1. ***A-frame signs.***

- a. **Maximum area:** 12 sq. ft.
- b. **Maximum height:** Four (4) feet tall.
- c. **Maximum number:** One per business per street frontage.
- d. **Display period:** During daylight hours only, every day.
- e. **Other:** Signs on sidewalks shall not obstruct ADA or pedestrian traffic.

2. ***Banners.***

- a. **Maximum area:** 32 sq. ft.
- b. **Maximum height:** Six (6) feet tall if not displayed on a building wall.
- c. **Maximum number:** One per business or organization per street frontage.
- d. **Display period:** 30 days per six-month period.
- e. **Other:** Banners shall be properly secured and maintained at all times.

3. ***Project identification signs.***

- a. **Maximum area:** 120 sq. ft.
- b. **Maximum height:** Ten (10) feet tall if not displayed on a building wall.
- c. **Maximum number:** One per project or business per street frontage.
- d. **Display period:** 90 days, or project completion, whichever is longer.
- e. **Other:** None.

4. ***Inflatable signs.***

- a. **Maximum size:** 500 cubic feet (total).
- b. **Maximum height:** Maximum district height.
- c. **Maximum number:** One per business or organization per street frontage.
- d. **Display period:** 30 days per one-year period.
- e. **Other:** Shall be properly anchored and not interfere with airport traffic.

5. ***Pennants.***

- a. **Maximum area:** N/A.
- b. **Maximum height:** N/A.
- c. **Maximum number:** N/A.

- d. Display period: 30 days per six-month period.
 - e. Other: None.
6. ***Political signs.***
- a. Maximum area: 32 sq. ft.
 - b. Maximum height: Six (6) feet tall.
 - c. Maximum number: One per candidate or issue per lot of record.
 - d. Display period: Calendar year of election; shall be removed within seven days of dropping out of election, losing a primary, or after general election.
 - e. Other: Shall not be displayed on utility poles and shall be placed no closer than five feet from a street or curb.
7. ***Portable.***
- a. Maximum area: 32 sq. ft.
 - b. Maximum height: Six (6) feet tall.
 - c. Maximum number: One per establishment or event per lot of record.
 - d. Display period: 30 days per one-year period.
 - e. Other: Portable signs shall have no colored or flashing lights, or be wired to obstruct ADA, pedestrian, bicycle or vehicular traffic, and they shall be anchored in accordance with the building codes.
8. ***Posters.***
- a. Maximum area: Six (6) sq. ft.
 - b. Maximum height: Three (3) feet tall if not displayed on a building wall.
 - c. Maximum number: One per candidate or issue per lot of record.
 - d. Display period: 30 days.
 - e. Other: Shall not be displayed on utility poles or in any public right-of-way and shall be placed no closer than five feet from a street or curb.
9. ***Real estate signs.***
- a. Maximum area: 12 sq. ft. for single and double-family residential properties and 24 sq. ft. for commercial properties and subdivisions.
 - b. Maximum height: Six (6) feet tall.
 - c. Maximum number: One per street frontage per lot or development and, three off-premises signs.
10. ***Unspecified temporary signs.***
- a. Maximum area: Six (6) sq. ft.
 - b. Maximum height: Four (4) feet tall if not displayed on a building wall.
 - c. Maximum number: Six (6) signs per lot.
 - d. Display period: Ten days per month.
 - e. Other: None.

11. **Window signs (temporary).**
 - a. Maximum area: 50 percent of window.
 - b. Maximum height: N/A.
 - c. Maximum number: N/A.
 - d. Display period: N/A.
 - e. Other: None.

14.08-6.060. - Prohibited signs.

- A. **List of prohibited signs.** All signs not expressly permitted by this article are prohibited. Such signs include but are not limited to:
1. Signs painted on or attached to trees, fences posts, utility poles, stationary vehicles, or natural features.
 2. Signs displaying intermittent flashing or rotating lights resembling traffic signals, emergency response vehicles, or warning signals, using the words "stop," "danger," or any other word, phrase, symbol, or character in a manner that might mislead or confuse motorists.
 3. Signs in the public right-of-way except for the following:
 - a. Public signs erected by a governmental body;
 - b. Informational signs for a public agency or utility regarding its facilities;
 - c. Church signs, in accordance with state law;
 - d. Historical signs and markers; and
 - e. Directional signs of a temporary nature not to exceed three (3) sq. ft. in area and 72 hours in duration for such events as yard sales, special events, public gatherings, etc., provided they are located no closer than 500 feet apart and removed immediately after the advertised event.
 4. Signs which are abandoned and/or no longer correctly direct people or that advertises an inactive business, lessor, owner, product, or service.
 5. Signs which have fallen into disrepair (dilapidated), are unsafe or otherwise structurally unsound and incapable of meeting the minimum safety requirements of the building codes.
 6. Any sign which obstructs the view of pedestrians, bicyclists or motorists using any street, approach to any street intersection, the exiting points of a lot, or which interferes with or obscures any traffic sign, device, or signal.
 7. Any sign located outdoors which obstructs free passage from any fire escape, downspout, window, door, stairway, ladder, or opening intended as a means of ingress or egress or which prohibits light or air.
 8. Any sign located to intentionally deny an adjoining property owner visual access to their existing sign.

9. Signs placed on property without the written permission from the owner or agent.
10. Inoperable derelict motor vehicles parked in one location more than 24 hours used as signage.

B. Remedies for prohibited signs.

1. In addition to other remedies and enforcement powers of this chapter, the director or his compliance officer(s) shall have the authority to remove and impound any prohibited signs or sign structures.
2. The owner of an impounded sign or structure may recover same upon the payment of \$50.00 for each sign or structure. If it is not claimed within ten days from the date of impoundment, the director shall have the authority to dispose of such sign or sign structure without notification or compensation to the owner.
3. No provision of this section shall apply to any grandfathered or legal nonconforming sign or sign structure, but they shall be subject to the provisions for nonconforming signs in article 14.08-9.

ARTICLE 14.08-7. – ZONING BOARD OF APPEALS: SPECIAL EXCEPTIONS, VARIANCES, AND APPEALS

Sections:

14.08-7.010. - Establishment of the zoning board of appeals (ZBA).

14.08-7.020. - Powers and duties of the ZBA.

14.08-7.030. - Appeals from decisions of the director and compliance officers.

14.08-7.040. - Variances.

14.08-7.050. - Special exceptions.

14.08-7.010. - Establishment of the zoning board of appeals (ZBA).

The county zoning board of appeals (ZBA) is hereby established under the provisions of S.C. Code 1976, § 6-29-780.

A. Composition of the ZBA.

1. The ZBA shall consist of five members appointed by the county council for overlapping terms of four years. One member first appointed shall serve for two years, two members first appointed shall serve for three years, and two members first appointed shall serve for four years. Three members shall constitute a quorum.
2. Members shall serve until their successors are appointed and qualified.
3. Vacancies are filled for unexpired terms in the same manner as initial appointments.
4. No more than one person shall represent a given profession. No member shall be the holder of an elected public office in the county.

- B. **Compensation.** Members of the ZBA shall serve without compensation. Reimbursement for actual expenses incurred in the performance of official duties may be reimbursed from budgeted funds pursuant to reimbursement policies and procedures for employees of the county.
- C. **Removal of members.** Members of the ZBA may be removed at any time by county council for cause. The existence of cause shall be discussed by the council in executive session as permitted by the Freedom of Information Act, S.C. Code 1976, § 30-4-70(a)(1), and the determination of removal shall be by vote in public session declaring a vacancy in the position without a statement of cause. Any fact which, in the discretion of council, is deemed to adversely affect the public interest, including general lack of attendance at meetings, or non-attendance at any three (3) consecutive meetings, may constitute cause.
- D. **Organization and rules of procedure.** The ZBA shall organize, elect officers, and adopt rules of procedure as required by S.C. Code 1976, § 6-29-790.

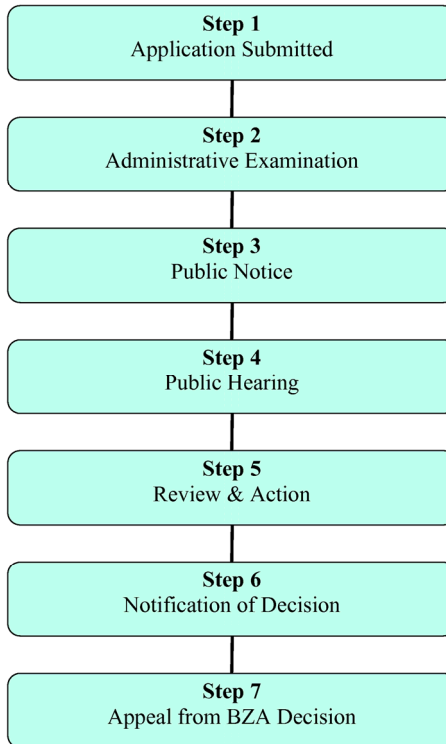
14.08-7.020. - Powers and duties of the ZBA.

The ZBA shall have the following powers and duties in accordance with S.C. Code 1976, § 6-29-800:

- A. *To hear and decide appeals.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the director or compliance officers.
- B. *To grant variances.* To authorize upon appeal in specific cases a variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will, in an individual case, result in the unnecessary hardship so that the spirit of the chapter shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship in accordance with the conditions for approval set out in section 14.08-7.040. No variance shall be granted for a reduction in minimum lot size except as an administrative variance as set forth in section 14.08-8.030(D).
- C. *To grant special exceptions.* To permit uses by special exception as allowed for in the individual zoning districts of article 14.08-2 and subject to standards and conditions of section 14.08-7.050.

14.08-7.030. - Appeals from decisions of the director and compliance officers.

This process shall be followed for appeals. See the details following the chart below for each step.

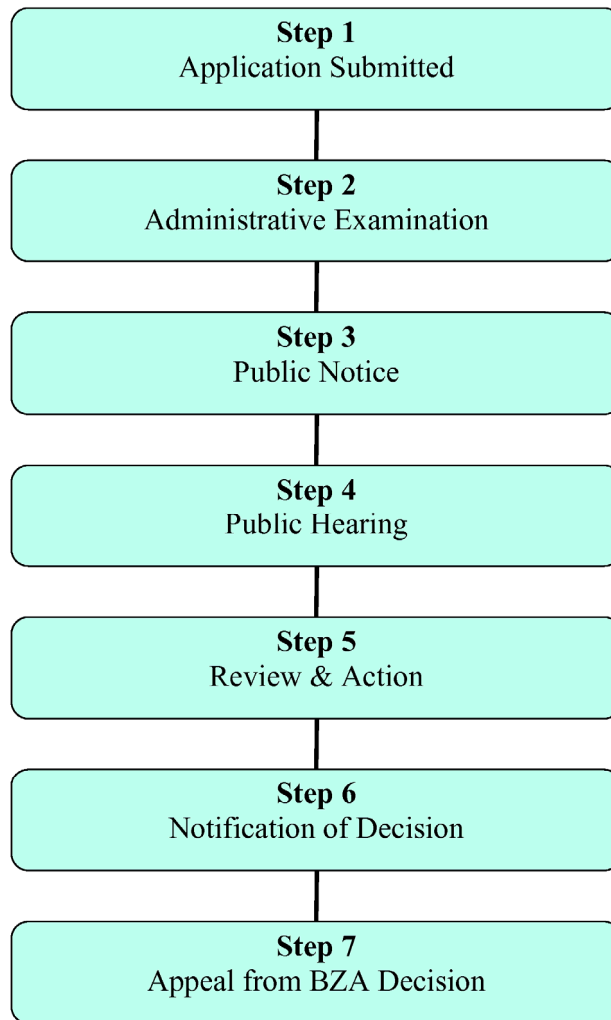


- A. **Step 1: Application submitted.** The appellant shall submit a completed application and fee in accordance with the schedule of fees not more than 30 days from the decision of the director.
- B. **Step 2: Administrative examination.** Upon receipt of an application, the director shall examine it for completeness, and shall, within ten days, either return the application for additional information or after preparing the answer and/or case briefing, forward it to the ZBA for review and action.
- C. **Step 3: Public notice.** Public notice shall include announcing the application for appeal in a county newspaper of general circulation at least 15 days prior to the public hearing where the application will be heard. The notice shall state the nature of the appeal and the time, date, and place of the hearing.
- D. **Step 4: Public hearing.** The ZBA shall conduct a public hearing on all applications for appeals from decisions of the director and/or compliance officers.
- E. **Step 5: Review and action.** Appeal applications shall be heard and decided by the ZBA based on information presented by the applicant and the director/compliance officers relative to the specific ordinance provision being appealed.
- F. **Step 6: Notification of decision.**
1. All applicants shall be notified in writing of final action.
 2. An approved appeal shall be accompanied by an order of the ZBA.

G. **Step 7: Appeals from ZBA decisions.** Any person who may have a substantial interest in any decision of the ZBA may appeal said decision to the county circuit court by filing a written petition with the clerk setting forth plainly, fully, and distinctly wherein such decision is contrary to law. Such appeal shall be filed within 30 days after the decision of the ZBA is rendered.

14.08-7.040. - Variances.

This process shall be followed for variances. See the details following the chart below for each step.



A. **Step 1: Application submitted.** The applicant shall submit a completed variance application and fee in accordance with the schedule of fees. Application shall include the written explanation of the hardship, which hardship has not been created by the applicant, which explains why the strict application of the Codes has created the undue hardship and created the need to request a variance. No variance application

shall receive a staff recommendation of approval without a legitimate hardship being provided.

- B. **Step 2: Administrative examination.** Upon receipt of an application, the director shall examine it for completeness, and shall, within ten days, either return the application for additional information or after creating the case briefing, schedule it for review and action by the ZBA at their next regularly scheduled meeting.
- C. **Step 3: Public notice.**
1. Public notice shall include announcing the application for a variance in a county newspaper of general circulation at least 15 days prior to the public hearing where the application will be heard. The notice shall state the nature of the change and the time, date, and place of the hearing.
 2. Notice of the public hearing shall be conspicuously posted on the subject property, where notices must be visible from each street that abuts the property.
- D. **Step 4: Public hearing.** The ZBA shall conduct a public hearing on all applications for variances.
- E. **Step 5: Review and action.**
1. Applications for a variance shall be evaluated by the ZBA on the basis of the following conditions:
 - a. There are extraordinary and exceptional conditions pertaining to the particular piece of property that would create an undue hardship upon this particular land owner.
 - b. These conditions do not generally apply to other properties in the district.
 - c. Because of these conditions, the strict application of the regulations to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.
 - d. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.
 - e. Explain how the variance is the smallest variance possible that will allow the property owner reasonable utilization of the property as is enjoyed by other properties in the same district.
 2. The ZBA may not grant a variance the effect of which would allow the establishment of a use not otherwise permitted in a zoning district, physically enlarge a nonconforming use of land, or change the zoning district boundaries shown on the zoning map. The fact that property may be utilized more profitably, or otherwise provide a benefit to this property owner not available to other property owners in the same district, should a variance be granted, shall not be considered grounds for a variance.

3. The ZBA shall not reconsider an application for a variance for the same property, or portion thereof, within one year from the date of final determination and notification.
4. An approved variance shall lapse and be of no further effect one year after the date the variance was approved by the ZBA unless a completed zoning permit is submitted in accordance with article 14.08-8, or if no zoning permit is required, unless construction has commenced and is being diligently pursued.
5. One one-year extension of a variance approval may be allowed by the ZBA if construction has commenced and is being diligently pursued. Applications for extensions of variance approvals shall be submitted to the director in writing at least 15 days prior to the expiration of the variance approval.

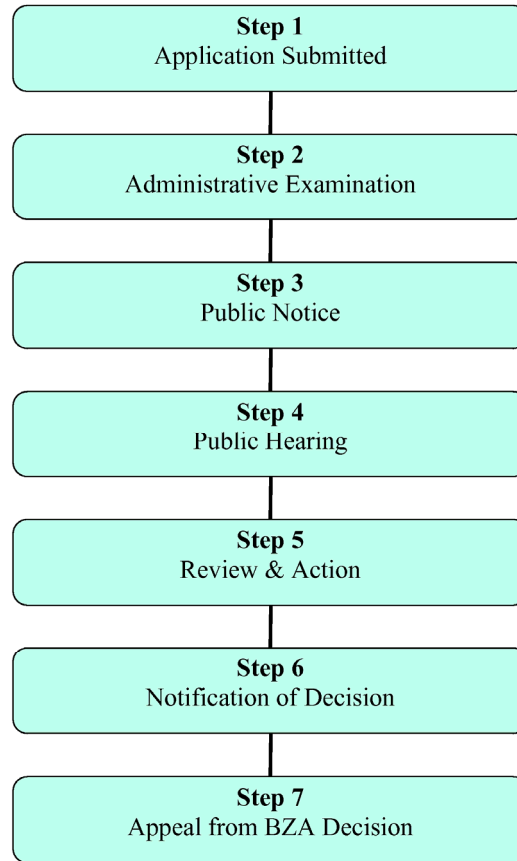
F. Step 6: Notification of decisions.

1. All applicants for variances shall be notified in writing of final action.
2. An approved variance shall be accompanied by an order of the ZBA to direct the issuance of a permit.

G. Step 7: Appeals from ZBA decisions. Any person who may have a substantial interest in any decision of the ZBA may appeal said decision to the county circuit court by filing a written petition with the clerk setting forth plainly, fully, and distinctly wherein such decision is contrary to law. Such appeal shall be filed within 30 days after the decision of the ZBA is rendered.

14.08-7.050. - Special exceptions.

This process shall be followed for special exception uses as listed for each zoning district in article 14.08-2. See the details following the below chart for each step.



- A. **Step 1: Application submitted.** The applicant shall submit a completed special exception application and fee in accordance with the schedule of fees. Each application for a special exception that involves the construction or addition of building area, land area, or parking area shall be accompanied by a site plan as set forth in section 14.08-8.030(c)2.
- B. **Step 2: Administrative examination.** Upon receipt of an application, the director shall examine it for completeness, and shall, within ten days, either return the application for additional information or after creating the case briefing, schedule if for review and action by the ZBA at their next regularly scheduled meeting.
- C. **Step 3: Public notice.**
1. Public notice shall include announcing the application for a special exception in a county newspaper of general circulation at least 15 days prior to the public hearing where the application will be heard. The notice shall state the nature of the change and the time, date, and place of the hearing.
 2. Notice of the public hearing shall be conspicuously posted on the subject property, where notices must be visible from each street that abuts the property.
- D. **Step 4: Public hearing.** The ZBA shall conduct a public hearing on all applications for special exceptions.

- E. **Step 5: Review and action.**
1. Applications for a special exception shall be evaluated by the ZBA on the basis of the following conditions:
 2. Is it consistent with the recommendations contained in the county comprehensive plan and the character “description” of the underlying zoning district;
- F. Compatibility with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community;
- G. Adequate provision is made for such items as: setbacks, buffering to protect adjacent properties from any potential adverse nuisances, such as noise, vibration, dust, glare, odor, traffic congestion and others;
- H. Where applicable, will be developed in a way that will preserve and incorporate any important natural features; and
- I. Vehicular traffic and pedestrian movement on adjacent roads shall not be hindered or endangered.
1. In granting a special exception, the ZBA may attach other conditions regarding the location, character, or other features of the proposed structure as the ZBA deems necessary to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.
 2. Granting a special exception in one case does not bind the ZBA to grant a special exception in another similar case. Each case stands on its own facts. [*Witherspoon v. City of Columbia*, 291 SC 44, 351 S.E.2d 903 (1986)].
 3. The ZBA shall not reconsider an application for a special exception for the same property, or portion thereof, within one year from the date of final determination and notification.
 4. An approved special exception shall lapse and be of no further effect one year after the date the special exception was approved by the ZBA unless a completed zoning permit application is submitted in accordance with article 14.08-8, or if no zoning permit is required, unless construction has commenced and is being diligently pursued.
 5. One one-year extension of a special exception approval may be allowed by the ZBA if construction has commenced and is being diligently pursued. Applications for extensions shall be submitted to the director in writing at least 15 days prior to the expiration of the special exception approval.
- J. **Step 6: Notification of decisions.**
1. All applicants for special exceptions shall be notified in writing of final action.

2. An approved special exception shall be accompanied by an order of the ZBA.

K. **Step 7: Appeals from ZBA decisions.** Any person who may have a substantial interest in any decision of the ZBA may appeal said decision to the county circuit court by filing a written petition with the clerk setting forth plainly, fully, and distinctly wherein such decision is contrary to law. Such appeal shall be filed within 30 days after the decision of the ZBA is rendered.

ARTICLE 14.08-8. – ADMINISTRATION

Sections:

14.08-8.010. - Purpose.

14.08-8.020. – Director.

14.08-8.030. - Permits.

14.08-8.040. - Violations and penalties.

14.08-8.050. - Planning commission (PC).

14.08-8.010. - Purpose.

This article sets forth the requirements for obtaining permits for zoning, building, signs, plats, zone changes, variances, conditional uses, special exceptions, and certificates of occupancy. It also defines the duties, powers, and limitations of the planning and development department director hereinafter (director) and the planning commission (PC), who are responsible for the administration and enforcement of this article.

14.08-8.020. – Director.

- A. The various provisions of this chapter shall be administered by the director and designated planning staff and compliance officers. It shall be the duty of the director to carry out and enforce, remedy violations, and issue permits in compliance with this chapter.
- B. The director shall maintain a record of all zoning permits on file at his office, and copies shall be made available upon request.

14.08-8.030. - Permits.

A. *Responsibility.*

1. It is the responsibility of the director or his designee to administer the requirements for processing applications and issuing permits according with the provisions of this section. The director shall collect such fees for the issuance of permits as are authorized by the fee schedule as adopted by the county council.
2. It shall be the responsibility of an applicant to provide the required information needed and/or requested to process a permit application.

B. *Permits required.*

1. *Generally.*

- a. No building, structure, or sign requiring a permit or any part thereof shall be erected, added to, removed, or structurally altered, nor shall any excavation be commenced until the required permits have been issued.
- b. No building, structure, or land shall be converted, wholly or in part, to any other use until all applicable and appropriate licenses, certificates, and permits have been issued certifying compliance with this chapter. No zoning permit may be issued for any property where a violation of the nuisance ordinance, floodplain prevention ordinance, or building code exists unless the zoning permit is issued as part of the compliance action.
- c. No permits inconsistent with the provisions of this chapter shall be issued unless accompanied by an approved variance.
- d. The director may make or require inspections of any land disturbing activity, construction or maintenance requirement to ascertain compliance with the provisions of this title and the approved permit applications, plats, plans, and/or certificates.
- e. The provisions of this section shall not apply to the necessary construction, replacement or maintenance by a public utility of its outside plant facilities, including such items as poles, cross-arms, guys, wires, cables, and drops.
- f. Failure to apply for and obtain the appropriate required permits, including building, zoning, sign and/or floodplain permits, prior to commencing any work shall require the issuance of a stop-work-order, which shall not be removed to allow further work to commence until applicant has submitted everything needed for all required permits, received approval on all permits, and paid a double-permit fee fine for each required permit. Failure to comply and/or pay the double-permit fee fine may cause the property owner to be fined up to \$500.00 and serve up to 30 days in jail in accordance with the Colleton County Codes. Each day of violation of specific provision of this chapter shall constitute a separate offense.

2. ***Zoning permit.***

- a. A zoning permit shall be required in advance of:
 - i. The issuance of a building permit.
 - ii. Changing the use of any part of a structure or lot, including any increase in the number of dwelling units occupying a building or lot. A change in use shall mean that the new use is a different land use than the existing use.
 - iii. The installation of a manufacturing or other industrial process whose operation may generate a public nuisance as set forth in section 14.08-3.020(S).
 - iv. Installation of any sign for which a permit is required.

- v. The establishment of a temporary use.
 - b. Notwithstanding any other provisions of this chapter, no zoning permit is necessary for the following uses:
 - i. Street or public utility repair;
 - ii. Mailboxes, newspaper boxes, birdhouses, flag poles, pump covers, and doghouses;
 - iii. Interior alterations and renovations which do not alter the footprint, elevation, height, structural support, or use of an otherwise conforming use and/or structure.
 - c. When the director receives an application for a zoning permit whose proposed improvement and use described and illustrated conforms to all requirements of this chapter, he shall issue a zoning permit and return a signed copy to the applicant within ten days of receipt of the application.
 - d. When the director receives an application for a zoning permit whose proposed improvement and use described and illustrated does not conform to this chapter, he shall deny the issuance of a zoning permit, and so advise the applicant within ten days, citing the particular sections of this chapter with which the application does not comply.
 - e. If the zoning permit is denied, the applicant may appeal the action of the director to the ZBA as provided for in article 14.08-7. Such appeal shall be made within 30 days of such permit denial.
 - f. If the work described in any zoning permit has not begun within 180 days from the date of issuance thereof, said permit shall expire; it shall be canceled and written notice thereof shall be given to the applicant, unless extended by the director upon reapplication by the applicant, with payment of any reapplication fees.
3. ***Building permits.*** A building permit shall be required of all proposed building and/or construction activity unless expressly exempted by adopted county building codes.
- a. One story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 225 square feet, regardless of cost, are exempt from permits per section 105 Permits, paragraph 105.2 Work Exempt from Building Permit, of the IBC and IRC.
 - b. Areas not affected. This chapter shall not affect any incorporated areas of the County, except the Town of Cottageville, where the County has agreed to do all permitting and inspections until such time the Town reacquires that ability.

- c. Other areas not affected. This chapter shall not affect any parcel of land owned by the State or Federal Government, or any buildings or structures placed thereon.
4. ***Sign permits.*** Where a sign permit is required by article 14.08-6, the permit application shall be accompanied by the following:
- a. A common signage plan, where applicable, in accordance with the requirements of section 14.08-6.020(C).
 - b. Identification of landowner and/or leaseholder of property on which the sign is to be erected, including street address and property TMS parcel number.
 - c. Name, street address, and email address of the sign owner.
 - d. Site plan sketch with dimensions (professional design not required) showing the location of the sign with respect to the property and right-of-way lines, buildings, setback lines, parking areas, existing signs, and buffer areas.
 - e. Correct size, shape, configuration, face area, height, nature, number, and type of sign to be erected, including the size of letters and graphics.
 - f. The value of the sign and sign structure.
 - g. The director may waive any of the informational requirements listed above deemed unnecessary to process an application.
5. ***Certificate of occupancy. (C of O)***
- a. It shall be unlawful to use or occupy any building or premises until a certificate of occupancy (C of O) or temporary certificate of occupancy (TCO) has been issued stating the building and/or land conforms to the requirements of this chapter.
 - b. Failure to obtain a certificate of occupancy shall be a violation.
 - c. The director can issue a 30, 60, or 90 day (TCO) for projects with interior or exterior improvements that don't effect the building's structure or completion of construction, such as rack shelving, kitchen or processing equipment, or landscaping and/or parking that can't be installed due to bad weather conditions, which allows the building to be occupied. A TCO may be issued for a period not to exceed three months. A final C of O shall not be issued until all required landscaping and/or parking is installed.
- C. ***Zoning permit application procedures.*** Each application for a zoning permit shall be accompanied by a site plan. The director may waive any informational requirements deemed unnecessary to process an application for minor and major site plans.

1. ***Minor site plan.***

- a. Minor site plans shall be required for single-family and two-family residential homes, and any development with:
 - i. All accessory structures and any use with less than 2,500 square feet of building area;
 - ii. Commercial developments or any use with less than ten parking spaces required or provided; and
 - iii. Less than one acre of land with any nonresidential use.
- b. Minor site plans for a zoning permit do not have to be professionally drawn but it's preferred they be drawn on the property survey. If not, they shall contain the following minimum information:
 - i. Shape, acreage, and actual dimensions of the lot to be built upon;
 - ii. Location of lot with respect to any rights-of-way, easements, and water features;
 - iii. Existing and proposed use of the building or land;
 - iv. Location and size of existing and proposed structures, and any to be removed;
 - v. Required building setback lines;
 - vi. Required buffers and landscaping;
 - vii. Location and dimensions of any required parking and driveways;
 - viii. Private water/septic systems approval by DHEC (if applicable); and
 - ix. Such other information as deemed necessary by the director.
- c. Two copies of the site plan shall be submitted for review with the zoning permit application.

2. ***Major site plan.***

- a. Major site plans shall be required for all other developments.
- b. Major site plans shall be professionally drawn and contain the following minimum information:
 - i. All information required of general property surveys, in accordance with the Minimum Standards Manual for the Practice of Land Surveying in South Carolina;
 - ii. Project title, owner names, addresses and email addresses, parcel number(s), and zoning;
 - iii. North arrow;
 - iv. Original submittal date;
 - v. Revision dates;
 - vi. Vicinity map;
 - vii. Scale (between one inch equals 50 feet and one inch equals 200 feet);
 - viii. Zoning district and any applicable overlay districts;
 - ix. Adjacent property owner names, parcel numbers, and zoning;
 - x. Shape, acreage, and actual dimensions of lot being built upon;

- xi. Location of lot with respect to any rights-of-way, easements, and water features;
- xii. Existing and proposed use of the building or land;
- xiii. Location and size of all existing and proposed structures on the lot, and any to be removed;
- xiv. Required building setback lines;
- xv. Required buffers and landscaping;
- xvi. Location and dimensions of parking and driveways;
- xvii. Drainage plan by qualified professional engineer showing all structures and easements;
- xviii. Boundaries of floodplains (if applicable);
- xix. Topography;
- xx. Location of watercourses and any wetlands (if applicable);
- xxi. Private water, septic system, or well approval by DHEC (if applicable);
- xxii. All applicable permits required by DHEC, including mining, wetlands, etc.; and
- xxiii. Such other information as deemed necessary by the director.

D. ***Administrative variance.*** Administrative variances may be issued by the director for encroachments of a principal or accessory building into any required yard, up to a maximum of ten percent of the applicable required yard setback, provided that:

- 1. The request involves only one encroachment into one required yard per lot;
- 2. The encroachment is a result of a construction error by the property owner or designee;
- 3. The encroachment cannot be corrected without substantial hardship and expense to the property owner;
- 4. The encroachment will not substantially interfere with the convenient and enjoyable use of adjacent properties and will not pose any substantial danger to the public health, safety and welfare.

14.08-8.040. - Violations and penalties.

A. ***Complaints regarding violations.*** Whenever a violation of this chapter is alleged to have occurred, the director or compliance officer shall record and investigate such complaint, and take such action as provided by this chapter. Complaints may be filed in writing or verbally, stating fully the cause and basis thereof.

B. ***Penalties for violations.***

- 1. ***Fine and/or imprisonment.*** Any violation of any provision of this chapter is punishable by fine of \$500.00 and/or up to 30 days in jail. Each day's violation of any provision of this chapter shall constitute a separate offense.

2. ***Withholding permits.*** The director shall deny any permits for any use or work which fails to comply with this chapter. The director or compliance officers shall withhold all other county permits for work which violates this chapter.
3. ***Stop work orders.*** The director or compliance officers are authorized to issue a stop work order pursuant to S.C. Code 1976, § 6-29-950(A), requiring work to cease until specific code violations are corrected. Failure to comply with a stop work order is a misdemeanor punishable under the general provisions of this Code. Issuance of a stop work order may be appealed to the ZBA.
4. ***Ordinance summons.*** The director or compliance officers are authorized to issue an ordinance summons pursuant to county Code provisions for violations of this chapter.
5. ***Arrest warrant.*** The director, with concurrence of the county attorney, is authorized to request the issuance of an arrest warrant for violations of this chapter.
6. ***Injunction.*** The director shall submit a request to the county attorney for institution of a civil action seeking an injunction prohibiting violation of this chapter when appropriate.

14.08-8.050. - Planning commission (PC).

- A. ***Establishment of planning commission.*** The county planning commission (PC) is hereby established under the provisions of the S.C. Code, § 6-29-320.
- B. ***Powers and duties of the planning commission (PC).***
 1. The PC shall undertake a continuing planning program for the physical, social, and economic growth, development, and redevelopment of the unincorporated areas of the county, and the Town of Cottageville, as long as the intergovernmental agreement is in effect. The PC may make, publish, and distribute maps, plans, reports, and recommendations relating to the development of its area of jurisdiction to county officials and outside agencies, such as, public utilities, civic, educational, professional, and other organizations and citizens. The PC, its members and employees, in the performance of its functions, may enter upon any land with consent of the property owner or after ten days' written notification to the owner of record, make examinations and surveys, and place and maintain necessary monuments and marks on them; provided, however, that the PC shall be liable for any injury or damage to property resulting therefrom. In general, the PC has the powers as may be necessary to enable it to perform its functions and promote the planning of its political jurisdiction.
 2. In the discharge of its responsibilities, the PC has the power and duty to:
 - a. Periodically prepare and revise plans and programs for the development and redevelopment of its area of jurisdiction; and

- b. Prepare and recommend for adoption to the county council as a means for implementing the plans and programs in its area:
 - i. The comprehensive plan and any required updates or revisions as mandated by the state;
 - ii. Zoning ordinances and zoning district maps and appropriate revisions thereof;
 - iii. Regulations for the subdivision or development of land and appropriate revisions thereof, and to oversee the administration of the regulations that may be adopted;
 - iv. An official map and appropriate revisions showing the exact location of existing or proposed public streets, highways, utility rights-of-way, and public building sites, together with regulations to control their construction or erection, or changes in land use within the rights-of-way, building sites, or open spaces within its political jurisdiction or any portion thereof;
 - v. A landscaping ordinance setting forth required planting, tree preservation, and other aesthetic considerations for land and structures, and any other ordinances deemed necessary;
 - vi. A capital improvements program (CIP) setting forth projects required to create and implement plans, including an annual listing of the county's prioritized capital projects by year for consideration by county council for implementation prior to preparation of the annual capital and fiscal year budget; and
 - vii. Policies or procedures to facilitate implementation of planning elements.

C. *Composition of the commission.*

- 1. The PC shall consist of nine members appointed by county council for overlapping terms of four years. Five members first appointed shall serve four years, and four members first appointed shall serve two years, such terms to be decided by lot.
- 2. To the extent possible, membership should be representative of the racial and gender composition of the county, and represent a broad cross section of the interests and concerns. No member shall be the holder of an elected public office in the county.
- 3. Members shall serve until their successors are appointed and qualified.

- D. *Funding, expenditures, and contracts.*** The PC may cooperate with, contract with, or accept funds from federal and state government agencies, local general purpose governments, school districts, special purpose districts, including those of other states, public or charitable organizations, or private individuals or corporations; it may expend the funds; and it may carry out such cooperative undertakings and contracts as it considers necessary.

- E. **Removal of members.** Members of the PC may be removed at any time by county council for cause. The existence of cause shall be discussed by the council in executive session as permitted by the Freedom of Information Act, S.C. Code, § 30-4-70(a)(1), and the determination of removal shall be by vote in public session declaring a vacancy in the position without a statement of cause. Any fact which, in the discretion of council, is deemed to adversely affect the public interest, including general lack of attendance at meetings, or non-attendance at any three (3) consecutive meetings, may constitute cause.
- F. **Organization and rules of procedure.** The PC shall organize, elect officers, and adopt rules of procedure as required by S.C. Code 1976, § 6-29-360.

ARTICLE 14.08-9. - NONCONFORMITIES

Sections:

- 14.08-9.010. - Purpose and applicability.**
- 14.08-9.020. - Continuation of a nonconforming situation.**
- 14.08-9.030. - Modification of nonconforming situations.**
- 14.08-9.040. - Discontinuance of a nonconforming situation.**
- 14.08-9.050. - Nonconforming lot of record.**
- 14.08-9.060. - Nonconforming signs.**
- 14.08-9.070. - Nonconforming landscaping and buffering.**
- 14.08-9.080. - Nonconforming parking and loading.**

14.08-9.010. - Purpose and applicability.

The purpose of this article is to regulate, limit, and eventually eliminate the continued existence or expansion of any legal nonconforming (grandfathered) uses and structures put into use in accordance with the codes current at that time, or any nonconforming uses or structures established prior to, or after, the effective adoption date of these current regulations (or any amendment subsequent thereto). Any legal nonconformity created in compliance with the previous codes and any nonconformity created by these current regulations shall be regulated by the provisions of this article. Many nonconformities may continue but the provisions of this chapter are designed to minimize and eventually eliminate these nonconformities, so as not to deleteriously impact surrounding conforming properties and preserve the integrity of the area where they exist, and the intent of this chapter.

14.08-9.020. - Continuation of a nonconforming situation.

- A. Nonconforming uses, buildings, or structures are declared to be noncompliant with the current and permitted development regulations in the districts where they are located.
- B. However, to avoid undue hardship, the lawful use of any such use, building, or structure determined to be nonconforming by the enactment, amendment, or revision

of these current regulations may be continued (grandfathered) as a legal nonconformity, with the following exceptions:

1. Existing scrap (junk) and waste yards shall meet in full the screening requirements of section 14.08-4.020(A). (Any active motor vehicle parts establishment which existed prior to the adoption of these current regulations that is primarily engaged in the dismantling of motor vehicles for the purpose of selling their parts and of which 75 percent of the income is derived therefrom, shall not be considered a scrap (junk) or waste yard for the purposes of this section.) The county shall have the right to request whatever documentation it deems necessary to administer this provision.
2. All new outdoor kennels, and those existing prior to the adoption of these current regulations shall meet in full the kennel requirements of section 14.08-3.020(C).

14.08-9.030. - Modification of nonconforming situations.

A proposed change or modification to a nonconforming use shall be governed by the following:

A. *Change of nonconforming use.*

1. If a change from one nonconforming use to another nonconforming use is proposed and no structural alterations or additions are involved, the change may be permitted, provided:
 - a. Nonconformity of dimensional requirements such as height, density, setbacks, or other requirements such as off-street parking and outdoor storage shall not be increased; and
 - b. The proposed change will have little discernible impact over the existing nonconforming use.
2. If a change to a permitted use is proposed which is nonconforming only as to dimensional requirements such as height, density, setbacks, or other requirements such as off-street parking, the change to a permitted use may be allowed, provided that all applicable requirements that can be reasonably complied with are met, and the change will have little discernible impact over the nonconforming use.
3. Compliance with a requirement for a change to a permitted use is not reasonably possible if it cannot be achieved without adding land to the lot of the nonconforming use or moving the use if it is on a permanent foundation.
4. Whenever a nonconforming use of land or building has been changed to a conforming use, such use shall not thereafter be changed back to a nonconforming use.

- B. *Enlargement or expansion of nonconforming use.*** Since the intent of this chapter is to limit and eventually eliminate nonconforming buildings, uses, or land, the enlargement or expansion of a nonconformity shall not be permitted

without approval from the ZBA as a variance to bring the nonconformity into conformance. The hardship explaining why the variance is required is key in helping the ZBA understand the undue hardship created for the applicant, which does not allow them to do what other property owners in the district are allowed to do. If the hardship does not justify the variance, staff will be unable to recommend the ZBA approve the variance request.

- C. ***Repair or alteration of nonconforming use, building, or structure.*** The repair or alteration of a nonconforming use shall in no way increase the nonconformity of said use, except as otherwise permitted by subsection B of this section.
- D. ***Replacement of nonconforming use or structure.***
 - 1. A building permit for the replacement of a nonconforming building or structure or a building or structure containing a nonconforming use, where damaged or destroyed by fire or other natural disaster, must be initiated within six (6) months from the time of the damage or destruction, or forfeit the right of replacement.
 - 2. Replacement of a nonconforming manufactured home, where a manufactured home use is not permitted, shall be accomplished within 30 days of removal, or forfeit nonconforming status, and if replaced shall not infringe on established setbacks, and shall meet in full the requirements of section 14.08-3.020(Q).

14.08-9.040. - Discontinuance of a nonconforming situation.

If a nonconforming use is discontinued and/or abandoned for a continuous period of more than six months, including any period of discontinuation before the effective date of adoption of these regulations, then that use shall not be renewed or reestablished and any subsequent use of the lot or structure shall be in compliance with these regulations.

14.08-9.050. - Nonconforming lot of record.

- A. A nonconforming lot that exists prior to the adoption of these regulations may be built upon provided that the use of the land is in accordance with this chapter and all setbacks for the zoning district are met.
- B. Where the owner of a nonconforming lot does not own sufficient land to meet the setback requirements for the zoning district, such lot may be developed provided the minimum setbacks are not reduced by more than 25 percent. Setback reductions greater than 25 percent shall be referred to the ZBA for consideration. If, however, the owner of two or more adjoining lots with insufficient land dimensions decides to build on or sell off these lots, they must first be combined or summary plat into one lot of record, to bring the lot into compliance with the dimensional requirements of this chapter.

14.08-9.060. - Nonconforming signs.

- A. The lawful use of any permanently mounted sign existing at the time of adoption of these regulations may be continued, except those declared abandoned or dilapidated, which shall be removed or have remedial action taken upon notification by the director.
- B. Any existing sign which is subsequently abandoned, or damaged to more than 60% of its replacement cost, shall be removed or brought into conformance with this chapter.
- C. An order under this section shall be issued in writing to the owner or responsible party of any such sign to comply within 30 days' time. Upon failure to comply with such notice, the director may cause the sign to be removed and any costs of removal incurred in the process may be collected in a manner prescribed by law.

14.08-9.070. - Nonconforming landscaping and buffering.

In accordance with article 14.08-4, certain uses are required to provide and maintain buffering and/or landscaping on site. The following shall apply to nonconforming buffering and landscaping:

- A. Expansions of an existing use in building area, parking or loading area, or activity by more than 20 percent, which is deficient in landscaping and/or buffering, or any change in principal use cannot occur without the required screening and/or landscaping having first been installed to current codes.

14.08-9.080. - Nonconforming parking and loading.

- A. On any lot which contains a use which does not comply with the off-street parking and loading regulations contained in article 14.08-5, no expansion or change of use shall be approved (except as herein provided), until the requisite number of off-street parking spaces and all paving requirements have been met.
- B. A zoning permit may be issued when a change of use and the number of off-street parking spaces required for the new use (per article 14.08-5) are within ten percent of the number of existing spaces provided. Such relief may be granted on a one-time basis per lot, and for unpaved lots, the additional parking spaces shall have a graded gravel, crushed-stone or similar dust-reducing surface.

ARTICLE 14.08-10. – ZONE CHANGE AND MAP AND TEXT AMENDMENTS

Sections:

14.08-10.010. - Purpose.

14.08-10.020. - Amendment initiation.

14.08-10.030. - Application submittal.

14.08-10.040. – Zoning, Development Code or Comprehensive Plan Text amendment process.

14.08-10.050. – Zoning Map amendment (Zone Change) process.

14.08-10.010. - Purpose.

This article sets forth procedures for zone changes, amending text in the county zoning and development codes or comprehensive plan and amending the zoning map. The purpose is not to relieve particular hardships, nor confer special privileges or rights on any person, but only to make needed adjustments and improvements due to improved processes, changed conditions or changes in policy. Procedures for making these amendments are set forth herein.

14.08-10.020. - Amendment initiation.

- A. Zoning and development code ordinances and comprehensive plan text amendments may be initiated by any of the following parties:
 - 1. Director of planning and development.
 - 2. Planning commission.
 - 3. County council.

- B. Zoning map amendments may be initiated by any of the following parties:
 - 1. Property owner or agent of property owner.
 - 2. Option holder.
 - 3. Planning commission.
 - 4. County council.

- C. Parties not listed may petition the PC and/or council to initiate a change, but they are not bound to act on behalf of the petitioner.

14.08-10.030. - Application submittal.

- A. An application form and fee, with a description of the proposed change shall be submitted to the director. The form and fee are waived for any amendment requested by a county official, board or county, state, or federal agency.

- B. Upon receipt of an application, the director shall examine it for completeness, and shall within ten days either return the application for additional information or after making any required change(s) and preparing the case briefing, forward it to the PC for review at their next regularly scheduled meeting.

14.08-10.040. – Zoning, Development Code or Comprehensive Plan Text amendment process.

- A. ***Planning commission (PC) action.***
 - 1. The director shall create the case briefing and forward all text amendment requests to the PC for review and recommendation. The PC shall act upon a completed application within 30 days after receipt thereof:
 - a. To defer not more than 30 days; or
 - b. To recommend either denial or approval.

 - 2. The decision shall be determined by a majority of those voting. Failure to act within said timeframe shall constitute a recommendation of approval.

3. The PC may consider the proposed text amendment relative to the following:
 - a. How it relates to and affects the zoning and/or development codes, or comprehensive plan.
 - b. Changes in conditions since the adoption of the plan or ordinance.
 - c. The need to correct an error or deficiency in the ordinance or the plan.
 - d. Any benefits which would be derived from the amendment.
 - e. Any cost to the government generated by the amendment in terms of expenditures for public improvements, facilities, and services.
4. The PC shall forward its recommendation to the county council for final action following a public hearing.

B. *County council action.*

1. Notice of public hearing shall announce the text amendment request in a county newspaper of general circulation at least 15 days prior to the public hearing where the amendment will be heard. Amendments to the Comprehensive Plan requires a 30-day notice, as mandated by the state. The notice shall state the nature of the change and the time, date, and place of the hearing.
2. County council shall consider the recommendation of the PC and vote to approve, deny, or modify a proposed amendment, or refer it back to the PC for further study, or take other action as it may deem necessary.

C. *Effect of approval.* An approved text amendment ordinance shall become effective immediately after such adoption.

D. *Appeals.* Any person who may have a substantial interest in any decision of the county council may appeal said decision to the county circuit court by filing with the clerk a written petition setting forth plainly, fully, and distinctly wherein such decision is contrary to law. Such appeal shall be filed within 30 days after the decision of the county council is rendered.

14.08-10.050. – Zoning Map amendment (Zone Change) process.

A. *Planning commission (PC) action.*

1. The director shall create the case briefing and forward all map amendment requests to the PC for review and recommendation. The PC shall act on a completed application within 30 days after receipt thereof:
 - a. To defer not more than 30 days; or
 - b. To recommend either denial or approval.
2. The decision shall be determined by a majority of those voting. Failure to act within said time frame shall constitute a recommendation of approval.
3. The PC is encouraged to consider and recommend approval if the proposed map amendment meets the following criteria:

- a. The proposed amendment is consistent with the comprehensive plan and the stated purpose of this chapter;
 - b. The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property;
 - c. The county and other service providers will be able to provide adequate water and sewer supply, stormwater facilities, waste disposal and other public facilities and services to the subject property, while maintaining adequate levels of service to existing development;
 - d. The applicant provides documentation that the proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or the environment, including air, water, noise, stormwater management, wildlife and natural resources; and
 - e. The subject property is suitable for the proposed zoning classification considering such things as parcel size, parcel configuration, road access, and the presence of natural resources and amenities.
4. The PC shall forward its recommendation to county council for final action following a public hearing.

B. *County council action.*

1. Notice of public hearing shall include announcing the map amendment ordinance request in a county newspaper of general circulation at least 15 days prior to the public hearing where the amendment will be heard, or 30 days for Comprehensive Plan amendments, as mandated by the state. The newspaper notice shall state the nature of the change and the time, date, and place of the hearing. Notice of public hearing for a zoning map amendment (zone change) shall also include posting the affected property. Such notice shall be posted at least 15 days prior to the hearing.
2. County council shall consider the recommendation of the PC and vote to approve, deny, or modify a proposed amendment ordinance, or refer it back to the PC for further study, or take other action as it may deem necessary.

C. *Effect of approval.*

1. All applicants shall be notified in writing of final action.
2. An approved map amendment ordinance shall become effective immediately after such adoption.

D. *Appeals.* Any person who may have a substantial interest in any decision of the county council may appeal said decision to the county circuit court by filing with the clerk a written petition setting forth plainly, fully, and distinctly wherein such

decision is contrary to law. Such appeal shall be filed within 30 days after the decision of the board is rendered.

- E. ***Consideration of denied applications.*** The PC shall not reconsider an application for change or relief to the same property or portion thereof, within one year from the date of final determination and notification.
- F. ***Consistency with comprehensive plan.*** Zoning regulations and map amendments shall be consistent with the comprehensive plan in accordance with S.C. Code 1976, § 6-29-720(B).

3. Severability:

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

4. Conflict:

Provisions in other County Ordinances, Resolutions, policies, or by-laws in conflict with this Ordinance are hereby repealed.

ATTEST:

SIGNED:

Kaela Brinson, Council Clerk

Steven D. Murdaugh, Chairman

Approved as to Form
Sean Thornton, County Attorney

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
 First Reading : April 12, 2022
 Committee Referral : N/A
 Committee Consideration Date : N/A
 Committee Recommendation : N/A
 Second Reading : May 3, 2022
 Public Hearing : June 7, 2022
 Third Reading : June 7, 2022
 Effective Date : July 1, 2022

I, _____,
 Council Clerk, certify that this
 Ordinance was advertised for
 Public Hearing on _____.

ORDINANCE NO. 21-O-06

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[To Provide for the Levy of Taxes in Colleton County, South Carolina, for the Fiscal Year July 1, 2022 through June 30, 2023 to Provide for All Other Appropriations Thereof; and to Provide for Other Matters Related Thereto.]

WHEREAS:

1. Colleton County Council, pursuant to state statutes, is authorized and required to adopt an annual budget for all departments, offices, and agencies (hereinafter collectively termed offices) of the County Government; and
2. Pursuant to state statutes, total funds appropriated in fiscal year 2022-2023 for the above purposes do not exceed estimated revenues and funds available for expenditure in fiscal year 2022-2023.

NOW THEREFORE BE IT ORDAINED BY THE COLLETON COUNTY COUNCIL DULY ASSEMBLED THAT:

SECTION 1. APPROPRIATIONS

a. Procedures Compliance: The fiscal year 2022-2023 County Budget for Colleton County South Carolina and the Colleton County School District local appropriations are hereby adopted, and detailed budget appropriation documentation attached hereto is incorporated herein by reference. The Colleton County Council certifies that it has complied with all state laws and regulations regarding readings, notices, and public hearings for mills levied herein, and that it will comply in the case of mill levies, which may be adjusted by resolution based on more current information at the time of final issuance of the levies and after the adoption of this ordinance.

b. Levy Process: In all cases, all property shall be taxed unless otherwise exempt from taxation pursuant to Title 12, South Carolina Code of Laws, 1976, as amended. The taxes shall be collected in the manner as provided for collection of taxes by Title 12, Chapter 45 of the South Carolina Code of Laws, 1976, as amended, and in accordance with procedures established in County enacting ordinances. All property taxes are due and payable between the thirtieth day of September through the fifteenth day of January after their assessment in each year. Before the tax bills are issued, the County Auditor shall provide to the County Administrator a reconciled summary by levy of all taxes billed, and the County Treasurer shall provide monthly an apportionment report with refunds (computer system printout) for all taxes collected. Additionally, the Finance Office shall be provided with “read only” access to tax computer modules for the purpose of report generation. Tax levy mill information shall be supplied to the County Auditor for purposes of preparing the tax books for Colleton County.

(1) Motor Vehicle Taxes: Taxes levied on motor vehicles shall be collected pursuant to the schedules and procedures as established by State Statute and nothing herein shall be deemed to extend or defer the time of payment for such motor vehicle taxes.

(2) Motor Vehicle Owner Responsibility for Taxes: No motor vehicle registered in the State of South Carolina and being the property of a person, a resident of the County, shall be operated on the streets and public ways of the County unless all the motor vehicle taxes and fees duly assessed against such vehicle shall have first

been paid. In the event that any person violates the provisions of this Section, he shall be guilty of a misdemeanor and subject to the penalties prescribed in Title 46, 1976 South Carolina Code of Laws, as amended. Nothing in this section shall preclude the collection of taxes and fees upon such motor vehicle after the prosecution of the offender for failure to pay such tax.

c. Appropriation Management:

(1) Reallocation: Unless otherwise restricted by state law or specific limitation of accounting standards, all of the appropriations hereinafter and those in the budgetary detail incorporated herein by reference are subject to adjustment and reallocation by County Council by voice motion or resolution. Any amount appropriated in this Ordinance may be discontinued at any time by appropriate action of a majority of the County Council. Expenditures from the Council’s contingency in non-departmental shall typically be done by resolution or voice motion.

(2) Duplication: If any of the items, or portions thereof, for which funds are herein appropriated is taken over by the State or Federal government and appropriations therefrom be made by either or paid by either directly to a County Office, or if the same shall become available in any manner, then the amounts for said Office herein appropriated shall be reduced in the amount of said appropriation, direct payment, or other available funds or support.

(3) Direct Assistance: All agencies receiving direct assistance payments from the County shall be funded quarterly in arrears no more than twenty-five (25%) percent of their direct assistance line item except at the discretion of the County Administrator. The quarterly allotments shall be paid around the 15th of the month following the end of each quarter. The final 4th quarter funding may be withheld by the Chief Financial Officer pending the reconciliation of outstanding obligations between the County and the Agency receiving funding or in the case of grant irregularities. Agencies, boards, and commissions, which are partially funded by Colleton County Government, must provide annual audited financial statements to include a copy of the management letter and a copy of Title 2 U.S. Code of Federal Regulation Part 200 Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards report, if applicable. State funded agencies must provide an annual report or a summary of local office-specific funding. Quarterly funding may be withheld pending the County’s receipt of an agency’s annual audited financial statements.

d. Funds: The following funds are hereby established for the purposes set forth with appropriations/budgeted amounts where applicable. Other funds may be delineated elsewhere:

<u>Fund</u>	<u>Fund Name</u>	<u>Appropriation</u>	<u>Millage</u>
100	County General Fund**	\$ 31,812,422	116.31
115	Capital Fund*	\$ 1,453,300	
120	Special Revenue Fund*	\$ 1,339,090	
121	State Aid to Library Fund*	\$ 150,000	
122	Colleton County Memorial Library Fund*	\$ 805,588	
124	IV-D Sheriff Unit Costs**	\$ 14,900	
125	Solicitor Special Revenue Fund*	\$ 0	
126	IV-D Clerk of Court – Unit Costs**	\$ 175,000	
127	IV-D Clerk of Court’s Fund – Incentives*	\$ 127,384	
128	Victim Witness Services Fund*	\$ 110,494	
129	Animal Care & Control Fund*	\$ 15,000	
130	County Debt Service Fund*	\$ 2,059,700	10.24
131	Fire Debt Service Fund*	\$ 2,562,300	22.66
134	Non-GOB Related Debt Service*	\$ 1,130,476	
135	Capital Project Sales Tax Debt Service Fund*	\$ 4,111,950	
141	Emergency Telephone Fund*	\$ 514,547	
142	Infrastructure/Industrial Development Fund***	\$ 222,500	
143	Capital Projects Sales Tax Fund*	\$ 0	

144	CC 2015 \$5.4M GOB Proceeds*	\$	172,782	
146	Fire Bond \$6M 2018*	\$	0	
147	Fire Bond \$5M 2022*	\$	0	
150	American Rescue Plan*	\$	3,175,661	
152	Accommodations Tax Tourism Infrastructure*	\$	41,000	
153	County Hospitality Tax Fund*	\$	645,800	
155	County Accommodations Tax Fund*	\$	755,975	
156	Fire-Rescue Commission Operations Fund*	\$	12,68,968	37.45
204	Recreation Fund*	\$	1,635,912	
210	Road & Bridges Fund*	\$	2,293,523	
211	Solid Waste Fund*	\$	3,192,912	
303	CCSO Drug Enforcement Operations*	\$	0	
306	Sheriff's Special Revenue Fund*	\$	0	
308	Sheriff Federal Asset Fund*	\$	0	
446	Transportation Commission Fund*	\$	0	
457	School District Operating****	\$	XXXXXX	116.42

* At the close of the fiscal year, any unexpended monies within these funds and within all capital project funds shall be carried forward with the respective fund balance for the continued established use of that fund subject to appropriations, unless specifically authorized otherwise by ordinance or directed by State law

**At the close of the fiscal year, any unexpended monies within these funds shall be turned over to the General Fund Balance.

***Industrial or Infrastructure Development Fund appropriations are hereby amended to include the prior year Fund Balance and must be adjusted by the County Administrator to include all revenues received for economic development and any other revenues designated by County Council. Such funds shall require authorization of the County Administrator or his designee prior to obligation. At the close of the fiscal year, any unexpended monies within said funds shall be carried forward within the respective fund for continued economic development use.

e. County General & Debt Service Funds: The Colleton County Auditor is authorized and directed to levy upon all taxable property in Colleton County, South Carolina, and the Colleton County Treasurer is directed to collect, taxes sufficient to meet all County General Fund appropriations directed by this Ordinance, except as provided for by other revenue sources for the operation of the County Government for the Fiscal Year beginning July 1, 2022 and ending June 30, 2023.

The Colleton County Auditor is authorized and directed to levy upon taxable property in Colleton County, South Carolina and the Colleton County Treasurer is directed to collect taxes in the amount of \$2,025,200 to meet the Debt Service appropriation (Fund 130). To further meet the Debt Service (Fund 130) appropriation provided by this Ordinance in (d) directly above, the sum of \$34,500 is hereby appropriated from various sources and shall be collected to make a total County Debt Service (Fund 130) appropriation of \$2,059,700.

Sufficient mills to support these tax levies can be established by County Council Resolution before September 1st of this Fiscal Year, if anticipated to vary from what is set within this ordinance or if not set within this ordinance.

f. School Operations and Debt Service Funds:

**** To meet the appropriation provided by this Ordinance to cover School District Operating purposes, the Colleton County Auditor is authorized and directed to levy upon all taxable property in Colleton County, South Carolina, and the Colleton County Treasurer is directed to collect millage in the amount of 116.42. Any money generated by said levy shall be provided to the School District to cover operating costs. Millage may be adjusted by County Council Resolution before September 1st of this Fiscal Year should Council deem that to be in the best interests of the County.

Pursuant to 59-71-150 of the South Carolina Code of Laws, 1976 as amended, the Colleton County Auditor shall levy and the Colleton County Treasurer shall collect a tax, without limit, upon all taxable property in Colleton County, South Carolina, sufficient to pay the principal and interest of School Debt and to create such sinking fund as may be necessary therefore as provided by the School District to the County Auditor. Any funds accumulated for the School Debt Fund, which exceed the amounts required as provided to the County Auditor by the School District shall be carried forward in a School Debt Service Fund and shall be subject to appropriation by County Council only for School Debt Service.

(1) Financial Reporting: The Department of Education for Colleton County shall provide to the County Treasurer, the County Administrator, and the County Chief Financial Officer detailed financial reports on a monthly basis. These monthly reports should clearly indicate all budgeted and year to date revenues and expenditures for each fund discreetly, including year to date amounts and original budgeted amounts.

(2) Debt Service Reporting/Processing: During the budget process each fiscal year, the School District shall provide to the County Treasurer and the County Chief Financial Officer a bank certified amortization listing of outstanding bond obligations and projected debt obligations. The School District shall require managing banks to directly provide to the County Treasurer and the County Chief Financial Officer all notices of payments due.

(3) Funds Transfer Requirements: The Treasurer shall notify both the School District (in the case of School District funding) and the County Administrator (in all cases) within five (5) days of receiving notification of any cuts in State or other revenues, or upon discovering any evidence of shortfall or deficit, or in the case of a decision to delay funds transfers.

g. Fire and Rescue District and Debt Service Funds: To meet the appropriation provided by this Ordinance to cover Fire and Rescue District Operating (Fund 156), the Colleton County Auditor is authorized and directed to levy upon all taxable property located in the unincorporated areas of the County and in the Towns of Cottageville, Lodge, Smoaks, Williams, and the City of Walterboro and the Colleton County Treasurer is directed to collect taxes of \$3,560,870 for Fire and Rescue District Operations (Fund 156). To further meet the Operating (Fund 156) appropriation provided by this Ordinance in (d) directly above, additional revenue from various sources in the amount of \$2,026,327 shall be collected. In addition, intergovernmental transfers in the amount of \$5,387,553 are also appropriated from Fund 100, Fund 131, and Fund 150 for transfer into Fund 156 upon requisition by the Finance Office to make a total Fire and Rescue District Operations appropriation of \$10,974,750.

To meet the appropriation provided by this Ordinance to cover Fire and Rescue District Debt Service (Fund 131), the Colleton County Auditor is authorized and directed to levy upon all taxable property located in the unincorporated areas of the County and in the Towns of Cottageville, Lodge, Smoaks, Williams, and the City of Walterboro and the Colleton County Treasurer is directed to collect taxes of \$2,525,300. To further meet the Debt Service (Fund 131) appropriation provided by this Ordinance in (d) directly above, the sum of \$37,000 is hereby appropriated from various sources and shall be collected to make a total Fire and Rescue District Debt Service (Fund 131) appropriation of \$2,562,300.

Sufficient mills to support these tax levies can be established by County Council Resolution before September 1st of this Fiscal Year, if anticipated to vary from what is set within this ordinance or if not set within this ordinance.

At the close of the fiscal year any unexpended or unobligated funds and any funds accumulated for the Fire and Rescue Operating (Fund 156) or Debt Service (Fund 131) Funds above the provided appropriation amounts or collected in prior years, shall be carried forward in the respective fund balance and shall be subject to appropriation by County Council for Fire and Rescue Operations or Fire and Rescue Debt Service only.

h. Emergency Telephone Fund: To meet the appropriations provided by this Ordinance to cover the Emergency Telephone Fund, the \$1.00 E-911 subscriber billing fee per billed access line, up to 50 lines, and the tariff on wireless communication devices are hereby continued for this purpose. These E-911 fees will be accounted for in the E-911 Tariff Fund (Fund 141) to be expended in accordance with the 1976 South Carolina Code of Laws, Chapter 47, as amended, and Colleton County Ordinance 93-O-05. At the close of the fiscal year, any

unexpended funds with any other funds collected in prior years shall be carried forward within this fund and shall be subject to appropriation by County Council.

i. Roads & Bridges Maintenance Fund: To meet the appropriation provided by this Ordinance for the Roads & Bridges Fund (Fund 210), a vehicle user fee of \$25.00 per vehicle is hereby continued for road and bridge maintenance and repair. To further meet the Fund 210 appropriation provided by this Ordinance, supplemental operating transfers from Fund 100 and Fund 150 in the total amount of \$1,174,728, are hereby appropriated for transfer into Fund 210. The Roads and Bridges Fund 210 shall be a separate accounting fund with a corresponding Treasurer's bank account to administer this fund. Collection of delinquent vehicle user fees will be in accordance with the Colleton County Code of Ordinances, as amended, and annual budget ordinances.

All appropriated interfund operating transfers shall be made during the year as required to maintain orderly operations. At the close of the fiscal year all unexpended funds will be carried forward within the fund balance of this fund and shall be subject to appropriation by County Council for current and future operating costs connected to Roads & Bridges Department activities.

j. Solid Waste Fund: To meet the appropriation provided by this Ordinance for the Solid Waste Fund (Fund 211), a Solid Waste user fee of \$75 per residential unit County-wide, a commercial Municipal Solid Waste Disposal Fee of \$55 a ton and a Construction and Debris disposal rate of \$45 a ton is hereby established. To further meet the Fund 211 appropriation provided by this Ordinance, supplemental operating transfers in the total amount of \$705,912 is hereby appropriated from Fund 100 and Fund 150 for transfer into Fund 211. Fund 211, the Solid Waste Fund, shall be a separate accounting fund with a corresponding Treasurer's bank account to administer it. Collection of delinquent Solid Waste user fees shall be conducted in accordance with the Colleton County Code of Ordinances, as amended, and annual budget ordinances.

All appropriated interfund operating transfers shall be made during the year as required to maintain orderly operations. At the close of the fiscal year, all unexpended funds will be carried forward within the fund balance of this fund and shall be subject to appropriation by County Council for current and future operating costs connected to solid waste disposal including but not limited to the Landfill, Transfer Station, and Convenience Sites.

k. Recreation Fund: Rental and membership fees, concession stand revenues, sponsorships, golf course revenues, restaurant revenues, donations, and program income generated by Recreation programs are hereby provided to meet the appropriation established in this Ordinance for the Recreation Fund (Fund 204). To further meet the Fund 204 appropriation provided by this Ordinance, supplemental operating transfers in the total amount of \$1,017,544 are hereby appropriated from Fund 100, Fund 150, Fund 153 and Fund 155 for transfer into Fund 204. Fund 204, the Recreation Fund, shall be a separate accounting fund with a corresponding Treasurer's bank account to administer it.

All appropriated interfund operating transfers shall be made during the year as required to maintain orderly operations. At the close of the fiscal year, all unexpended funds will be carried forward within the fund balance of this fund and shall be subject to appropriation by County Council for current and future operating costs connected to Recreation Department needs.

l. Hospitality Tax: Revenue generated by the Hospitality Tax established by Ordinance 2000-O-28 is hereby designated to meet the appropriation provided by **Section 1. Appropriations, d. Funds**, of this Budget Ordinance for the Hospitality Tax Fund. Fund 153, County Hospitality Tax Fund shall be a separate accounting fund with corresponding Treasurer's bank account to administer it. Collection of delinquent Hospitality Taxes by the Treasurer shall be in accordance with the Colleton County Code of Ordinances, as amended. At the close of the fiscal year, any unexpended funds and collections shall be carried forward in the Hospitality Tax Fund balance for continued use as provided by the Colleton County Code of Ordinances, as amended, subject to appropriation by County Council.

m. Accommodations Tax: Revenue generated by the County Accommodations Tax established by Ordinance 2001-O-15 is hereby designated to meet the appropriation provided by **Section 1. Appropriations, d. Funds**, of this Budget Ordinance for the County Accommodations Tax Fund. Fund 155, the Accommodations Tax Fund, shall be a separate accounting fund with corresponding Treasurer's bank account to administer it. Collection of delinquent County Accommodations Taxes by the Treasurer shall be in accordance with the Colleton County Code of Ordinances, as amended. At the close of the fiscal year, any unexpended funds and collections shall be carried forward within this fund for continued use as provided by the Colleton County Code of Ordinances, as amended, subject to appropriation by County Council.

n. Major Funds Determination: In accordance with Governmental Accounting Standards Board (GASB) 34 and other appropriate regulations requiring Government-wide Financial Statements, major funds will be determined annually at the end of the fiscal year during the audit process.

o. Colleton County Transportation Committee: The Legislative Delegation's Colleton County Transportation Committee (CTC) is responsible for the budgeting and monitoring of expenditures related to the State "C" fund's appropriated budget (Fund 446). The Colleton County Transportation Committee Funds are considered Capital Projects Fund under Governmental Accounting Standards Board (GASB) regulations though are not required to be appropriated by Council action.

The County Engineer is assigned by County Council the function of Clerk for the CTC. Assigned duties include responsibility for preparing CTC's minutes, authorizing invoice vouchers and requisitions for C-Funds, monitoring contracts approved by the CTC, monitoring CTC related expenses, requesting specific project accounts be set up in the County's financial management system in accordance with accounting standards, monitoring the account balances, preparing financial reports to the CTC, providing contract and transaction documentation to the County's Independent Auditors as requested, working with the Treasurer's Office to report reconciled cash balances to the CTC, preparing from records and CTC accounts the detail required for reporting expenditures, obligations, and other data which SCDOT, CTC, County Finance, independent auditors, or Council requests regularly. In addition, the County Engineer shall provide to the Finance Office annually by July 15th for the prior fiscal year and for inclusion in County record of roads, all CTC contractor certified costs and right-of-way information and documentation on the CTC's County road projects, listed by road and documenting the total improvement costs including the related engineering costs for each County road project.

Under a contractual agreement the CTC agrees to reimburse the County from "C" fund monies (Fund 446) on a standard hourly rate for engineering and management services by the County Engineer who is to be a certified Professional Engineer necessary for CTC operations. Colleton County agrees to cover certain ancillary expenses as contained herein.

p. Grants Management:

(1) Grant Fund Balances: Notwithstanding any other provisions of this ordinance, all unexpended balances in excess of \$1,000 from previous appropriations of state and federal grant funds, any State Accommodations Tax Funds not committed to the County General Fund, State Lottery Funds, and capital improvement or special project appropriations outstanding as of June 30th in the calendar year in which this budget ordinance is effective, shall be carried forward into the subsequent fiscal year budget appropriations. Any unexpended grant monies for grants which have had no spending for the current and prior fiscal years, are to be returned the grantor or transferred to the County General Fund. All grants are to be budgeted and accounted for in a special revenue fund and authorized local match transfers will be completed by the County Chief Financial Officer based on County Council's acceptance of the grant.

(2) County Acceptance: The expenditure of funds for grant programs included in this budget shall not be authorized unless evidence that the respective grants have been approved by the grantor agency is provided to the County Administrator, and the grant has been accepted and funded by proper action of County Council. In all cases, total program expenditures shall be limited to the lesser of the total grant award(s), or the amount(s)

designated in the current budget appropriations, as amended, or as approved by County Council Grant Resolutions. County Chief Financial Officer must be listed as a contact on all grant applications and awards; all correspondence must be copied to the County Chief Financial Officer.

(3) **Budgeting:** Grant funds requiring matching County funds not specifically budgeted shall be authorized by passage of Council Resolution approving the grant application and identifying matching expenditure funds from other previously appropriated funds. Grants not exceeding \$50,000 and requiring no new local match appropriation may be budgeted by the County Administrator or his designee. If the amount is greater than \$50,000, then the amount shall be budgeted by Council Resolution. The Chief Financial Officer is authorized to create the necessary general ledger accounts; the opening of bank accounts, when necessary, shall be executed by the County Treasurer in coordination with the Chief Financial Officer. When grant award payments are received, the Treasurer's Office or County Offices shall provide the Chief Financial Officer with copies of all checks received for the reimbursement of grant expenditures and any other related documentation determined by the Chief Financial Officer as necessary to ensure audit compliance. All grant revenues shall be credited to the appropriate revenue line item as established by the Chief Financial Officer. Grant revenues will not be applied directly to expenditure line items. All grant disbursements shall be authorized only through the Finance Office unless State or Federal law specifically provides otherwise and the County is exempt from financial reporting on those funds at both the State and Federal levels. Positions approved by County Council and supported through Grant funding, particularly where grant funding periods do not follow the County fiscal year term, may not appear in Budget detail.

(4) **Federal Reporting:** In accordance with Federal Part 200 Uniform Reporting Requirements related to Federal grants, all County offices, Component Units and other pass-through Organizations must report the expenditures and provide copies of grant awards and any other grant related reports to the Chief Financial Officer. Prior to the disbursement of any funds, the Finance Office must be provided with all requested documents to verify the accuracy and validity of the requested grant funds disbursement. County offices, Component Units or other pass through Organizations that do not comply with this ordinance and any other published administrative procedures necessary for complete and timely reporting of grants such that the County incurs additional independent audit costs or loses grants funds will either have these costs deducted from the Office or Component Unit's budget appropriations annually or will be forbidden to receive County sponsored grants or other funds until full recoupment has been made.

SECTION 2. FUND BALANCE MANAGEMENT

a. Compliant Fund Balance Policy: Colleton County Council utilizes a compliant fund balance methodology based on the cash-flow needs of the County to maintain sufficient reserves in order to maintain County operations. End of year fund balance estimations and associated cash flow projections for all cash-discrete funds are developed annually in the budget process to maintain a minimum of 20% of annualized appropriations in operational funds to ensure routine operations remain uninterrupted and in sinking funds (debt service fund) balances as required to timely service all scheduled debt.

b. Tax Anticipation Note Authority: The County is hereby empowered to borrow in anticipation of tax or other revenues for County purposes any sum not exceeding the amount anticipated to be received from taxes and other revenues during the current or following fiscal year, and not only to pledge the taxes or other revenues anticipated in the current or succeeding fiscal year, but to pledge, also, the full faith and credit of Colleton County for the repayment of any sums so borrowed. Such sums shall be borrowed from any banking institution or lending agency and shall be payable at such time, upon such terms, and in such sums as may be negotiated between the County and the lender.

c. Temporary Inter-Fund Loans: Interfund cash transfers are prohibited except as noted elsewhere herein and where implementation of the budget and accounting conventions dictate. Should the Treasurer determine that a temporary inter-fund loan is required to support cash flow of any fund, the Treasurer must provide to the County Administrator documentation and a written requisition for the funds needed, to include a year-to-date, by month,

cash flow analysis of the shortage, and the County Administrator is authorized to approve said short-term transfer and its reversal. Temporary inter-fund loans and transfers shall be reported to County Council.

SECTION 3. BUDGET YEAR END

a. Purchase Authority Cutoff: The budget year shall expire on June 30 of this fiscal year. No monies shall be disbursed pursuant to this Ordinance unless such funds have been obligated (i.e. an order has been placed or a contract signed for the delivery of goods or services in accordance with County procurement procedures) prior to the close of the fiscal year, which is June 30th. The County Administrator will take action to preclude all purchase order activity except business required for expedient operations and emergencies after June 15th of the fiscal year; no capital purchases other than emergencies will be initiated after May 31st of the fiscal year without the express written approval of the County Administrator. In addition, all items must be received and invoiced June 30th or earlier, or the items will be deducted from the originating office’s subsequent fiscal year budget.

b. Purchase Order Liquidation: All offices are responsible for providing documentation regarding outstanding obligations for this fiscal year to the Finance Department on or before June 15th to facilitate the proper accrual of outstanding obligations of the County or the obligation(s) may be deducted from the office’s budget for the subsequent fiscal year.

c. No Roll-Forward: Budget line-item balances shall under limited circumstances roll forward at the end of this fiscal year into the next fiscal year’s budget, except for capital project funds, bond funds and grant funds crossing the fiscal year or as otherwise specified or appropriated within this budget ordinance.

d. Unexpended Funds: At the close of this fiscal year, any unexpended funds shall be turned over to General Fund Balance unless the County Treasurer is otherwise directed herein or specifically restricted by other County ordinances, State or Federal Law, or grant terms.

SECTION 4. NATURE OF REVENUES, EXPENDITURES, AND CHART OF ACCOUNTS

a. Chart of Accounts: Appropriation and expenditure of the funds outlined in Section 1 above shall be by object category in the County’s central accounting system as listed below:

Personal Services – Salaries & Wages	1xxx
Personal Services – Employee Benefits	2xxx
Purchased Professional & Technical Services	3xxx
Purchased-Property Services	4xxx
Other Purchased Services	5xxx
Supplies	6xxx
Property – Fixed Asset Guidelines	7xxx
Other Objects	8xxx
Colleton Transportation Committee	9xxx

b. Transfers Prohibited: Unbudgeted transfers are prohibited except as approved herein and in accordance with generally accepted accounting principles.

c. Overspending: Any office, which overspends its straight-line spending levels for two consecutive months, shall be reviewed by the County Administrator, who may freeze position vacancies, capital expenditures, and funds transfers, and remove sufficient personnel from the County payroll to offset fully the impending budget overrun prior to the close of the fiscal year.

d. Reallocation:

(1) Funds: The Council may transfer any appropriations by resolution. The County Administrator or his designee may authorize individual transfers as needed not to exceed \$25,000. Each fund recipient Office Head must monitor expenditures daily and exercise caution to prevent over-expenditures. Primary responsibility for monitoring expenditures rests with each such Official individually. All requests for

transfers from payroll accounts must be submitted in writing with detailed explanation to the County Administrator for consideration.

(2) **Functions:** The County Administrator, in consultation with County Council, is hereby authorized to transfer County Government functions and allocated appropriations among the various County divisions and offices in order to combine compatible employee positions and functions, eliminate duplicate work, gain performance efficiencies, or reduce overall operating costs of the County Government.

SECTION 5. FIXED ASSETS

a. Reporting: The cost of normal maintenance and repairs that do not add to the value of the asset or materially extend the useful life of the asset are not capitalized. The threshold for determining if an item is considered to be a fixed or capital asset is the value or the purchase price (whichever is higher) of \$5,000 or greater and the item must have a useful life of more than one year. Appropriate depreciation schedules are maintained on the straight-line basis over the estimated useful life of each asset in accordance with Generally Accepted Accounting Principles (GAAP). The estimated useful life is determined by guidelines developed by the State of South Carolina Office of Comptroller General, and in some cases, applicable Federal IRS regulations and/or Governmental Accounting Standards Board (GASB) 34 implementation guidelines. Fixed Asset and Capital reporting for the County is based on the following categories:

- Land
- Buildings and Improvements
- Infrastructure or Improvements Other Than Buildings
- Vehicles
- Furniture
- Machinery and Equipment

b. Inventory Control: Each County Office is responsible for verification of all of its items required to be listed in the Fixed Asset System maintained by County Finance and for providing paperwork/documentation to the Finance Department when the asset is received.

c. Donated Assets: Each County Office is responsible for verification of all items donated to that Department and required to be listed in the Fixed Asset System (valued at \$5,000 or more). Further each Office is responsible for providing paperwork/documentation to the Finance Department when such asset is received.

d. Insurance Proceeds: In order to comply with GASB regulations, all insurance payments will be processed by the County Finance Office and will be applied towards vehicle/equipment repairs when sufficient documentation/invoices are received from the department to justify the repair cost. If assets are considered impaired under GASB42 regulations and the impaired items will not be repaired or placed back into service, the insurance proceeds will be deposited into the Colleton Capital Fund 115 for future capital acquisitions of Colleton County unless the terms and conditions of the original funding source (Federal Asset Funds, grants, etc) require deposit of the insurance proceeds back to that particular funding source.

SECTION 6. RECEIPT, MANAGEMENT, AND REPORTING OF CASH:

a. Depositories option: The Council by resolution may elect to designate the banks to be used as checking depositories of County Funds through a bid procedure.

b. Timely deposit: All service charges, fees, fines, reimbursements, grant funds etc. received by County Offices shall be deposited with the County Treasurer as soon as possible after collection. All County Offices that collect funds on a daily basis shall reconcile receipts to funds received and submit funds to the Treasurer's Office by the following business day in the format as prescribed by the County Treasurer. Offices collecting less than \$200 on any single day may delay one business day. This policy does not apply where State law specifically provides authority for other actions to a specific official.

c. Bank Reconciliation: The Treasurer will record the County's cash receipts in accordance with the Chart of Accounts as authorized by County Council and as amended by the Chief Financial Officer. On or before the 15th day of each month, the Treasurer will provide the County Administrator's designee, the Chief Financial Officer, with the prior month's bank reconciliation recap for the County and other banking information on which revenue entries into the general ledger are to be based. These reports will be in a format as prescribed by the Chief Financial Officer and must contain sufficient detail to fully identify revenue and cash transfers for audit and reporting purposes, in accordance with State Law and GASB regulations. The Treasurer is responsible for reconciling bank accounts maintained in the Treasurer's Office in order to properly record revenues to the books of the County in accordance with the County's chart of accounts and properly allocating interest and all other funds to various funds and bank accounts as required by SC Law, and for properly segregating funds in accordance with SC Law so as to avoid any commingling of cash at all times. The Treasurer's Office is also responsible for maintaining sufficient funds on hand to cover due to/from balances from various funds to the General Fund to cover interfund transfer liabilities created during the payroll and accounts payable processes and is responsible for completing timely the transfer of funds to reimburse the General Fund, and for documenting all cash transactions in detail as required by GASB and audit standards. Significant additional costs, if any, related to bookkeeping functions within the Treasurer's Office such as bank reconciliations, revenue accruals, reversal of revenue accruals, preparation of various audit schedules and the reconciliation of due to/from account balances related to interfund transfers and tax collection transfers will be identified and billed separately by the County's Independent Auditors from the general and actual audit costs of the County.

d. Cash Accounting: As is required by SC State law, the Treasurer shall report to the County Administrator's designee, the Chief Financial Officer, by the 15th of every month, the complete and full nature of all monies, as well as all investments, tax levy distributions, and other cash movements. Such reports shall be in the form prescribed by the Chief Financial Officer and the Treasurer shall make available copies of bank reconciliations of each of the County bank accounts, copies of the monthly bank statements, copies of any brokerage account statements, and any other Treasurer's Office records which the Chief Financial Officer requires to ensure that the County's books are balanced and that transactions have been properly recorded. In addition, the County Treasurer's Office is responsible for annual external audit reporting of revenues to the State Comptroller's Office and for providing the Finance Office and External Auditors with sufficient data to convert revenues from the cash basis of accounting to the modified accrual basis of accounting in order to ensure legal and annual audit compliance with Governmental Accounting Standards Board (GASB) regulations, in particular GASB Statement No. 34 which requires revenue reporting on the modified accrual basis of accounting during the fiscal year and year-end conversion to accrual basis to produce Government-Wide Financial Statements. All monies collected by the Treasurer are designated for specific accounting funds established by this Ordinance and shall not be commingled. All interfund loans and transfers must be approved and executed in accordance with the provisions of this Ordinance.

e. NSF Check Management: All non-sufficient funds (NSF) checks related to the payment of vehicle or property taxes, which are returned to the Treasurer shall be handled timely and in accordance with State Law. Tax Receipts issued against the NSF check payment shall be voided in the County's Tax System the same day the NSF check is received, and a different receipt issued at a later date for any subsequent payment. If the funds are not redeemed in full by the taxpayer and the taxes become delinquent, that tax levy shall be immediately flagged as delinquent in the County's Tax System and, where appropriate under South Carolina Law, turned over to the Delinquent Tax Department for collection. The Treasurer is responsible for the proper handling of non-sufficient funds checks and for the proper reconciliation of NSF checks to the Colleton County Tax Levy Collection system and reports and for providing reconciled data to external auditors at the end of the fiscal year showing the proper handling of NSF checks received. All county offices will immediately void any receipts issued, so recording in any automated system tracking the payment or receipt, and proceed with collections of the amounts due and the NSF check charge established by the County. Additionally, no check may be "held" in any fashion at any time, to avoid NSF charges or receipt revocation.

f. Investments: All Funds clearly not needed for a period of ninety days or longer shall be invested by the Treasurer in accordance with SC Law in the highest yield, collateralized, interest bearing accounts, or County, State and United States short-term obligations, the SC LGIP, or any instruments specifically permitted by SC State Law, subject to maintaining sufficient cash balances to meet current and anticipated expenses and accruing obligations of the County. Interest earned by interest bearing accounts and investment income will be recorded to the applicable funds and reported monthly by the County Treasurer to the Finance Office for inclusion in the monthly financial reports. No funds will be invested in CD's whenever overnight investments are earning interest at a higher rate.

g. Title IV-D (Child Support Enforcement) Federal Funds: The County Administrator, Clerk of Court, and Sheriff are authorized to enter jointly into agreements with the South Carolina Department of Social Services for receipt of Title IV-D (Child Support Enforcement) Federal Funds. No single individual signature on these agreements will obligate the County to comply with the terms of the agreements in any manner or fashion.

h. New and Unbudgeted Revenues: In accordance with State Law, all non-budgeted revenues received during the year shall be routed through the Finance Office to be allocated to an appropriate revenue line item as determined and approved by the County Chief Financial Officer. If the dollar amount exceeds \$50,000, the budgeting of said funds will be established by Council Resolution, Ordinance or through the annual Budget Amendment Ordinance. The Chief Financial Officer will designate funds to the appropriate revenue line item and create corresponding expenditure line authorizations to enable expenditure by the designated office. Only under very limited circumstances, such as the refund for overpayment on a vendor account, reimbursements for travel, or short-term insurance claim settlements on replacements or repairs, will the Chief Financial Officer have the authority to approve the direct posting of income to an expenditure line item. (Additional grant procedures are referenced separately in this Ordinance.)

i. Delinquent Tax Collections: The Delinquent Tax Collector is responsible for reconciling monthly all bank accounts maintained by the Delinquent Tax Collector's Office in order to properly record revenues to the books of the County in accordance with the County's chart of accounts and properly allocating interest and all other funds to various funds and bank accounts as required by SC Law, and for properly segregating funds in accordance with SC Law so as to avoid any commingling of cash at all times. Significant additional costs related to bookkeeping functions within the Delinquent Tax Collector's Office such as bank reconciliation's, revenue accruals, reversal of revenue accruals, preparation of various audit schedules and the reconciliation of delinquent tax collection transfers will be identified and billed separately by the County's Independent Auditors from the general and actual audit costs of the County. By the 15th of every month the Delinquent Tax Collector shall report to the County Administrator's designee, the Chief Financial Officer, the complete and full nature of all monies on hand, as well as all investments, tax levy distributions, and other cash transfers or movements, in the form determined by the Chief Financial Officer.

SECTION 7. DISBURSEMENT OF FUNDS

a. General: All funds shall be disbursed only in accordance with appropriations herein, and in accordance with Colleton County Procurement Policies, Colleton County Financial Policies and Procedures, Colleton County Personnel Policy, Colleton County Administrative Directives and with state and federal laws and regulations. All continuing service contracts previously approved by County Council and within existing contract terms are hereby approved for vendor payment.

The County Administrator or his designee is authorized to approve Purchase Orders not to exceed the maximum amount defined by SC Code of Laws Title 11, Chapter 35 Section 11-35-1550 (1) for Small Purchases or budgeted State or GSA contracts and eligible purchases that meet or are less than the South Carolina State contract purchase amount for the current year. All purchasing limits described in the county purchasing code shall be increased by the Bureau of Labor Statistics Consumer Price Index from the date of the inception of the code in January 2003 to May 2021. The Administrator may authorize designees for approval of Purchase Orders at such lower amounts as he deems appropriate.

b. Warrant Required: The Treasurer shall disburse all grant and other County funds only pursuant to a warrant from the Colleton County Administrator in accordance with South Carolina State Law and this ordinance. The County Chief Financial Officer shall have checks prepared for each item listed on the warrant. The listing on the warrant will include the name of the payee, the amount of the payment, and the date of the payment. The warrant will be signed by the County Administrator or his designee and the County Chief Financial Officer, directing the Treasurer to disburse County funds pursuant to the warrant in accordance with the list therein. The Treasurer or the Treasurer's designee will sign the Finance Office copy of the warrant certifying that sufficient funds are on deposit and available to issue the checks authorized by said warrant.

c. Warrant and Check Processing: The Treasurer shall deposit sufficient authorized monies timely in each respective account to cover expenses as contained in the warrants and to cover interfund (due to/from) liabilities created through the accounts payable and payroll processes. The Treasurer shall assign the custody of the check-signing device to the Chief Financial Officer or their designee to prepare checks for each item on the warrant. The warrant cover sheet shall be made in duplicate, the original being kept by the Treasurer and the copy being kept by the Finance Office as a matter of record.

d. Payments to Vendors: The Finance Office shall deliver checks in payment of County expenditures to vendors. Vendors shall be paid by either (1) Delivery of such check by U.S. Mail or comparable postal service to the vendor, (2) County issued procurement or other virtual payment card or (3) On a limited basis as in the case of many debt service payments, by wire transfer.

e. Treasurer Refunds: The Treasurer will maintain a refund account from which all property tax refunds shall be made. In addition, the Treasurer shall maintain sufficient records to provide detail regarding which taxing units should be charged for the refunds and make arrangement to recoup the funds appropriately as soon as possible.

f. Debt Service Payments: All County debt service fund payments shall be processed through the Finance Office by presentation of a warrant to the Treasurer for payment, which warrant should be initiated by the Treasurer if a payment notice is received in the Treasurer's Office. The County Treasurer is responsible for ensuring sufficient funds are on hand in appropriate accounts to maintain debt service requirements. The Treasurer is responsible for reporting the balance of debt service funds available to the County Administrator by the 15th of each month, to include any pending tax levy transfers.

g. Payments to Employees: The Finance Office shall process all approved travel advances and reimbursements of travel and other approved and appropriated operating expenses to County employees on a bi-weekly basis as a distinct payment amount that is included on the employee's payroll voucher. These amounts will not be subject to tax or other withholding except as otherwise noted in Section 9e.

SECTION 8. ANNUAL FISCAL REPORTING REQUIREMENTS

a. Boards, Commissions, Agencies, and Institutions: All boards, commissions, agencies, and institutions receiving County funds shall make a full detailed annual fiscal report to the County Council at the end of the fiscal year. The County governing body, the County Administrator, or the Finance Office may require reports, estimates, and statistics from any County office as may be necessary in the preparation of annual budgets or supplemental appropriations. Prior year audits are required for acceptance of annual budget requests.

b. Alcohol & Drug Abuse Commission: In accordance with the Colleton County Code of Ordinances, as amended, the Alcohol & Drug Abuse Commission is considered a Component Unit of the County and shall be included in the Annual Audited Financial Statements of the County. In the case of the Alcohol and Drug Abuse Commission, Colleton County Council hereby directs the Chief Financial Officer to impose a 1% surcharge to the total outstanding payroll reimbursement due to the County, to be effective thirty (30) days after the date of the payroll billing submission from the County Finance Office to the Alcohol and Drug Abuse Commission. Any variances in the amount paid versus the actual billing related to payroll must be submitted in writing to the County Chief Financial Officer prior to the receipt of funds from the Alcohol and Drug Abuse Commission or the

variance will be considered outstanding for the purposes of this Ordinance and the surcharge. This surcharge will be deducted from the Direct Aid line item on an ongoing basis, and in future budget years until paid in full.

c. Solicitor's Office: Pursuant to a Memorandum of Understanding between the Fourteenth Circuit Solicitor's Office and Colleton County, the County has agreed to process the Solicitor's Office payroll in accordance with the County's normal payroll procedure and to act as the insurance benefits administrator for the employees of that Office. All employees of the Office are considered political appointees and are not subject to the County's policies, rules, or procedures other than those directly related to the manner of payroll processing and benefits administration. The Solicitor's Office shall deposit in advance on a monthly basis with the County all monies necessary to cover Solicitor's Office payroll. Any interest collected on said monies shall be the property of the County and shall be used to offset the administrative costs associated with the processing of payroll and benefits administration.

d. Library: Colleton County Memorial Library is considered a component unit of the County and shall be included in annual audited financial statements of the County.

SECTION 9. COMPENSATION AND CLASSIFICATION PLAN AND PERSONNEL

a. General: All County Departments, Offices, designated Agencies, and Component Units are included in the County Class and Compensation Plan administered by consultants. Neither the County Administrator nor any office head may establish or fund any new position without the knowledge and consent of County Council except that the County Administrator may approve temporary personnel based on County needs and available funding.

b. Compensable Accruals: When hourly employees who have accrued compensatory time leave County employment, they shall be paid for this time from the office's regular salary funds. The position the employee is vacating shall be frozen until the amount of money to be paid for the compensatory time of the terminating employee has been paid out of the budgeted funds in that Office. If sufficient funds are clearly available in the Office budget to offset the compensatory time expense and to cover future payrolls for the Office, the position need not be frozen. Neither accrued compensatory time nor any other form of leave may be used in conjunction with worker's compensation benefits except during the mandatory waiting period. In no event shall the aggregate total of compensation and annual leave payments at separation exceed the maximum legally accruable total of compensatory time. Unused holiday leave is not compensable at the time of separation.

c. Effective Date of Personnel Action Requests (PARs): Personnel actions involving salary adjustments generally shall be effective the first day of the first pay period following approval by the County Administrator.

d. General Pay Adjustments: Pay adjustments for employees covered by S-1 and S-2 legislation as mandated by State law and adjustments based on position reevaluations by independent consultants or employment contract adjustments by Colleton County Council are included. In the case of rounding or other minor variances caused by calculation nuances subject to interpretation, the County Administrator shall be the final authority in determining the actual salary or hourly wage in accordance with and within appropriations of County Council. All pay adjustments in this budget, unless specifically stated otherwise, are effective June 21, 2021 as processed and paid on July 9, 2021.

e. Travel: When employees are required to travel on official business, the County pays reasonable amounts for transportation, meals, and lodging in accordance with the County's Personnel Policies, Administrative Directives, and this ordinance. When an office has County Vehicles assigned to it or a County Pool Vehicle is available, employees should utilize a County Vehicle if this use does not impede County Operations. If the employee's personal vehicle is utilized with prior approval of the County Administrator, the employee shall be reimbursed at a rate of fifty-one (.51) cents per mile traveled. Meal expenses may not exceed \$32.00 per calendar day for in-state travel or \$54.00 for out-of-state travel and no per diem reimbursement will be provided for travel that is less than two days. Under this section no more than one day of per diem will be provided for travel each way to/from a business destination. Per diem meal reimbursement is only provided when an overnight stay at the conference or business destination is required and the employee must provide the appropriate documentation to substantiate

the business connection as outlined in Section 12.4A(2) of the Colleton County Personnel Policy. County Policy provides for no per diem for any travel within the County, including no meal reimbursements within the County.

For a Law Enforcement employee transporting a prisoner, the employee will be reimbursed at per diem rates for his own meal at any food stop mandated by statute on behalf of the prisoner. In all other cases, Law Enforcement employees shall be required to follow the regular requirements for reimbursement of meal expenses provided for other County employees.

There is no provision for advance per diems to the individual for Hotel Reservations, Airline Tickets, Conference/Seminar registration costs or any other costs directly related to travel; all such costs will normally be paid directly to the vendor providing the service. Travel advances to the employee for meals shall not include per diem for the day of departure and return and for any partial days. Travel advances to employees will not be paid more than two weeks in advance and full accounting of the funds must be sent to the Finance no later than (15) days after the dates of travel or the advanced funds will be withheld from the employees next scheduled payroll check.

Requests for reimbursements must be presented within (15) days of return from the trip. Original, dated, detailed receipts must accompany all travel reimbursement requests; limited exceptions to this policy will be allowed as approved by the County Administrator or his designee when sufficient reason is provided, and the Department Head or Elected Official involved approves. Where exceptions are considered taxable income under IRS regulations, the reimbursed funds will be processed through the payroll system as taxable income. County Department Heads and Elected Officials shall have no authority to waive the requirement for receipt of original, dated, detailed receipts under this section except with written approval by the County Administrator or his designee. Under no circumstances shall the County reimburse any persons eligible for travel reimbursement by the County for alcoholic beverages, personal purchases of any kind not specifically authorized in the personnel policy, or any amounts for which appropriated funds are not available or where such reimbursement would be a violation of the State Ethics Laws and regulations.

f. Credit Cards and Accounts: The Colleton County Capital Projects/Procurement office has a purchasing/procurement card program with established controls and procedures, credit cards which obligate Colleton County are expressly not permitted. Credit accounts in the name of the County must be forwarded to the County Finance Office which is responsible for establishing credit accounts with vendors upon written approval by the County Administrator or the Chief Financial Officer. The County Finance Department is also responsible for the control and monitoring of all credit accounts in the County's name, verification of goods received and reconciling of such credit purchases to invoices received. Accounts not established in accordance with this ordinance are the sole responsibility of the initiating person, and the County shall not be liable or obligated to make payment on behalf of the initiator or the person using the account.

g. Assistance to Retirees: Persons retiring after the effective date of this ordinance may be eligible to receive for this year only, up to 50% of the cost of their individual health/dental insurance purchased through the SC State health insurance program this year provided that:

- (1) The person is employed by Colleton County at the time of his/her retirement, is at least 62 years of age, and is covered at that time under Colleton County's health/dental insurance program; and
- (2) The employee had twenty years of qualifying, full-time employment with Colleton County prior to the retirement; and
- (3) The employee is retiring under the South Carolina Retirement System or the South Carolina Police Retirement System.
- (4) The specified Council appropriation made by and within this ordinance for said assistance is sufficient to fund the full 50% of all costs of all those eligible for and receiving assistance under this provision for this fiscal year. This retiree assistance is for this year only and remains subject to appropriation by County Council.

- (5) Any person, who retires from County employment meeting all the requirements except the age requirement, will be eligible for this funded percentage of cost assistance upon reaching the age of 62.

h. County Attorney: The County Attorney may represent all agencies, boards, and officials in Colleton County that are employees of the County and subject to the budgetary controls of the County Council. Said attorney shall not represent any other organization, agency, or individual in any matter coming before the County Council. Specialized counsel may be retained when such representation is deemed to be in the best interests of the County.

i. Fire and Rescue: Any volunteer response cost assistance program must be based on specific written procedures and criteria adopted by the Fire Commission and approved by the County Council. Appropriations for all medical and firefighting positions in Fire-Rescue are for dual-certified positions only. Non-dual-certified candidates with no prior service with Colleton County may be hired as PRN and underslotted in an open position for up to one year, during which time dual certification must be achieved to be eligible for retention and transfer into the regular position status.

j. Family Medical Leave Act: Personnel will be removed from the County payroll when the initial FMLA mandated leave period is exhausted, before the extension period begins.

k. Drug Testing: Any candidate selected for employment with Colleton County shall be drug tested prior to being placed on any payroll processed by the County. Failure to report for the initial drug test scheduled by Human Resources shall result in discontinuation of any further consideration of the candidate.

l. Position Re-evaluations: Department Heads and Elected Officials, who wish to submit positions within their department for evaluation for Council consideration during the next fiscal year's budget process, must complete and deliver to the Chief Financial Officer the job descriptions or Comprehensive Position Questionnaires no later than November 30th in order that the consultant's evaluation can be completed and recommendations presented to Council with the First Reading of the Budget Ordinance.

m. Thirty-Year Service Recognition Awards: As provided in the Personnel Policy Manual, any regular full-time employee who achieves thirty continuous years of service in Colleton County government shall receive a \$5,000 Service Recognition Award. All such awards shall be paid contingent upon budget appropriation, and such payment shall be scheduled for the first pay period following the employee's thirty-year anniversary.

n. Election Commission Stipends: In accordance with IRS regulations, Election Commission Stipends will be processed through the Colleton County Payroll System quarterly in arrears based on funding received from the South Carolina Elections Commission. The Colleton County Voter Registration/Elections Office must provide to County Human Resources and Finance a detailed quarterly list with the name, address, and term in office for each Election Commissioner appointed in accordance with Section 7-5-10 of the South Carolina Code of Laws, as amended. Each Commissioner must complete all required payroll-record paperwork through the County Human Resources Office, including forms for tax withholdings, retirement election, etc., before payments can be issued. In addition, prior to payment processing, the County Treasurer must validate receipt of stipend revenue from the State Elections Commission.

o. Furlough: In the event that the economic situation creates a revenue shortfall for the County, the County Administrator is hereby authorized to institute a furlough program in the manner and for the length of time, up to fifteen days, deemed to be in the best interest of the County. Funds from the payroll and benefits account line items unexpended as a result of such furlough may be transferred at the County Administrator's discretion to cover essential operations.

SECTION 10. INDEPENDENT AUDIT

An independent annual audit of all financial records and transactions of the County shall be made by a Certified Public Accountant or firm of public accountants with no personal interest, direct or indirect in the fiscal affairs of the government of Colleton County or any of its officers. The County Council may, without requiring competitive bids, designate such accountant or firm. Unless included in the annual County audit, an annual audit of each county agency, board, bureau, or commission of Colleton County, funded in whole or in part by County funds, shall be made. Copies of the annual County audit shall be available on the County website and provided for Colleton County Administration and every member of the County governing body.

SECTION 11. FEES AND CHARGES

a. Disposition of Collections: All taxes, fees, charges, and assessments not otherwise allocated specifically by this ordinance with the supporting detail incorporated herein by reference or by law shall be deposited in the Colleton County general fund with other general fund revenues. All such taxes, fees, charges, and assessments shall be appropriated and allocated by the Colleton County Council in the same manner as other general revenues. No such taxes, fees, charges, or assessments shall be paid to or shall accrue to the personal benefit of any officer or employee of Colleton County. Use of fees, fines, and charges to reimburse expenditure budget line items through deposit credits is prohibited. The following fees are hereby established and continued hereafter until otherwise discontinued by action of County Council by ordinance:

b. Fee Changes: The following fee changes are included in the respective fund appropriations.

- (1) Fund 210 Roads and Bridges driveway culvert installation fees are budgeted at the most recent State of South Carolina contracted cost plus applicable sales tax per foot for both concrete and plastic pipes.
- (2) Fund 211 Solid Waste waste tire disposal costs are budgeted at \$150 per ton.

c. Payment by Credit Card: A Credit Card Convenience Charge of 2.35% is necessary to fully offset the costs to the County for credit card payments and processing, and is hereby directed to be assessed and collected by the County Treasurer in accordance with applicable State Laws, with all related collections and costs to be reported specifically to Finance to be included in the monthly financial reports.

d. Museum and Recreation Department: The Colleton County Museum, and Recreation Department are authorized to maintain cash drawers and petty cash accounts. An accounting of the monies in each account will be conducted on the last business day of each month and signed by the director or their designee attesting to the accuracy of the accounting. A copy will be forwarded to the Finance office no later than 5 calendar days of the month following. These accounts are subject to unannounced internal audits by the Finance Office, and its inclusion in the annual County external audit is required.

e. Library Petty Cash Accounts: The Colleton County Library is authorized to maintain an account for donations and petty cash of less than \$1,000. An accounting of the monies in this account, including a copy of the monthly bank reconciliation, is to be provided to the Finance Office by the 15th of each month for the prior month. This fund is subject to unannounced internal audits by the Finance Office, and its inclusion in the annual County external audit is required. The Library is responsible for the proper accounting and reconciliation of the bank account.

f. Sheriff Federal Asset Accounts: The Colleton County Sheriff's Office is authorized to maintain account(s) as required by Title 2 U.S. Code of Federal Regulations Part 200 Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards for the accounting of Federal Asset/Seizure Funds. An accounting of the monies in this account, including a copy of the monthly bank reconciliation, is to be provided to the Finance Office by the 15th of each month for the prior month. This accounting fund is subject to unannounced

internal audits by External Auditors in order to ensure compliance with Federal A-133 reporting and for inclusion of this information in the annual County external audit report as required by law. Any additional audit charges related to Federal Asset account(s) will be billed separately to the Sheriff's Office.

g. Fire and Rescue Fire Insurance Billing: The Colleton County Fire Rescue Commission is authorized to complete and submit where applicable insurance company billings following a response to a structure fire, car fire, auto accident, extrication, establishment of Helicopter Landing Zone, HazMat response, medical first response and rescue in accordance with specific written procedures developed and adopted by the Fire Commission and approved by the County Council. Insurance payments received shall be utilized for provision of fire/rescue service.

h. GIS/Map Copies: Any surveyor whose business office is headquartered in Colleton County is eligible to receive free of charge any GIS Map copy (8 ½ x 11" or 11 x 17", color or black and white) as required in the performance of his work.

SECTION 12. DEBT COLLECTION

a. Setoff Debt: Colleton County is hereby authorized to participate in the Setoff Debt Program through the South Carolina Association of Counties on an annual basis as approved by the Colleton County Administrator, who is authorized to execute all documentation and direct all designations of personnel participating as necessary.

b. Solid Waste and Fire-Rescue Services: County Council approval is required to write off any current debt related to Fire-Rescue Services in connection with the provision of ambulance services or to Solid Waste in connection with the provision of waste disposal. The County Administrator is authorized to write off debts which are no longer collectible under SC State Law due to related statute of limitations or judicial decision. The Solid Waste Director and Fire-Rescue Services Director are responsible for providing detailed debt status information to the Chief Financial Officer before June 30th each fiscal year for inclusion in the 3rd Reading of the Annual Budget Amendment Ordinance.

SECTION 13. EDISTO AREA FIRE SERVICES CONTRACT

The Chairman of County Council is authorized to execute a contract, as appropriated herein, with the Town of Edisto Beach for the provision of fire protection services for those portions of Edisto Island falling within the unincorporated area of Colleton County or within the Town of Edisto Beach, subject to appropriations herein and/or in the annual budget of the Town of Edisto Beach and subject to the approval of the contract by the County Attorney.

SECTION 14. NO SOLICITATION ON COUNTY PROPERTY

No vendors or solicitors may display, sell, or solicit for the purpose of selling to employees or the public any goods, wares, or services within County offices or on County property unless specifically authorized by County Council or in accordance with appropriately designated uses, as in the case of the Recreation Center, the Museum/Farmers Market, and the Edisto Beach Education and Civic Center facilities. No insurance agents, including representatives from agencies providing coverage through payroll deduction, may solicit from, sell to, visit, or contact County employees in any manner during work hours or in the work place. No vendors or solicitors may post or hand out within County offices or on County property to employees or the public any materials for the purpose of selling or soliciting any goods, wares, or services unless specifically authorized by County Council or in accordance with appropriate designated uses. Anyone found guilty of violating this Section shall be guilty of a misdemeanor and shall be subject to a fine not to exceed \$500 per incident, or less than \$100 per incident. Such violators shall be ticketed by a Sheriff's Deputy or Code Enforcement Officer and tried in Magistrate's Court. Only open enrollment meetings schedule by Human Resources and authorized in writing shall be permitted, and such meetings shall be restricted to the time, place, and date indicated by the Human Resources Manager.

SECTION 15. CONTRACTING AND FUNDS OR OTHER COMMITMENTS

Except where otherwise designated by County Council, only the County Administrator (or the County Administrator’s designee) may obligate the county in any manner through signature on contracts, purchase orders, or other such agreements or documents as an authorized agent.

SECTION 16. AGRICULTURAL ASSESSMENT EXTENSION PROCESS – PRIVATE CITIZENS

A fixed Agricultural Assessment Extension Policy for private citizens is hereby authorized. Any private citizen may apply for agricultural assessment for no more than two tax years prior to the then current tax year. Businesses, including partnerships, corporations, etc., are not eligible to receive consideration under this fixed policy, but must continue to make application to Council demonstrating to Council’s satisfaction that the business had reasonable cause for not filing timely. The County Administrator shall administer the program with forms and procedures as necessary in accordance with South Carolina Law.

SECTION 17. VEHICLES – OFFICIAL COUNTY FLEET RECORD

An authorized list of all County-owned vehicles providing make, model, year, serial and tag numbers, and assigned department/office shall be established as the official County Fleet Record and shall be approved by County Council Resolution. Only vehicles included in the official County Fleet Record shall be insured and maintained by the County. The approval by written resolution of County Council or authorization as provided in annual budget ordinances shall be required to place any additional vehicles in the County Fleet Record. Without such authorization, no vehicle shall be added to the CFR or to the County’s insurance policies except where a currently insured vehicle is being removed from same. Vehicles removed from the CFR and the insurance policies must be surplus, through Council resolution, and placed for sale according to County Purchasing Policy.

SECTION 18. JUROR PAY

Citizens selected for Jury duty within the Colleton County Court System shall be paid a flat rate of \$20.00 per day for those days when appearance in Court is required. No mileage or other such payment shall be made.

SECTION 19. FIRE-RESCUE, S.C. MEDICAID TRADING PARTNER AGREEMENT

The County Administrator is authorized to execute the annual contract between South Carolina Department of Health and Human Services (SCDHHS) and Colleton County on behalf of the Fire-Rescue Commission to comply with HIPAA requirements for electronic billing.

SECTION 20. FLEXIBILITY PROVISIO

Colleton County hereby provides that it may reduce its support to any outside direct assistance payments and/or State mandated programs or requirements by up to a percentage equal to the percentage of reduction in the actual amount appropriated to the Local Government Fund as compared to the amount required to be appropriated pursuant to Section 6-27-30 of the State Code of Laws, and in accordance with the State Flexibility Proviso.

SECTION 21. All provisions in other County Ordinances in conflict with this Ordinance are hereby repealed.

SECTION 22. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance, which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 23. At the time this was passed, the following Elected Officials were in office for Colleton County:

Official	Seat
Gene Whetsell	Council Seat at Large
Art Williams	Council Seat #2 Eastern District
Phillip M. Taylor, Sr.	Council Seat #3 Eastern District
Steven D. Murdaugh	Council Seat #4 Western District
Joseph F. Flowers, MD	Council Seat #5 Western District
Jeff Slocum	Auditor
Richard Harvey	Coroner
Rebecca H. Hill	Clerk of Court
Ashley Amundson	Probate Judge
Guerry Hill	Sheriff
Becky S. Hill	Treasurer

This Ordinance shall become effective on July 1, 2022.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Steven D. Murdaugh, Chairman

COUNCIL VOTE:
OPPOSED:

Approved as to Form
Sean P. Thornton, County Attorney

Sponsor(s)	: County Council	
First Reading	: May 3, 2022	I, _____
Committee Referral	: N/A	Council Clerk, certify that this
Committee Consideration Date	: N/A	Ordinance was advertised for
Committee Recommendation	: N/A	Public Hearing on _____.
Second Reading	: June 7, 2022	
Public Hearing	: July 26, 2022	
Third Reading	: July 22, 2022	
Effective Date	: Immediately	

ORDINANCE NO. 22-O-08

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[TO IMPOSE, SUBJECT TO REFERENDUM APPROVAL AND PURSUANT TO THE CAPITAL PROJECT SALES TAX ACT, A ONE PERCENT (1%) SALES AND USE TAX (THE "TAX") WITHIN COLLETON COUNTY FOR NOT MORE THAN SEVEN (7) YEARS; TO ORDER A COUNTY-WIDE REFERENDUM ON THE QUESTION OF IMPOSING THE TAX AND TO PRESCRIBE THE CONTENTS OF THE BALLOT QUESTION; TO SPECIFY THE PURPOSES FOR WHICH THE PROCEEDS FROM THE TAX ARE TO BE USED, THE MAXIMUM TIME FOR THE IMPOSITION OF THE TAX; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.]

Sponsor(s)	: County Council	
First Reading	: May 3, 2022	I, _____,
Committee Referral	: N/A	Council Clerk, certify that this
Committee Consideration Date	: N/A	Ordinance was advertised for
Committee Recommendation	: N/A	Public Hearing on _____.
Second Reading	: June 7, 2022	
Public Hearing	: July 26, 2022	
Third Reading	: July 26, 2022	
Effective Date	: Immediately	

ORDINANCE NO. 22-O-09

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[To Authorize the Rezoning of a 4.3 Acre Parcel at Bennett’s Point, Identified as T.M.S. No. 334-00-00-074, from Community Commercial (CC) to Rural Conservation-2 (RC-2).]

WHEREAS:

1. County Council pursuant to Title 6, Chapter 29, Code of Laws of South Carolina, 1976 as amended, has the legal authority to periodically amend the Official Colleton County Zoning Ordinance and Maps; and
2. The Colleton County Zoning Ordinance authorizes County Council to amend the official Zoning Maps for Colleton County; and
3. The Planning Commission has reviewed an application to rezone from Community Commercial (CC) to Rural Conservation-2 (RC-2), an approximately 4.3 acre, parcel identified as T.M.S. No. 334-00-00-074 located at Bennett’s Point, also owned by the applicant; and
4. The applicant wishes for the parcel to be zoned Rural Conservation-2 (RC-2) to ensure that the zoning of the property preserves its character and use; and
5. The Planning Commission at their Monday, April 25, 2022 meeting, voted unanimously to recommend that Council approve the requested rezoning, as the Rural Conservation-2 District is compatible with the Comprehensive Plan description of the area, and the rezoning would serve to maintain Bennett’s Point’s rural setting.

NOW, THEREFORE, BE IT ORDAINED BY COLLETON COUNTY COUNCIL, DULY ASSEMBLED, THAT:

1. The 4.3 acre tract at Bennett’s Point, identified as Tax Map Number 334-00-00-074, is hereby rezoned from Community Commercial (CC) to Rural Conservation-2 (RC-2) on the official Zoning Maps for Colleton County.

2. Severability:

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

3. Conflict:

Provisions in other County Ordinances, Resolutions, policies, or by-laws in conflict with this Ordinance are hereby repealed.

ATTEST:

SIGNED:

Kaela Brinson, Council Clerk

Steven D. Murdaugh, Chairman

Approved as to Form
Sean Thornton, County Attorney

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : May 3, 2022
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 22-R-25

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Award the Contract in Accordance with Bid FM-56 for Fleet Maintenance Bay Door Replacement.]

WHEREAS:

1. The County advertised a Request for Bids, FM-56 for the Fleet Maintenance Bay Door Replacement; and
2. Three bids were received; and
3. Contract Building Systems, LLC meets all of the requirements of the bid and is the lowest bidder; and
4. Staff has reviewed the bids, and recommends the contract be awarded to Contract Building Systems, LLC in the amount of \$143,174.00; and
5. Funding for this project is available in the Capital Fund – Fund 115.

NOW THEREFORE BE IT RESOLVED BY THE COLLETON COUNTY COUNCIL DULY ASSEMBLED THAT:

1. County Council hereby awards the contract in accordance with Bid FM-56 to Contract Building Systems, LLC in the amount of \$143,174.00 for the Fleet Maintenance Bay Door Replacement.
2. The County Administrator is hereby authorized to execute a contract on behalf of the County pending approval of same by the County Attorney
3. Funding is available in the Capital Fund – Fund 115.

ATTEST:

SIGNED:

Kaela Brinson, Council Clerk

Steven D. Murdaugh, Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : May 3, 2022
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 22-R-26

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[To Reschedule the July County Council Meeting and Cancel the August County Council Meeting.]

WHEREAS:

1. The first Tuesday of July falls during the week of a national holiday; and
2. The South Carolina Association of Counties Annual Conference is scheduled for August 1 – August 4, 2022; and
3. Staff recommends that County Council hold one meeting on July 26, 2022 to cover regular business for the months of July and August.

NOW THEREFORE BE IT RESOLVED BY THE COLLETON COUNTY COUNCIL DULY ASSEMBLED THAT:

County Council hereby reschedules the July 2022 County Council meeting to July 26th, 2022, and hereby cancels the August 2022 County Council meeting.

ATTEST:

SIGNED:

Kaela Brinson, Council Clerk

Steven D. Murdaugh, Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : May 3, 2022
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 22-R-27

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[To Authorize the Council Clerk to Advertise for Board Vacancies]

WHEREAS:

1. Colleton County Resource and Development Board has one vacancy; and
2. Colleton County Board of Disabilities and Special Needs has one vacancy; and
3. Colleton County Planning Commission has two vacancies; and
4. Edisto River Canoe & Kayak Trail Committee has one vacancy; and
5. Colleton County Board of Assessment Appeals has one vacancy; and
6. The County Council is the appointing authority for Boards.

NOW THEREFORE BE IT RESOLVED BY THE COLLETON COUNTY COUNCIL DULY ASSEMBLED THAT:

The Council Clerk is hereby directed to advertise for the vacancies.

ATTEST:

Kaela Brinson, Council Clerk

SIGNED:

Steven D. Murdaugh, Chairman

COUNCIL VOTE:

OPPOSED:

Sponsor(s) : County Council
Adopted : May 3, 2022
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 22-R-28

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[To Appoint Members to Board Vacancies.]

WHEREAS:

1. Colleton County Library Board of Trustees has three vacancies; and
Applicants: Lonnie David Martin, Jr., Vennie Mitchell, Latosia Simmons, and Celeste Stone
2. Colleton County Keep Colleton Beautiful Board has five vacancies; and
Applicant: Jaqueline Harvey-Brown
3. The County Council is the appointing authority for Boards.

**NOW THEREFORE BE IT RESOLVED BY THE COLLETON COUNTY COUNCIL
DULY ASSEMBLED THAT:**

The Council Hereby appoints the following:

Colleton County Library Board of Trustees: _____, _____,
_____.

Colleton County Keep Colleton Beautiful Board: Jaqueline Harvey-Brown

ATTEST:

SIGNED:

Kaela Brinson, Council Clerk

Steven D. Murdaugh, Chairman

COUNCIL VOTE:
OPPOSED: