

Development Guidelines for

# Marsh Walk Village

Planned Development  
Town of James Island, South Carolina  
June 14, 2023

Prepared for:

KT Properties, LLC  
295 Seven Farms Dr. Suite C-133  
Daniel Island, SC 29492

Prepared by:

Taylor Consulting Group, LLC  
295 Seven Farms Dr. Suite C-133  
Daniel Island, SC 29492

Contact: Kyle A. Taylor, P.E.  
Phone: 843-870-7001  
Email: ktaylor@taylorconsultinggrp.com  
Project No. 22-105

## Table of Contents

I.	EXECUTIVE SUMMARY .....	4
II.	INTENT AND RESULTS .....	4
III.	SITE AND CONTEXT .....	4
A.	Site Information .....	4
B.	Site and Aerial Maps .....	5
IV.	DEVELOPMENT STANDARDS .....	5
A.	Land Use .....	5
B.	Right-of-Way .....	7
C.	Dimensional Standards .....	9
D.	Parking .....	10
E.	Architectural Standards .....	10
F.	Landscape Buffers .....	11
G.	Open Space .....	12
H.	Tree Preservation and Resource Areas .....	13
I.	Signage .....	13
J.	Compliance with Town of James Island Zoning Ordinance .....	14
V.	IMPACT ASSESSMENT/ANALYSIS .....	14
VI.	STORMWATER MANAGEMENT .....	15
VII.	FLOODPLAIN MANAGEMENT .....	15
VIII.	WATER AND SEWER .....	15
IX.	GARBAGE/TRASH DISPOSAL .....	15
X.	HISTORIC AND ARCHEOLOGICAL RESOURCES .....	16
XI.	Appendices .....	17
A.	Conceptual Site Plan Exhibits .....	18
B.	Maps and Surveys .....	19
C.	Wetland Environmental Study .....	20
D.	Letters of Coordination .....	21
E.	Examples of Site and Architectural Renderings .....	22
F.	Historic and Archeological Survey .....	23
G.	Town of James Island Zoning Ordinance Chapters .....	24



**Development Guidelines  
For  
Marsh Walk Village  
Planned Development (PD)**

**Date: June 14, 2023**

***EXCEPT AS SPECIFICALLY SET FORTH BELOW, CURRENT MINIMUM ZONING STANDARDS SET FORTH IN THE TOWN OF JAMES ISLAND ZONING ORDINANCE SHALL CONTROL.***

**RELATIONSHIP TO THE ZONING ORDINANCE OF THE TOWN OF JAMES ISLAND**

The Development Guidelines for the Marsh Walk Village Planned Development (PD), attached hereto and made a part hereof, are part of the PD rezoning application submitted in accordance with the Town of James Island Zoning Ordinance. The Town of James Island Zoning and Land Development Regulations Ordinance are incorporated herein by reference, except as amended herein these Planned Development Guidelines.

No person shall erect or alter any building, structure, or sign on any tract of land or use any tract of land within the Marsh Walk Village PD except in conformance with these standards and regulations. Unless modified herein, definitions of terms used in the Marsh Walk Village Planned Development Guidelines shall follow definitions listed in the Town of James Island Zoning and Land Development Ordinance, as amended from time to time. Administration and enforcement of the adopted Marsh Walk Village Planned Development Guidelines shall follow the Town of James Island Zoning and Land Development Ordinance. Any and all items not specifically addressed within this Planned Development Guidelines shall comply with the Town of James Island Zoning and Land Development Ordinance.

The Marsh Walk Village Planned Development Guidelines were approved by Town Council on \_\_\_\_\_, Ordinance Number \_\_\_\_\_.

## I. EXECUTIVE SUMMARY

This Planned Development (PD) is intended to meet the criteria per Sec. 153.078 of the Town of James Island Zoning Ordinance. The objectives of these PD guidelines are to create flexibility in design to create a mixed-use community that maintains the natural aesthetic and character of James Island, provides a 20,000-25,000 square ft. commercial village comprised of small businesses and outdoor gathering space to support the local community, and provides a 20 lot single-family attached residential community within walking distance to commercial services. The residential composite density results in 3.07 units per acre. The allowable composite density for the subject property is 3.22 units per acre. Stormwater management will be incorporated into the design providing for multiple retention ponds and maintain existing drainage patterns. This document is consistent with the Town's adopted Comprehensive Plan and will promote beneficial economic development impacts desirable to Town of James Island residents.

## II. INTENT AND RESULTS

The proposed development standards are intended to create a space where neighbors may dine, shop and gather, enjoy the outdoors, and provide a walkable neighborhood community in the heart of the Town of James Island. The proposed standards meet or exceed the goals of the PD standards as outlined in the Town of James Island Zoning and Land Development Ordinance.

The intent of the development is to preserve the natural environment and incorporate existing healthy grand trees into the design to the greatest reasonable extent, avoid clear cutting of trees, and provide inclusion of native trees in the landscape requirements of the PD.

## III. SITE AND CONTEXT

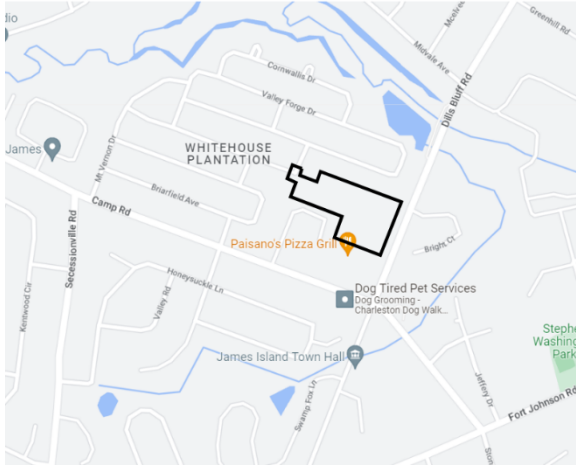
### A. Site Information

The PD property is designated as Charleston County TMS #425-12-00-185 and TMS #425-12-00-298, situated along Dills Bluff Road in the Town of James Island. The property is owned by the James Island Public Service District, and currently zoned **Low Density Suburban Residential (RSL)** and **Community Commercial (CC)** by the Town of James Island Zoning Map. The property consists of 6.52 acres, more or less, and is currently wooded. The property contains no wetlands or water features onsite. Marsh areas including an existing public boardwalk exist nearby to the north.

The property is bounded by an existing Community Commercial (CC) shopping area to the south, an existing residential Planned Development (PD) across Dills Bluff Road to the east, existing Low Density Suburban Residential (RSL) to the north and west, and existing Diverse Residential (DR-1F) in the City of Charleston to the southwest.

## B. Site and Aerial Maps

See Location Maps below. Refer to maps in Appendix for further detail.



## IV. DEVELOPMENT STANDARDS

### A. Land Use

The proposed development will contain Commercial and Residential uses. Commercial uses shall be defined near and toward Dills Bluff Road. Residential uses shall be located in the rear of the property toward the west. The Commercial use area is intended to provide a variety of retail, restaurant and service-oriented establishments shared within multiple structures with a maximum individual structure floor area of 10,000 square feet.

Plans included herein are conceptual and intended to be used for illustrative/planning purposes only for rezoning. Final design and layout shall meet all requirements within these PD Guidelines as approved by the Town of James Island.

AREA SUMMARY		
Type	Area (Ac.)	% Total
Village Commercial	1.64	25%
Residential	1.37	21%
Right-of-Way	1.02	16%
Open Space	1.80	28%
Landscape Buffer	0.69	10%
Total	6.52	

The PD will categorize the development into two area designations: Residential (R) and Village Commercial (VC).

## **Allowable Uses**

The following land use types will be allowed by right in the Residential area:

- i. Single-family attached, also known as townhouses or rowhouses, conditioned that no single structure shall contain more than eight (8) units.
- ii. Home occupations subject to permitting procedures and restrictions in accordance with the Town of James Island Zoning Ordinance.
- iii. Model home to be used as a sales office for homes in the PD.
- iv. Parks and Recreation.
- v. Sewage Collector or Trunk Lines.
- vi. Special Events (permitted in accordance with existing ZLDR regulations)
- vii. Water Mains.

The following land use types will be allowed by right in the Village Commercial area:

- i. Uses allowed by right in the Community Commercial zoning district.
- ii. Child care facilities, child care center, pre-school or educational nursery.
- iii. Coffee shops and smoothie bars.
- iv. Eating establishments such as restaurants including those which serve beer, wine and liquor, full service bar, lounge, catering service, diner, full-service restaurant, and quick service restaurant. Sales of beer, wine and liquor will not require any special zoning permit.
- v. Educational services, business or trade schools.
- vi. Financial banks, loan or lending services, savings and loan institutions, or stock and bond brokers.
- vii. Fitness services including a gym, yoga studio.
- viii. General retail selling goods and services, including stores selling bicycles, shoes, office items or office machines, furniture, home furnishings, hardware, appliances, televisions, jewelry, fishing equipment, nail salon, barber shop, watch store, and repair services, but excluding automotive sales and repair and excluding gun sales.
- ix. Healthcare services, counseling services, including job training or placement services, medical office or outpatient, chiropractic facilities, dental facilities, orthodontist facilities, primary care, and dermatologist facilities.
- x. Offices including administrative or business office, booking services, couriers, insurance offices, personnel offices, real estate services, secretarial services, travel arrangement services, government office, professional office including tax preparation, architectural, engineering or legal services, contractor's office.
- xi. Pet services including pet stores and grooming salons, veterinary services, but excluding kennels, animal daycare and/or boarding
- xii. Special Events (permitted in accordance with existing ZLDR regulations).

The following uses shall be prohibited in the Village Commercial area:

- i. Pet and animal kennels, daycare and/or boarding.
- ii. Automotive sales (car dealerships) and automotive repairs.
- iii. Gun and firearm sales.

### **Proposed Density**

The Development will be comprised of twenty (20) attached Residential Dwelling Units. The gross density is thus 3.08 Units/Acre. The composite residential density allowed for the development is 21 Units, or 3.22 Units/Acre.

A Workforce Residential Dwelling Unit density/intensity alternative is provided herein which may be provided at the option of the Developer as approved by Town Council. The maximum proposed density for attached Workforce Residential Dwelling Units will be twenty-five (25) subject to the density/intensity and dimensional standards herein. The maximum gross density would be 3.83 Units/Acre. The purpose for the Workforce Residential Dwelling Units is to provide a quality housing option with modestly lower floor area and lot width that will be more affordable and available to the market. Purchase prices may generally target 80% of the traditional housing option value and providing 25% more units (1/0.8). Workforce Units shall be defined by the dwelling unit intensity/dimensional requirements contained herein, and shall not require any further documentation from housing agencies or otherwise to meet the PD requirements.

### **Accessory Buildings**

Accessory buildings, to include. sheds, detached garages and pools, shall not be permitted in the Residential or Village Commercial areas Fences are allowed.

### **B. Right-of-Way**

#### **Access**

One (1) point of access roadway connection will be installed along Dills Bluff Road into the development. The new road will terminate with a cul-de-sac. Any future vehicular connection with Whitehouse Plantation will require PD amendment in accordance with ZLDR procedures. The adjacent section of Dills Bluff Road is maintained by SCDOT. An SCDOT encroachment permit shall be required for the curb cut within Dills Bluff Road right-of-way.

### **Road Ownership and Maintenance**

The new roadway and drainage systems serving the development will be designed and constructed in accordance with Town of James Island Road standards and dedicated to the Town as a public right-of-way upon completion through applicable Town processes. Before the Town of James Island/Charleston County accepts any dedication of roads in the Town/County road system, the property owner shall construct the roads to Town/County standards, or if

roads are in an approvable state as decided by the Public Works and Town Council. There is no guarantee of roadway acceptance unless or until approved by Town Council.

If Charleston County accepts maintenance for the Town of James Island, the road should meet minimum road standards for Secondary County Roads.

New roadway will be warranty bonded in accordance with Town/County construction closeout and acceptance processes.

### **Dimensions**

New road right-of-way shall be a minimum fifty (50) feet in width. The typical travel way shall be twenty-four (24) feet in width and 18" rolled curb on both sides. The minimum centerline radius allowed will be thirty-five (35) feet, and able to accommodate full emergency vehicles and school bus access. The cul-de-sac shall have a minimum radius of thirty-seven (37) feet to edge of travel way. Utility easements may be provided adjacent to the outside of rights-of-way as required for water, power, cable, and other necessary utilities.

### **Sidewalks**

Pedestrian sidewalks will be installed a minimum of five (5) feet in width. Pedestrian access/pathways will be provided connecting the development with existing sidewalk along Dills Bluff Road to the east, Whitehouse Boulevard to the west and the adjacent developed commercial property (1238, 1234 Camp Road) to the south. Internal pedestrian sidewalk will be installed on both sides of the new roadway for general pedestrian circulation within the development.

### **Street Lights and Street Trees**

Street lights and street trees shall be installed per the requirements of the Town of James Island Zoning and Land Development Regulations Ordinance. New street lights shall match decorative street lights type existing along Dills Bluff Road. Conceptual street tree locations are provided in the Site Exhibits located in Appendix A.

C. Dimensional Standards

**Residential Area (R)**

The Residential District shall allow single-family attached dwelling units with the following setbacks, height and dimensional standards. Criteria not specifically addressed within this document shall adhere to the Town of James Island Zoning Ordinance.

<b>Residential Area (R)</b>		
<b>Density/Intensity and Dimensional Standards</b>		
	<b>Attached Traditional</b>	<b>Attached Workforce</b>
Maximum Density (Total)	20 Units	25 Units
Minimum Setbacks:		
Front	10 feet	10 feet
Rear	10 feet	10 feet
Side (Interior Unit)	0 feet	0 feet
Side (End Unit)	3 feet	3 feet
Minimum Lot Area	2,400 sq. feet	1,600 sq. feet
Minimum Lot Width (Interior)	30 feet	20 feet
Minimum Lot Width (End Unit)	30 feet	26 feet
Minimum Lot Depth	80 feet	80 feet
Maximum Building Cover	80% of lot	80% of lot
Maximum Height (from DFE)	35 feet	35 feet
Maximum units in a row	8 units	8 units

Attached Workforce Dwelling Units may be elected on an individual attached row basis at the option of the Developer. (Example: 4 rows of 4 Traditional Attached Units, 1 row of 5 Workforce Attached Units = 21 Units.) A row of four (4) Traditional Units may be substituted for five (5) Workforce Units. In no case will there be more than 20 Traditional Units.

DFE = Design Flood Elevation

See Typical Lot Plans in Appendix A for scaled representation of lot layouts.

### **Village Commercial Area (VC)**

The Village Commercial District shall allow a variety of community commercial uses with the following buffers, setbacks, height and dimensional standards. No residential uses are allowed within the Village Commercial District. Criteria not specifically addressed within this document shall adhere to the Community Commercial standards within the Town of James Island Zoning Ordinance.

<b>Village Commercial Area (VC)</b> <b>Density/Intensity and Dimensional Standards</b>	
Minimum Setbacks:	Per Buffers
Minimum Lot Area	1 acre
Minimum Lot Width	50 feet
Maximum Building Cover	30% of lot
Maximum Height (from DFE)	35 feet
Maximum Individual Building Footprint	10,000 square feet
Minimum Off-street Parking	Per Parking Table

DFE = Design Flood Elevation

#### **D. Parking**

The Residential District shall require a minimum of two (2) off-street parking spaces per dwelling unit. Interior garage parking shall count toward parking requirements.

The Village Commercial District shall require minimum parking in accordance with the Off-Street Parking Schedule A, Sec. 153.332B of the Town of James Island Zoning Ordinance. All parking within the VC area shall be considered shared parking for the commercial uses and customers. Uses in the VC area will be considered "Shopping Center" (mixed retail, office, food sales, restaurant) and shall go by those requirements in the Off-Street Parking Schedule A.

#### **E. Architectural Standards**

All new structures shall comply with Sec. 153.336 of the Town of James Island Zoning Ordinance and require permit in accordance with Town of James Island building permit procedures. Buildings shall be generally oriented in accordance with the conceptual site plan exhibits provided in Appendix A. Residential and Commercial architectural shall generally be of Lowcountry style consisting of pitched roofs, fiber cement siding and/or board and batten. Flat roof areas are allowed on the Commercial structures where necessary to screen mechanical equipment. Conceptual site and architectural renderings are provided in Appendix A which serve as a guideline for the quality and architectural standards of structures on the property.

Slab on grade construction shall be allowed in the Residential area only where structures are located outside of the 100-yr flood zone. Structures within the 100-yr flood zone may be allowed to have an elevated slab consisting of living space finished floor (excluding garages) at or above design flood elevation (base flood elevation + 2.5 feet) required by the Town ZLDR and



floodplain regulations. Garages may be below the DFE with steps provided into living space. Garages will be approximately 1 foot above the base flood elevation.

#### **F. Landscape Buffers**

Required buffers shall comply with Sec. 153.335 of the Town of James Island Zoning Ordinance with the following exceptions/clarifications:

- Land Use Buffer from PD Residential to PD Village Commercial shall be 10' Type A Buffer.

- Land Use Buffer from PD Village Commercial to PD Residential shall be 25' Type C Buffer. Stormwater management area is allowed within the buffer.

- Landscape Buffers may coincide with new and existing easement areas.

#### **Right-of-Way Buffers**

A 20' landscape buffer shall be provided along Dills Bluff Road. The buffer width shall extend from the right-of-way and include any utility easement areas, and be comprised of plantings in accordance with the zoning ordinance for an "S2 Buffer."

No landscape buffer shall be required from the new Right-of-Way and the commercial uses.

A canopy tree may be substituted for two (2) understory trees in cases if a municipality or easement holder will not permit canopy trees.

#### **Development Buffer**

Land Use Buffers around the perimeter of the development shall comply with Sec. 153.335 of the Town of James Island Zoning Ordinance with the following exceptions/clarifications:

- Land Use Buffer from PD Residential Area to adjacent "Residential Type 1" shall be 10' Type A Buffer. The Buffer may be within HOA maintained property around the perimeter.

- No Land Use Buffer is required from PD Residential Area to adjacent City "DR-1F", comprised of Duplex, Single-family Attached Residential.

- Landscape Buffers may coincide with new and existing easement areas.

A minimum 50' offset area will be provided from the Whitehouse Plantation neighborhood along the northern boundary between any new Right-of-Way or Commercial uses as shown on the PD Conceptual Site Plan. A minimum 6' tall opaque fence is proposed along this adjoining perimeter property line and a 10' Type A Buffer.

#### **Buffer Maintenance**

Buffers shall be maintained in accordance with Sec. 153.355G, Installation Maintenance, and Replacement, of the Town ZLDR.

Buffers on the Commercial property shall be owned and maintained by the Commercial property owner. Buffers within the Residential area, perimeter Development Buffers (excluding

within the Commercial area), and any other open space buffers, shall be the responsibility of the Property Owners Association. Buffers on individual Residential properties, if any, shall be the responsibility of the individual property owner. Responsibilities shall include:

- i. Regular maintenance of all landscaping to maintain in healthy, good condition;
- ii. Repair or replacement of minimum required landscaping, if landscaping determined to be dead, diseased or removed.

**G. Open Space**

The minimum required open space including stormwater management areas shall be 20% of the gross area. Open space may consist of stormwater management areas, natural or landscaped buffers, passive or active recreation areas, walking trails, picnic areas (excluding patio areas or areas dedicated for restaurants) and tree preservation areas. The Development Buffer shall apply to the required open space. Open space areas on Commercial land, not situated within required buffer areas, shall apply to the required open space.

**Required Open Space**

$6.52 \text{ Gross Acres} \times 20\% = 1.30 \text{ Acres}$

The minimum required net open space shall be 25% of the total open space. Net open space shall be defined as open space areas other than stormwater management areas.

**Net Open Space**

$1.30 \text{ Acres} \times 25\% = 0.33 \text{ Acres}$

Open spaces on the Commercial property shall be owned and maintained by the Commercial property owner. Open spaces created as residual or tree save areas around the community shall be the responsibility of the assigned Homeowners Association. All open space created by the PD shall be for the enjoyment of all residents of Marsh Walk Village.

#### H. Tree Preservation and Resource Areas

##### Existing Trees

The property has been surveyed and contains thirty-nine (39) grand trees (as defined by Zoning Ordinance). Of these, two (2) trees assessed are possibly separate non-grand trees, and one may be considered under the 24" DBH requirement. All 39 trees are considered to be grand trees for summary purposes. A local certified arborist has reviewed the tree survey and inspected the grand trees for health condition, species and diameter. Results are provided below.

GRAND TREE SPECIES SUMMARY		
Type	Amount	% of Total
Live Oak	5	13%
Laurel Oak	32	82%
Water Oak	1	2.5%
Black Cherry	1	2.5%
Total	39	

GRAND TREE GRADING SUMMARY		
Grade	Amount	% of Total
A (Great)	0	0%
B (Good)	5	13%
C (Fair)	16	41%
D (Poor/Hazard)	18	46%
F (Dead/Hazard)	0	0%
Total	39	

##### Tree Protection

Tree protection shall be provided in accordance with the Town of James Island Zoning Ordinance. Tree Removals and Tree Protection shall be provided in accordance with the Tree Protection and Preservation Ordinance, Sec. 153.334 of the Town ZLDR in effect at the time of development. It is a goal of this PD to preserve as many healthy, grand trees and protected trees, to the greatest extent reasonably possible.

##### Special Resource Areas

There are no aquatic or wetland resource areas on the property. A Wetland Delineation Study is provided in Appendix C.

#### I. Signage

Signage shall follow the Standards and Permit procedures in Sec. 153.341 of the Town of James Island Zoning Ordinance. Size and location and will be reviewed for approval by Town staff.

**J. Compliance with Town of James Island Zoning Ordinance**

Any matters not addressed throughout these Planned Development Guidelines shall reference the Town of James Island Zoning Ordinance in effect at the time of subsequent application submittal. All major changes to the PD must be approved by Town Council. Minor changes, such as minor area summary changes, minor layout changes, and minor dimensional guideline changes which do not have a significant material impact, nor are in conflict with the nature of the Guidelines, may be reviewed for approval by Town staff. More specifically, minor changes shall include:

- i. Changes in common Open Space area that still complies with Open Space Requirements;
- ii. Decrease in residential Density or number of Dwelling Units;
- iii. Increase in setbacks;
- iv. Increase in the area, dimensions, and/or density of Landscape Buffers;
- v. Decrease in Building Floor Area;
- vi. Decrease in the number or size of Signs;
- vii. Minor shifts in the layout of the land uses or site plan;
- viii. Minor shifts in stormwater management areas;
- ix. Minor shifts in the location of access points, sidewalks or internal Roadways necessary to comply with regulatory permitting agencies.

Any minor change that is not in this list would be considered a major change and go through the process of a major change.

These Planned Development Guidelines are consistent with the Town of James Island Comprehensive Plan and are intended to promote beneficial economic development impacts desirable to Town of James Island residents and add to the Lowcountry style character of the region.

Services that are provided by the Town, County and/or other agencies will be able to provide necessary public services to serve the proposed planned development as found in Appendix D, Letter of Coordination.

**V. IMPACT ASSESSMENT/ANALYSIS**

Access along Dills Bluff Road will be permitted through the S.C. Department of Transportation. The proposed development will have a minimal impact traffic impacts. Traffic generation will be based upon the ITE Trip Generation Manual and coordinated with the S.C. Department of Transportation. Based on ITE guidance, there will be 20 residential Peak Hour Trips, 50 commercial Peak Hour Trips, for a total of 70 Peak Hour Trips, which is below the SCDOT Access and Roadside Management Standards for triggering a traffic study. A Traffic Study is not required as outlined in Sec. 153.078 of the Town of James Island Zoning Ordinance.

The development will have minimal impact on existing public facilities and services. Potable water will be coordinated and serviced by Charleston Water System and is available and sufficient. Sewer will be coordinated and serviced by the James Island Public Service District and is available and sufficient. See the Appendices for Letters of Coordination for further reference.

## **VI. STORMWATER MANAGEMENT**

The Planned Development shall comply with the regulatory requirements of Town of James Island/Charleston County Stormwater Ordinances and the S.C. Department of Health and Environmental Control, including the Office of Ocean and Coastal Resource Management for facilitate stormwater management. Stormwater management will be designed to follow existing drainage patterns, where feasible, and demonstrate no increase in peak runoff rates from the property in a pre- and post-development analysis for the design storms as determined by the Charleston County Stormwater Ordinance. A study of the 100 year – 24 hour design storm will be performed for the property to demonstrate adequate capacity of Best Management Practices (BMP) without overtopping and no adverse impacts to adjacent or downstream properties. All applications must comply with Town of James Island, Charleston County Stormwater Ordinance and SCDHEC regulatory requirements for pre- and post-development water quality and quantity. Utilization of approved and permitted Low Impact Design (LID) elements is encouraged within the stormwater management plan.

## **VII. FLOODPLAIN MANAGEMENT**

The property is located partially in Flood Zone X (Shaded) and Flood Zone AE (EL 11) per FEMA Flood Map 45019C0677K, revised January 29, 2021. These Zones are designated as areas of 0.2% annual chance flood, and areas with a 1% annual chance of flood, respectively. For construction within Flood Zone AE (i.e. FEMA 100 year flood zone), additional finished floor freeboard and stormwater management design and construction requirements may be called for by the Town of James Island Director of Public Works prior to stormwater permit approval and issuance, as authority may be provided by the Zoning Ordinance. Town of James Island building and flood ordinances in effect at the time of development must be adhered to.

## **VIII. WATER AND SEWER**

Potable water will be provided by Charleston Water System. A 24" and 8" water main are located along Dills Bluff Road, one of which will be tapped with a new water extension to the property and along the new right-of-way to serve the development. A water main permit will be acquired by the S.C. Department of Health and Environmental Control for construction, and reviewed and approved by Charleston Water System. Water main facilities will be constructed by the developer and dedicated to Charleston Water System for operation and maintenance.

Public gravity sewer will be provided by James Island Public Service District. Sewer mains run along Dills Bluff Road as well as thru the western corner of the property serving the vicinity. The main running thru the property will be tapped and extended along the new right-of-way to serve the development.

## **IX. GARBAGE/TRASH DISPOSAL**

Public garage/trash collection will be serviced by the James Island Public Service District for the residential lots. No dumpsters are proposed for the residential neighborhood. A private contract

waste pick-up service will provide service for the commercial uses. Commercial dumpsters will be screened by a dumpster enclosure in accordance with ZLDR.

**X. HISTORIC AND ARCHEOLOGICAL RESOURCES**

The property is not identified in the National Historic Register, nor contain any historic structures or significant resources, per SC ArchSite ArcGIS mapping of historic and archeological sites.

In April 2023, Brockington and Associates, Inc. conducted a cultural resources survey of the 6.52 acre tract along Dills Bluff Road in Charleston County, South Carolina, to identify any historic properties that may be affected by the construction and use of the tract. There are no archeological sites or historic resources found that are eligible for the National Register of Historic Places. A Phase I field survey was also conducted to identify any potentially significant resources within the project boundary. It was concluded that the proposed development activities for the tract will not affect any historic properties and no scatter sites be eligible for the NRHP.

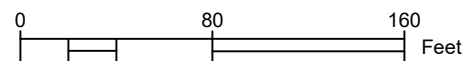
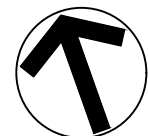
# Appendices

# **Appendix A**

## Conceptual Site Plan Exhibits

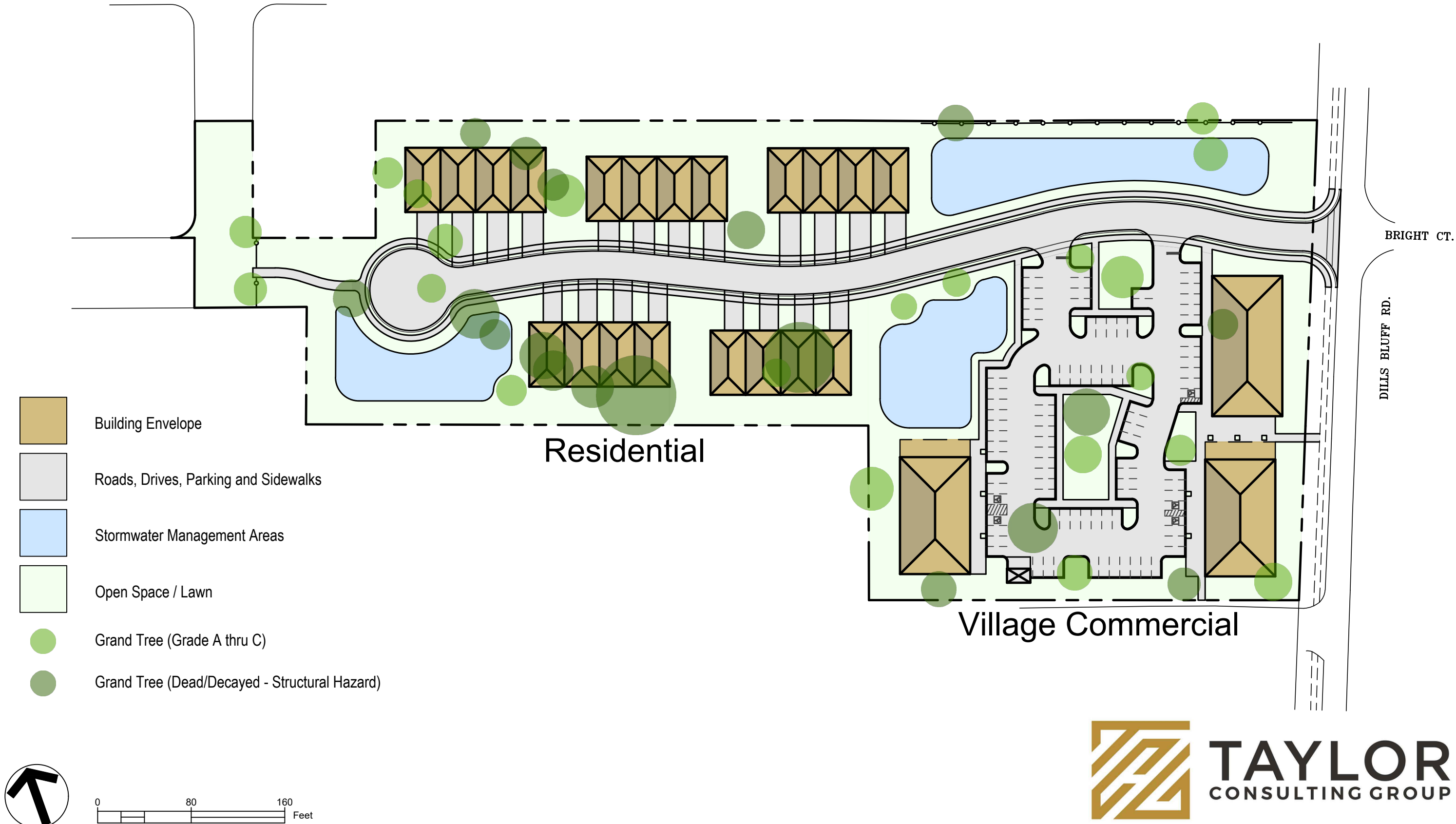


James Island, South Carolina  
June 14, 2023



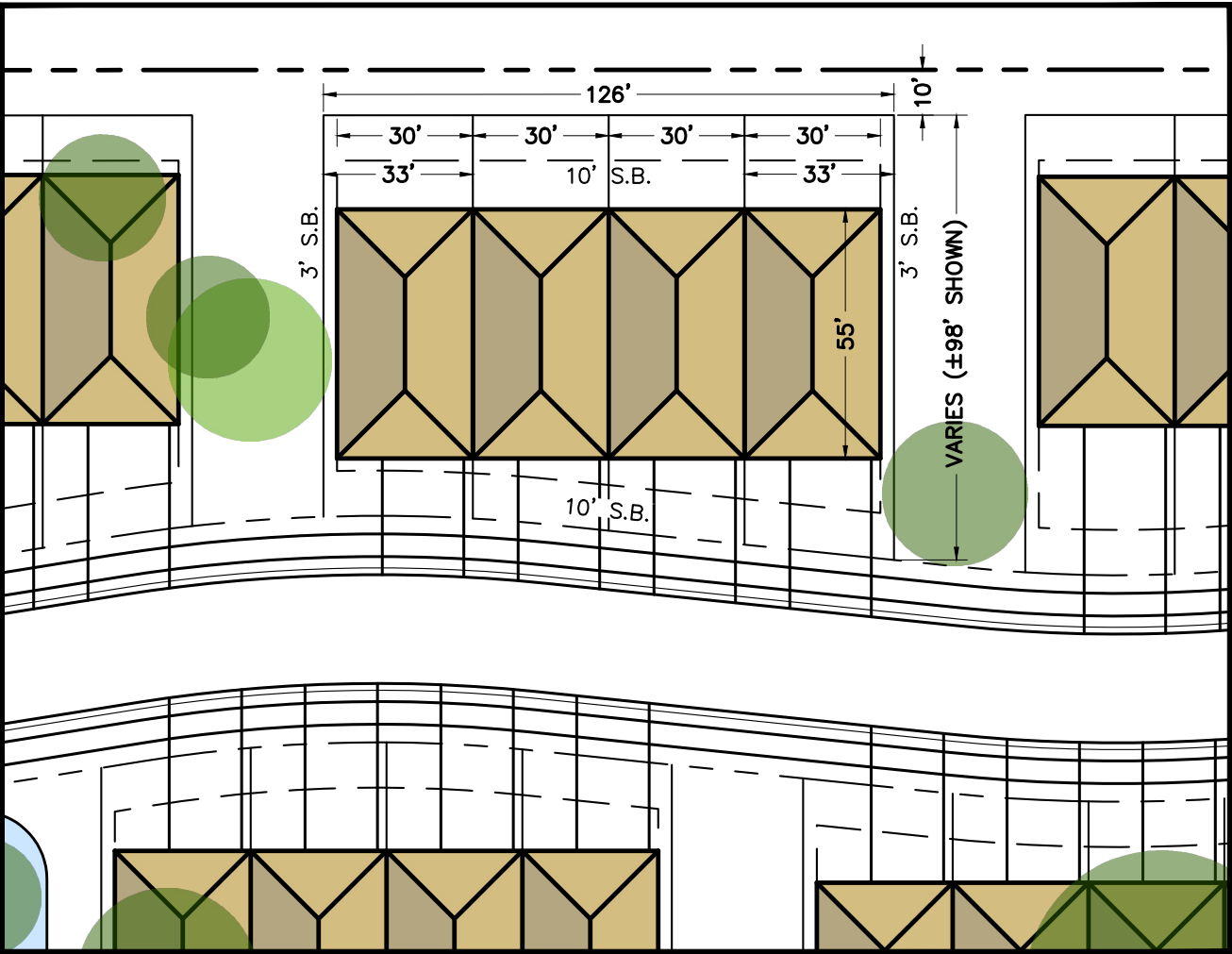
# Marsh Walk Village PD Site Plan

James Island, South Carolina  
June 14, 2023



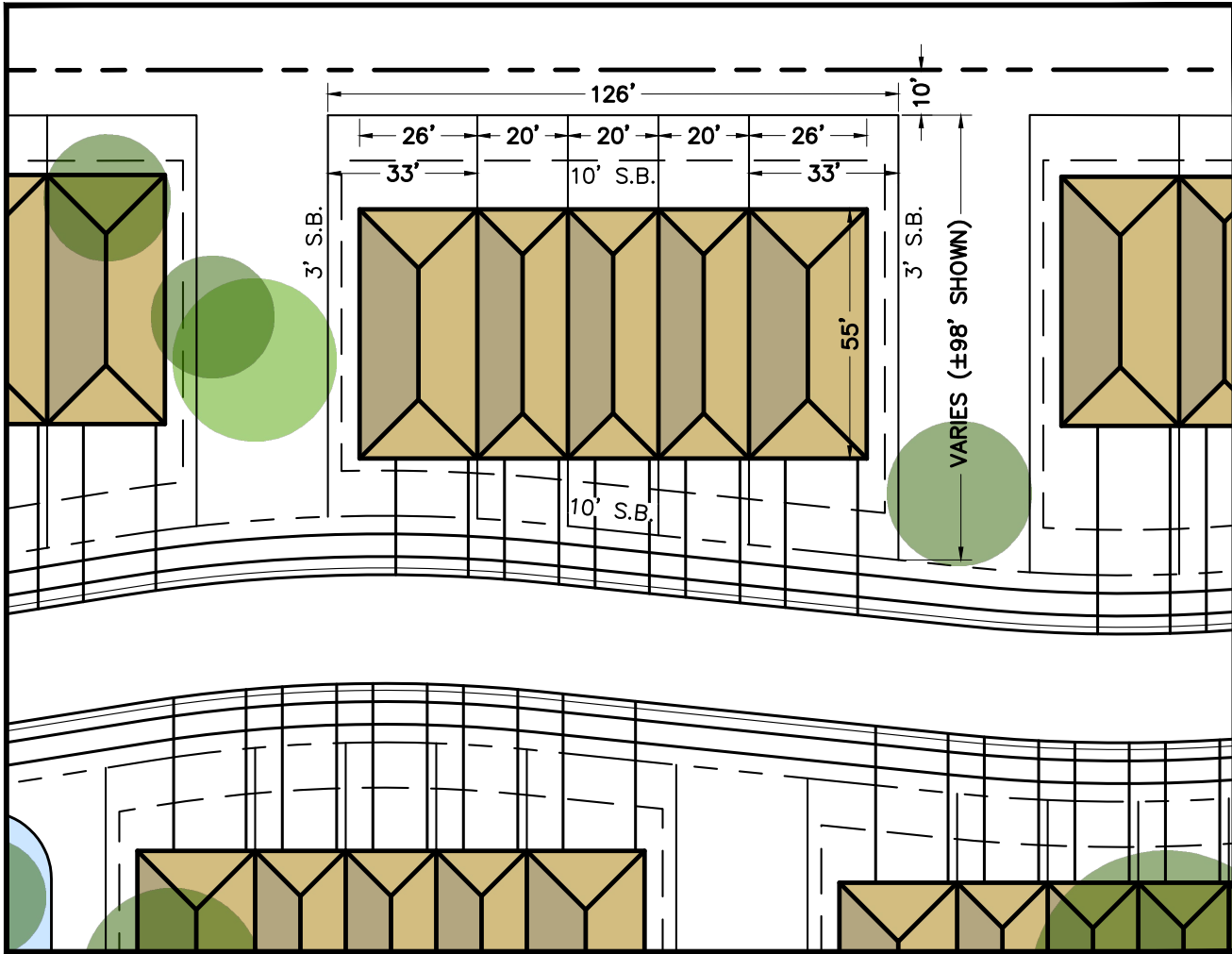
# Marsh Walk Village PD Typical Lot Plans

James Island, South Carolina  
June 14, 2023



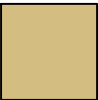
Traditional Attached

-All Units 30' wide  
4 Units per Row



Workforce Attached

-End Units 26' wide  
-Interior Units 20' wide  
5 Units per Row



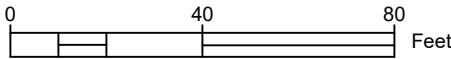
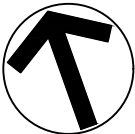
Building Envelope



Grand Tree (Grade A thru C)



Grand Tree (Dead/Decayed - Structural Hazard)



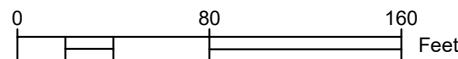
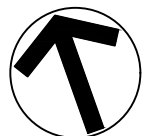
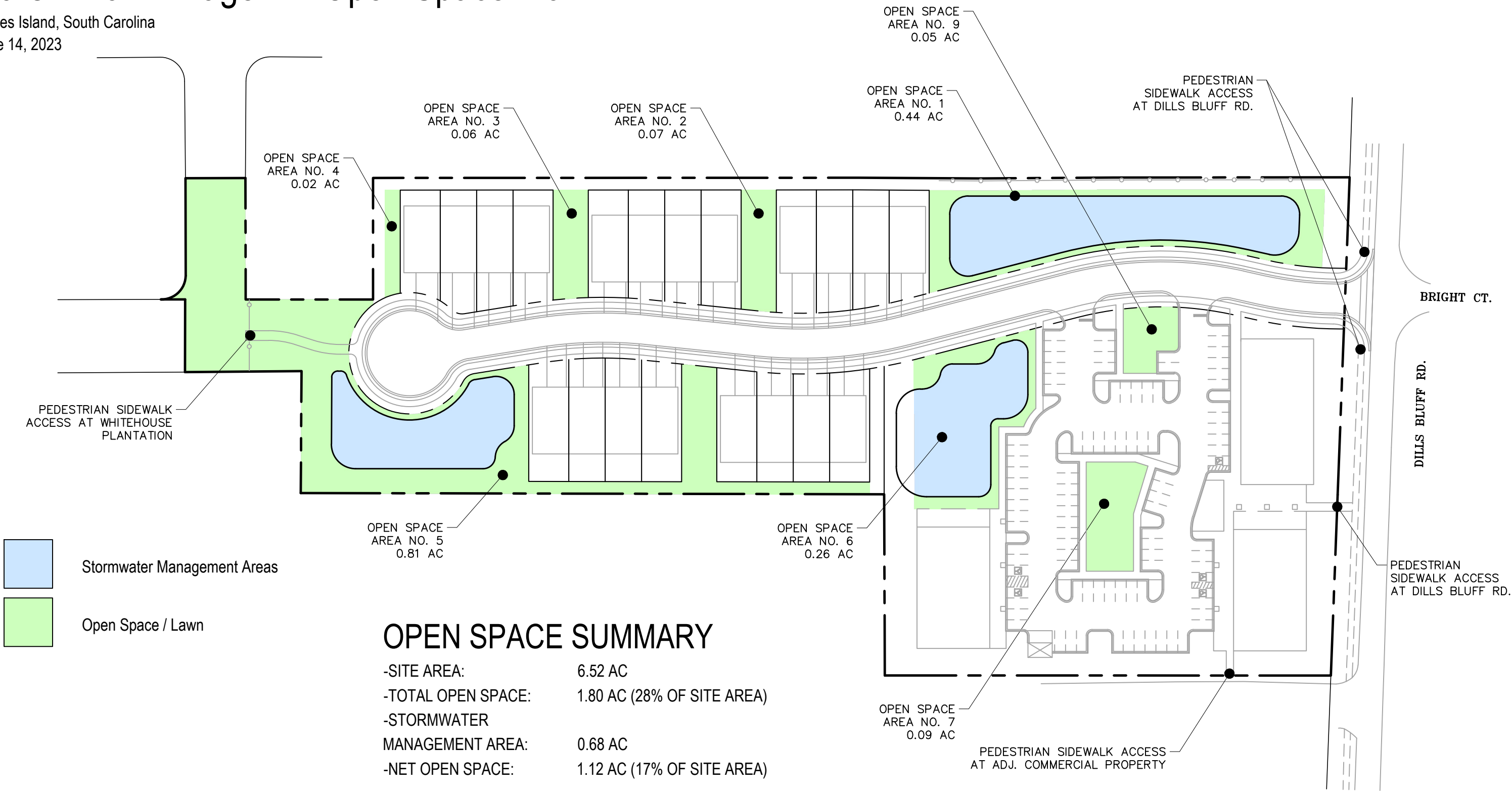
Final building location subject to change within allowable setback area.



**TAYLOR**  
CONSULTING GROUP

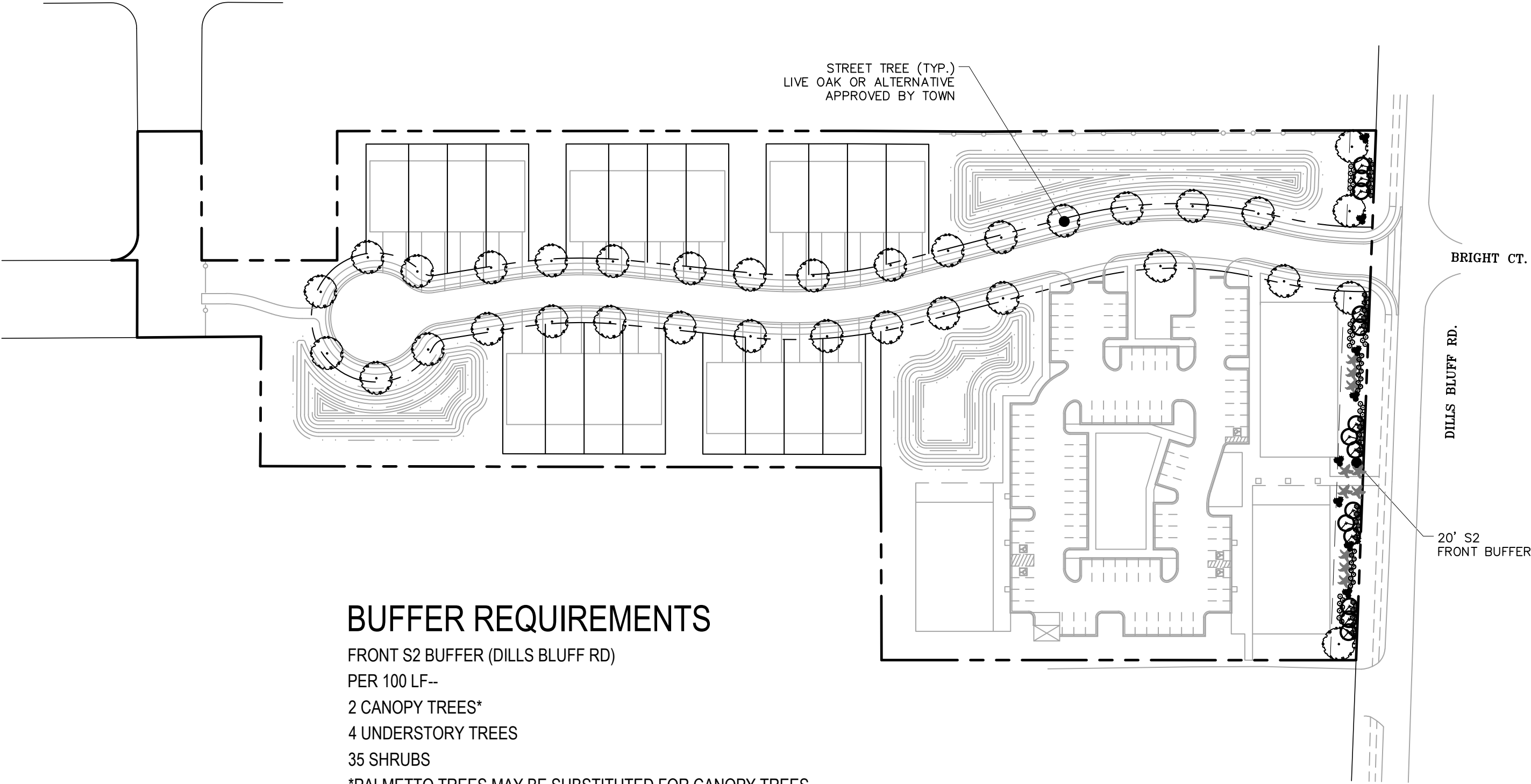
# Marsh Walk Village PD Open Space Plan

James Island, South Carolina  
June 14, 2023



# Marsh Walk Village PD Conceptual Landscape Plan

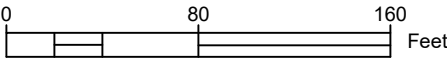
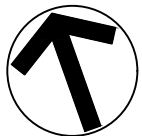
James Island, South Carolina  
June 14, 2023



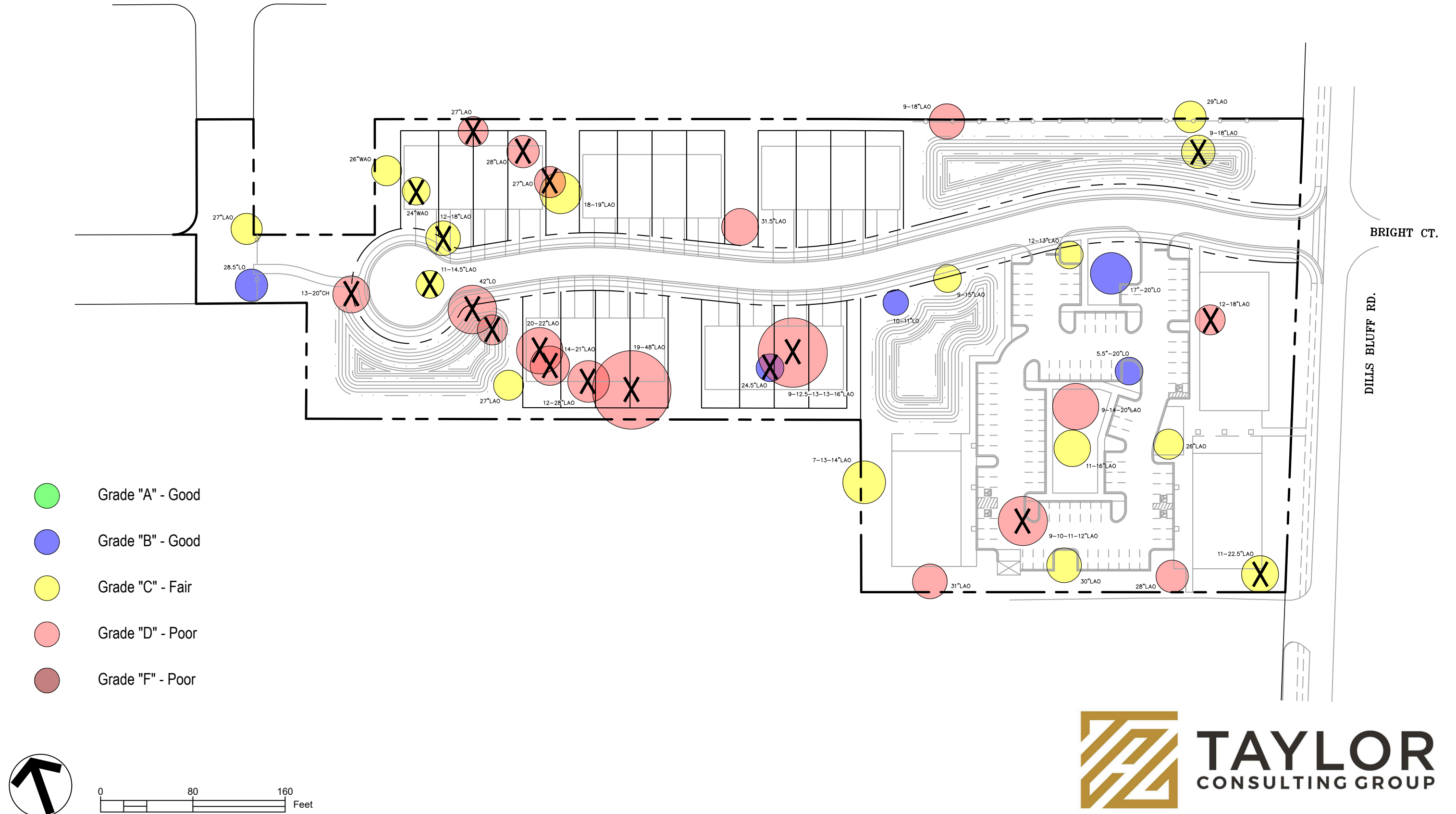
## BUFFER REQUIREMENTS

- FRONT S2 BUFFER (DILLS BLUFF RD)
- PER 100 LF--
- 2 CANOPY TREES\*
- 4 UNDERSTORY TREES
- 35 SHRUBS
- \*PALMETTO TREES MAY BE SUBSTITUTED FOR CANOPY TREES AT A 3:1 RATIO PER ZLDR.

Note: Land use buffers and commercial landscaping not shown.



James Island, South Carolina  
June 14, 2023

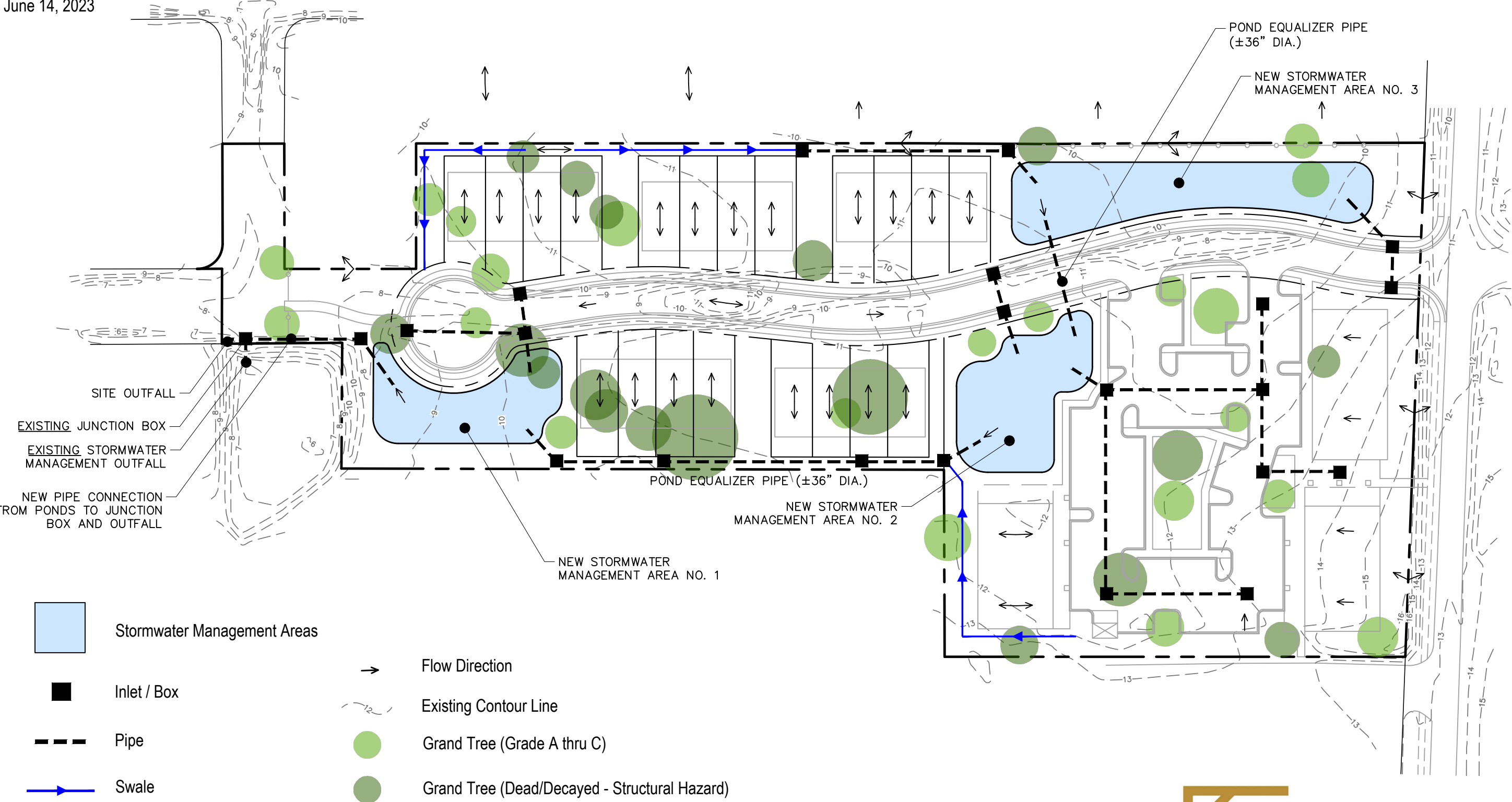




# Marsh Walk Village PD Stormwater Management Schematic

James Island, South Carolina  
June 14, 2023

Note: Stormwater management plan to comply with Town/County stormwater regulations, including SCDHEC and OCRM for quantity and quality management and demonstration of no adverse impacts to adjacent and downstream properties.

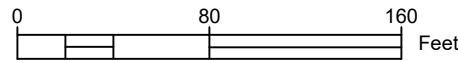
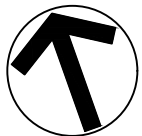
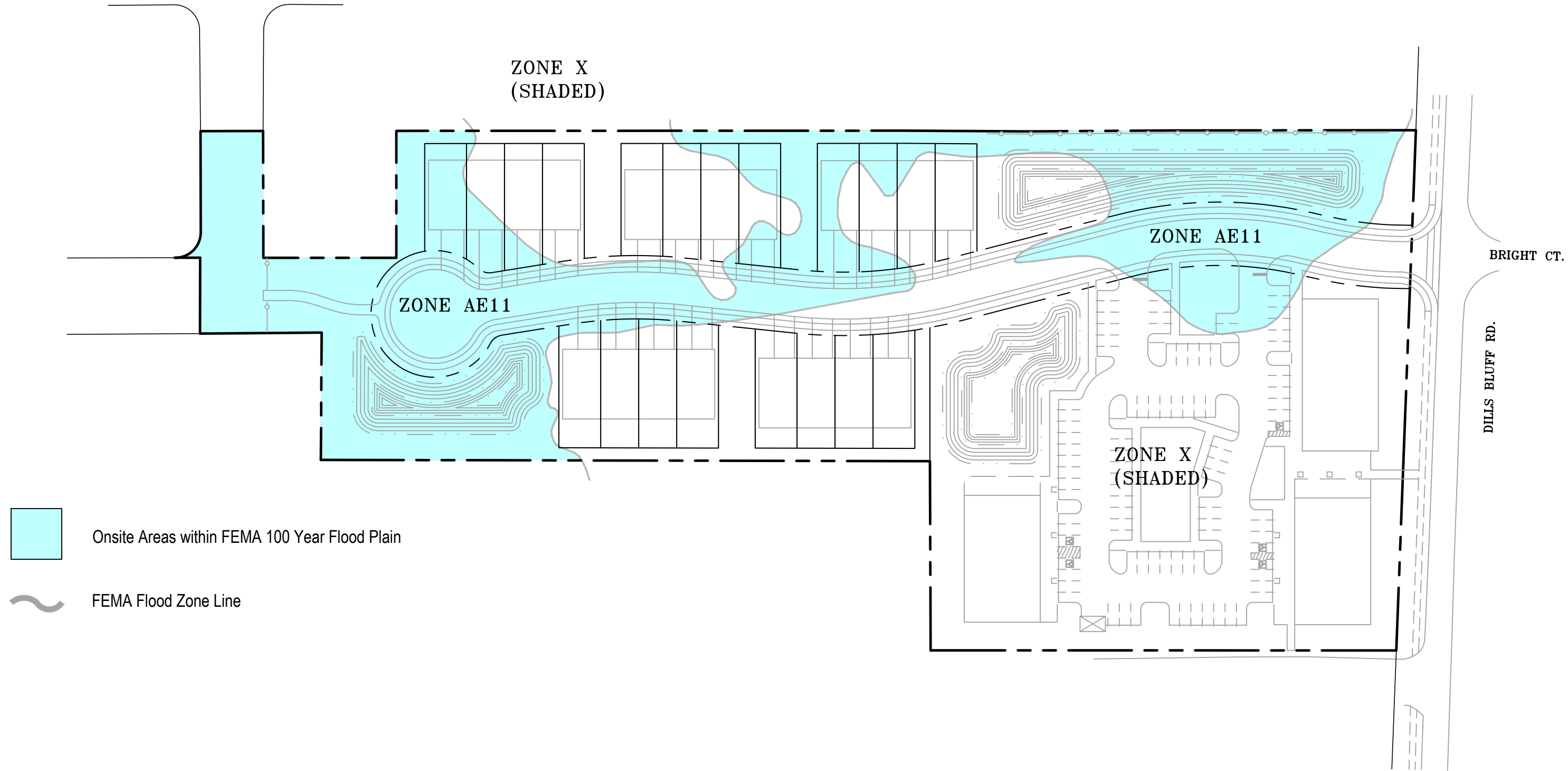


Note: Contours are based on a topography survey. Datum NAVD '88



# Marsh Walk Village PD FEMA Floodplain

James Island, South Carolina  
June 14, 2023

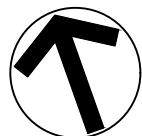
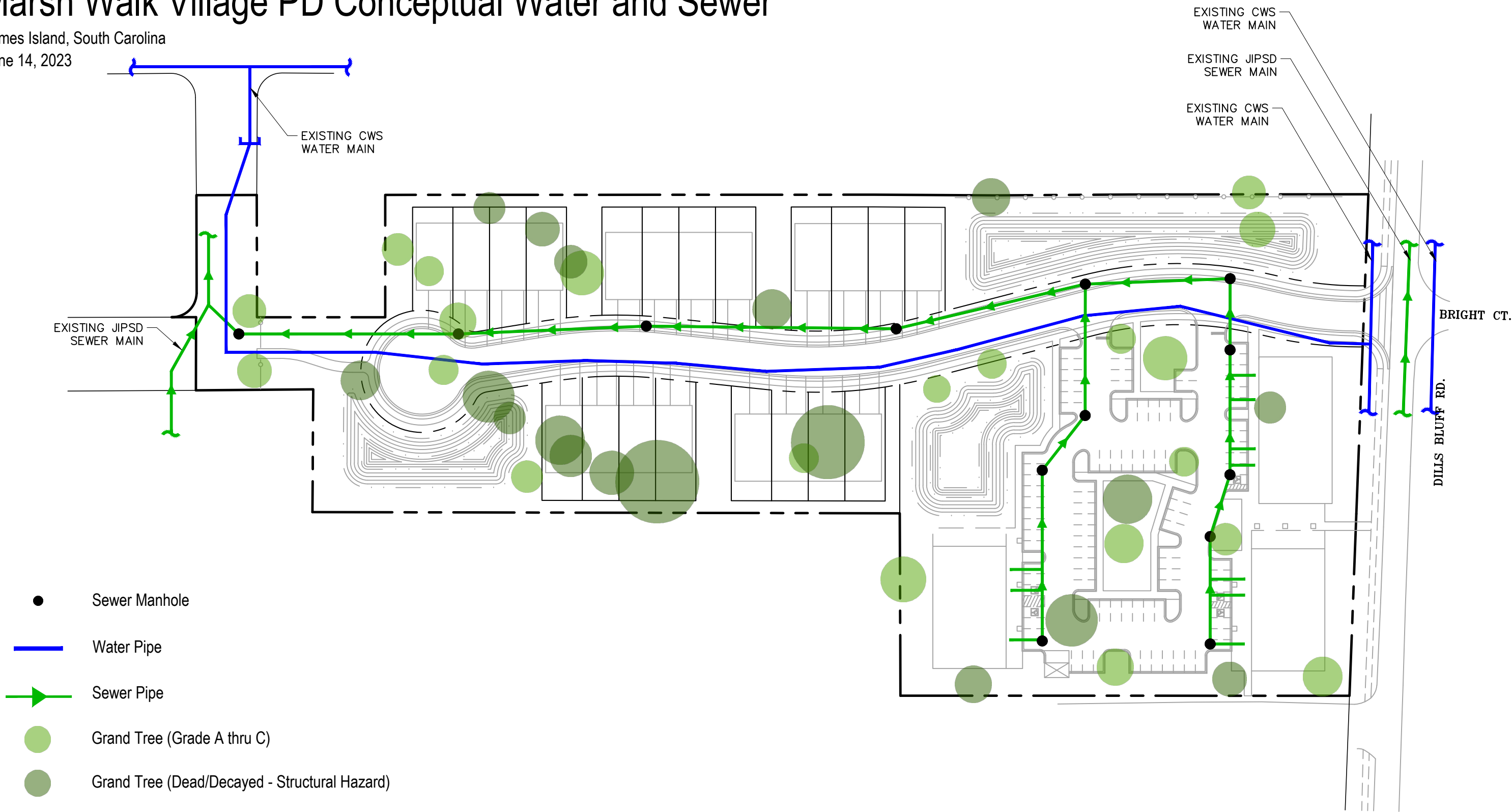


**TAYLOR**  
CONSULTING GROUP



# Marsh Walk Village PD Conceptual Water and Sewer

James Island, South Carolina  
June 14, 2023



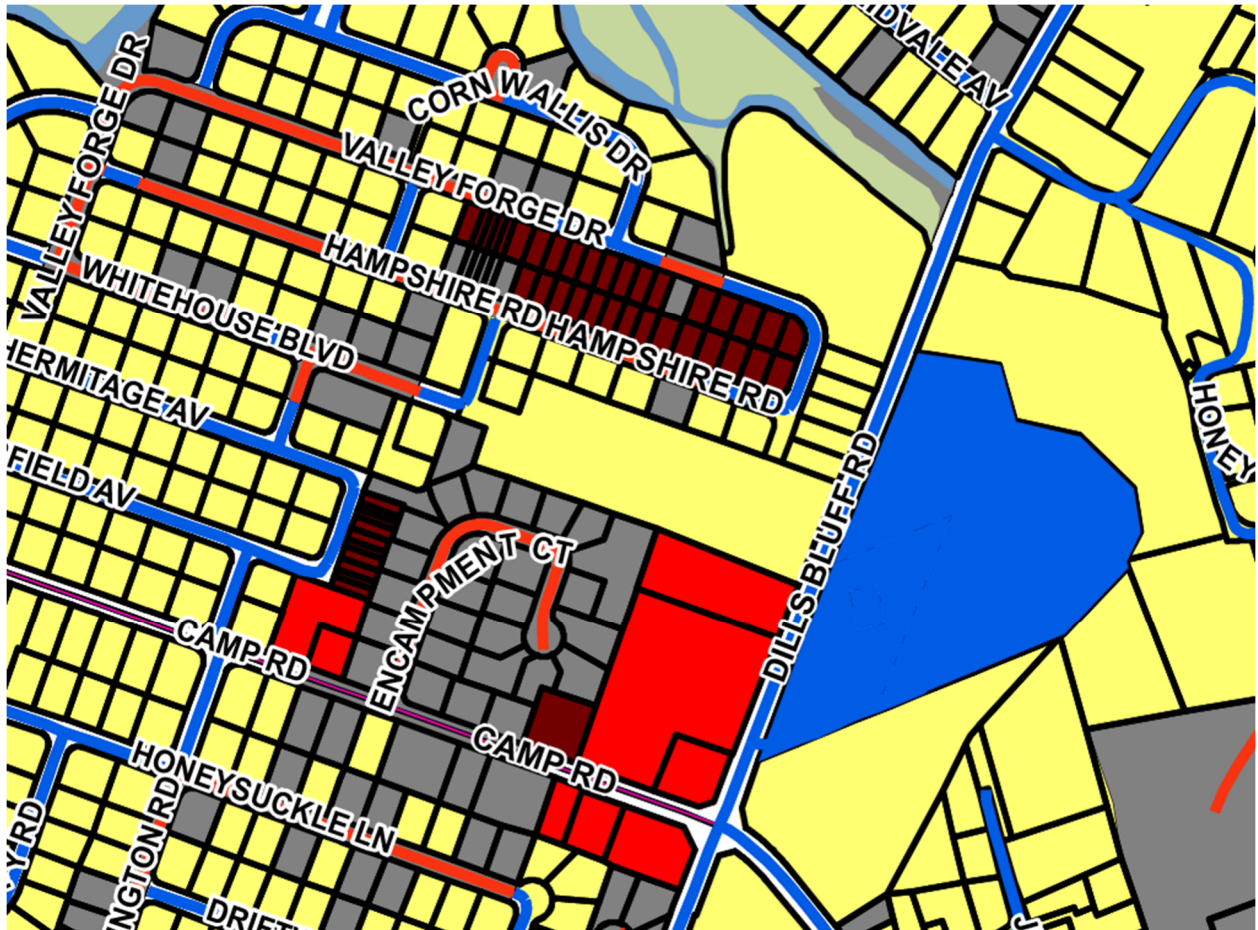
0 80 160 Feet

Note: Individual water and sewer lines to residences not shown.

## **Appendix B**

### Maps and Surveys

# Zoning Map



## LEGEND

### ZONING DISTRICTS

<span style="display:inline-block; width:15px; height:15px; background-color:yellow; border:1px solid black;"></span>	RSL
<span style="display:inline-block; width:15px; height:15px; background-color:darkred; border:1px solid black;"></span>	RSM
<span style="display:inline-block; width:15px; height:15px; background-color:pink; border:1px solid black;"></span>	OR
<span style="display:inline-block; width:15px; height:15px; background-color:lightpink; border:1px solid black;"></span>	OG
<span style="display:inline-block; width:15px; height:15px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, red 2px, red 4px); border:1px solid black;"></span>	CN
<span style="display:inline-block; width:15px; height:15px; background-color:red; border:1px solid black;"></span>	CC
<span style="display:inline-block; width:15px; height:15px; background-color:blue; border:1px solid black;"></span>	PD

### STREETS

<span style="display:inline-block; width:15px; height:15px; background-color:yellow; border:1px solid black;"></span>	SC DOT
<span style="display:inline-block; width:15px; height:15px; background-color:blue; border:1px solid black;"></span>	TOWN OF JAMES IS
<span style="display:inline-block; width:15px; height:15px; background-color:red; border:1px solid black;"></span>	CITY OF CHAS
<span style="display:inline-block; width:15px; height:15px; background-color:green; border:1px solid black;"></span>	COUNTY CHARLESTON
<span style="display:inline-block; width:15px; height:15px; background-color:purple; border:1px solid black;"></span>	Split

### Boundaries

<span style="display:inline-block; width:15px; height:15px; background-color:purple; border:1px solid black;"></span>	TOWN OF JAMES ISLAND
<span style="display:inline-block; width:15px; height:15px; background-color:gray; border:1px solid black;"></span>	CITY OF CHARLESTON
<span style="display:inline-block; width:15px; height:15px; background-color:black; border:1px solid black;"></span>	CITY OF FOLLY BEACH
<span style="display:inline-block; width:15px; height:15px; background-color:white; border:1px solid black;"></span>	COUNTY OF CHARLESTON

### WATER FEATURES

<span style="display:inline-block; width:15px; height:15px; background-color:blue; border:1px solid black;"></span>	WATER
<span style="display:inline-block; width:15px; height:15px; background-color:green; border:1px solid black;"></span>	MARSH





## Charleston County SC

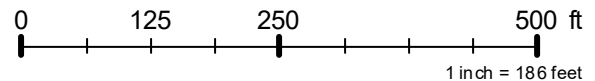
**PID:** 4251200185

**OWNER1:** JAMES ISLAND PUBLIC

**PLAT BOOK PAGE:** DA-66

**DEED BOOK PAGE:** T244-390

**Jurisdiction:** TOWN OF JAMES ISLAND



**Note:** The Charleston County makes every effort possible to produce the most accurate information. The layers contained in the map service are for information purposes only. The Charleston County makes no warranty, express or implied, nor any guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided. The County explicitly disclaims all representations and warranties. The reader agrees to hold harmless the Charleston County for any cause of action and costs associated with any causes of action which may arise as a consequence of the County providing this information.

Author: Charleston County SC

Date: 5/16/2022





## Charleston County SC

**PID:** 4251200298

**OWNER1:** JAMES ISLAND PUBLIC

**PLAT BOOK PAGE:** DB-633

**DEED BOOK PAGE:** O489-084

**Jurisdiction:** TOWN OF JAMES ISLAND

**Note:** The Charleston County makes every effort possible to produce the most accurate information. The layers contained in the map service are for information purposes only. The Charleston County makes no warranty, express or implied, nor any guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided. The County explicitly disclaims all representations and warranties. The reader agrees to hold harmless the Charleston County for any cause of action and costs associated with any causes of action which may arise as a consequence of the County providing this information.



Author: Charleston County SC

Date: 4/19/2023





CURVE TABLE							LINE TABLE		
CURVE	LENGTH	RADIUS	TANGENT	DELTA	DIRECTION	CHORD	LINE	DIRECTION	LENGTH
C1	31.62	20.07	20.16	90°16'11"	N65° 38' 55"E	28.45	L1	N70° 51' 36"W	20.06



1. AS PER F.I.R.M. PANEL NUMBER 4509IC 0677 K, WITH AN EFFECTIVE DATE OF JANUARY 29, 2021, BY GRAPHICAL PLOTTING ONLY, THIS PROPERTY APPEARS TO LIE WITHIN FLOOD ZONE AE (FEET 11) AND "K SHARED" AND SHOULD BE VERIFIED BY ALL GOVERNING MUNICIPALITIES AND ASSOCIATIONS BEFORE DESIGN OR CONSTRUCTION.
2. THE AREA WAS DETERMINED BY THE COORDINATE METHOD.
3. PROPERTY CORNERS FOUND AS LABELED.  
ANY PROPERTY CORNERS TO BE SET SHALL BE 3/4" REBAR
4. ANYTHING SHOWN OUTSIDE THE DEFINED BOUNDARIES OF THIS SURVEY IS FOR DESCRIPTIVE PURPOSES ONLY.
5. PROPERTY MAY BE SUBJECT TO EASEMENTS AND RESTRICTIONS NOT VISIBLE OR APPARENT TO THE SURVEYOR.
6. PROPERTY IS ZONED RSL.  
ZONING IS PER CHARLESTON COUNTY ZONING MAP AND SHOULD BE VERIFIED WITH ALL GOVERNING MUNICIPALITIES AND ASSOCIATIONS BEFORE DESIGN OR CONSTRUCTION.
7. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND UTILITIES OR OVERHEAD CONTAINERS OF FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS TRACT.
8. HORIZONTAL DATUM IS NAD 83 (2011)
9. A BOUNDARY SURVEY WAS NOT PERFORMED BY PARKER LAND SURVEYING

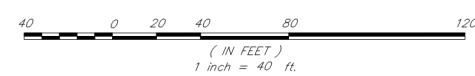
- REFERENCES:
1. CHARLESTON COUNTY TAX MAP No. 425-12-00-298  
OWNER: JAMES ISLAND PUBLIC SERVICE DISTRICT
  2. CHARLESTON COUNTY TAX MAP No. 425-12-00-185  
OWNER: JAMES ISLAND PUBLIC SERVICE DISTRICT
  3. UNRECORDED SURVEY TITLED JAMES ISLAND PUBLIC SERVICE DISTRICT  
TOPOGRAPHIC/BOUNDARY SURVEY OF TMS# 452-12-00-298 AND  
TMS# 452-12-00-185 LOCATED ON DILL'S BLUFF ROAD IN THE TOWN  
OF JAMES ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA. PREPARED BY  
GLENN ROBERT GEORGE PLS SC No. 6517.

LEGEND

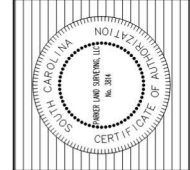
- \_\_\_\_\_ PROPERTY LINE W/ CORNER FOUND AS DESCRIBED
- \_\_\_\_\_ PROPERTY LINE
- \_\_\_\_\_ ADJACENT PROPERTY LINE
- \_\_\_\_\_ RIGHT OF WAY LINE
- \_\_\_\_\_ CENTER OF RIGHT OF WAY

TREE GUIDE

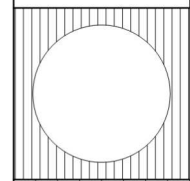
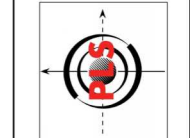
- THACK = HACKBERRY
- THOAK = WATER OAK
- LOAK = LIME OAK
- TWHT = WHITE OAK
- TTL = TALLOW
- TOH = CHERRY
- PFNE = PINE
- LAUR = LAUREL OAK

[illegible]

TITLE  
TREE SURVEY UPDATE ONLY  
JAMES ISLAND PUBLIC SERVICE DISTRICT  
TMS# 425-12-00-298 & -185  
DILLS BLUFF ROAD, TOWN OF JAMES ISLAND  
CHARLESTON COUNTY, SC



**Parker Land Surveying, LLC**  
5910 Griffin Street  
Hanahan, SC 29410  
Phone: (843) 554-7777  
Fax: (843) 554-7779



DESIGNED : —
DRAWN : <i>JLK</i>
CHECKED : <i>LMW</i>
APPROVED : <i>ACG</i>
SCALE : 1" = 40'
DATE : 1/31/22
PROJECT NO. : 21165
SHEET 1 OF 1



June 15, 2023

Kyle Taylor  
Taylor Consulting Group, LLC  
295 Seven Farms Dr. Suite C-133  
Daniel Island, SC 29492

To Whom it May Concern.

Attached is our tree report for the Dills Bluff Site in the City of Charleston. We measured the size and assessed the condition of all grand trees on the site, per your request. Included is a site map showing each tree numbered with a correlating tree list.

The tree list displays the tree number, tree diameter, species, and a condition grade for each tree. My grading system factors in tree species, form and health, and structural integrity. An 'A' rated tree is one that is healthy, has no obvious structural issues and is a species that performs well in this area. 'B' graded trees have only minor defects and/or may be a species that is somewhat prone to health or structural problems. A 'C' rated tree is one that has a moderate defect or a structural issue that may need a more in-depth evaluation to determine its severity. 'C' graded trees may also be a species that is not desirable as a shade tree. 'D' rated trees have major defects and should be seriously considered for removal. An 'F' rated tree is one that is either dead or dying or has structural problems that make it a hazard.

Trees with a grade of A or B are also described as having a condition of Good on our tree list report. Trees with a C grade are Fair condition and D and F trees are Poor condition. We recommend removing all Poor condition trees as they are prone to failure and could cause property damage or personal injury.

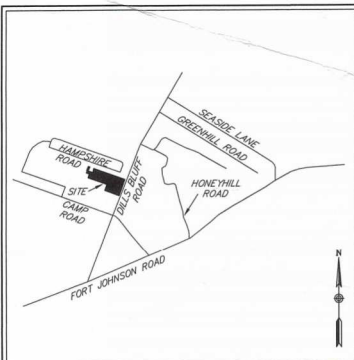
My assessment of the trees was done visually from the ground. I did not perform aerial inspections of the canopies of the trees, but did recognize obvious structural issues. Hollows, cavities, wood decay, etc. were noted, but no measurements were obtained to calculate the severity of these issues. All trees to be preserved possessing defects of concern should be examined more closely to verify their viability as a shade tree. Trees inherently pose a certain degree of hazard and risk from breakage, failure, or other causes and conditions. No formal hazard tree inspection was performed for any tree on the property. If you have any questions, please feel free to contact me.

Sincerely,

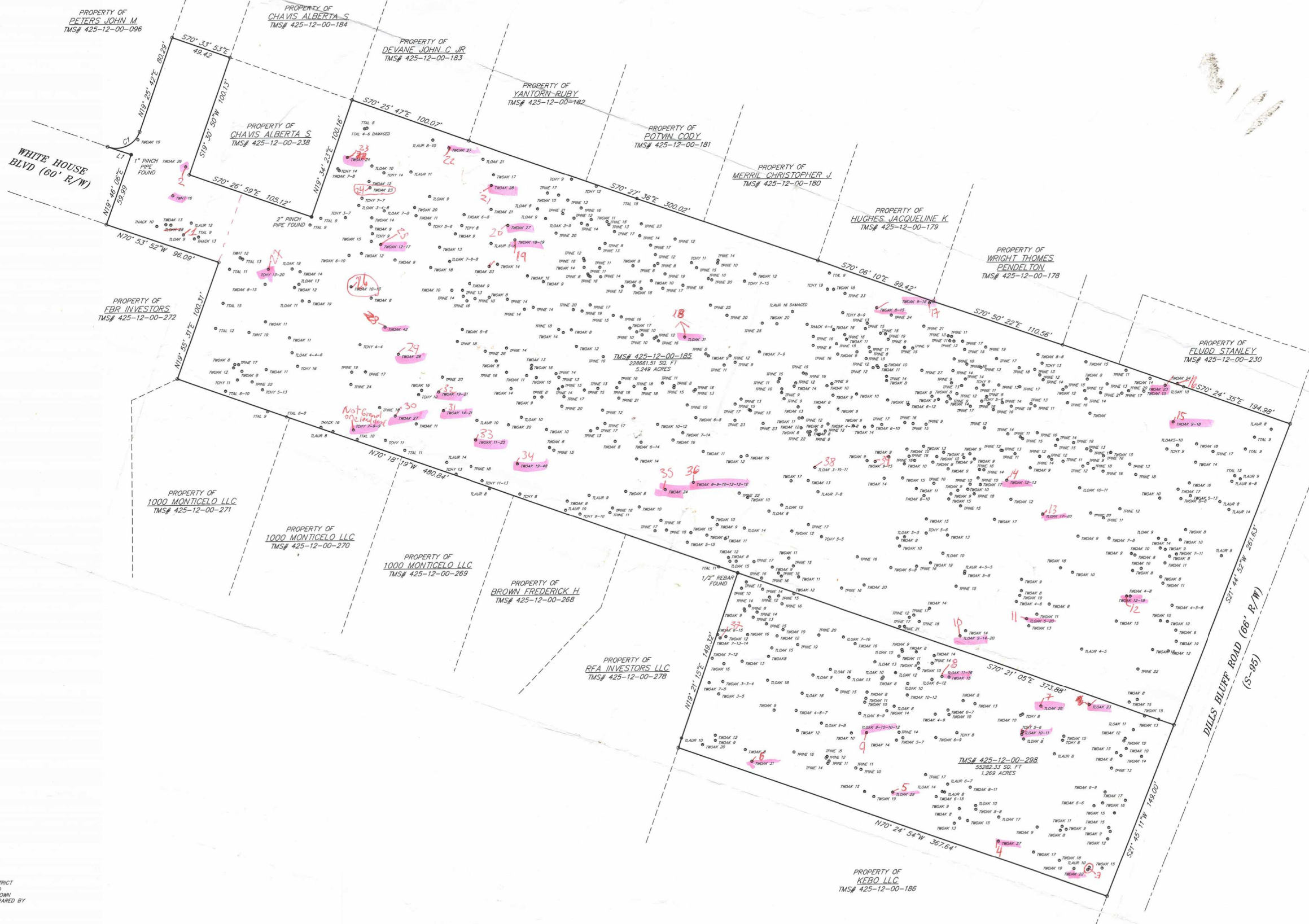
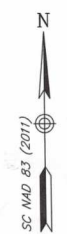
*Forrest S. Evans*

Forrest S. Evans  
ISA Certified Arborist  
SO-10173A  
Enclosures





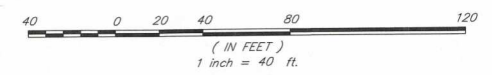
CURVE TABLE						LINE TABLE	
CURVE	LENGTH	RADIUS	TANGENT	DELTA	CHORD	LINE	LENGTH
C1	31.62	20.07	20.16	90°16'11"	N85°38'55"E	L1	N70°51'36"W 20.06



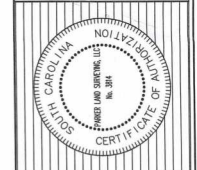
- NOTES:
- AS PER F.I.R.M. PANEL NUMBER 45019C 0677 K. WITH AN EFFECTIVE DATE OF JANUARY 29, 2021 BY GRAPHICAL PLOTTING ONLY, THIS PROPERTY APPEARS TO BE WITHIN FLOOD ZONE AE (ELEV. 11') AND "X" SHADDED" AND SHOULD BE VERIFIED BY ALL GOVERNING MUNICIPALITIES AND ASSOCIATIONS BEFORE DESIGN OR CONSTRUCTION.
  - THE AREA WAS DETERMINED BY THE COORDINATE METHOD.
  - PROPERTY CORNERS FOUND AS LABELED. ANY PROPERTY CORNERS TO BE SET SHALL BE 3/4" REBAR.
  - ANYTHING SHOWN OUTSIDE THE DEFINED BOUNDARIES OF THIS SURVEY IS FOR DESCRIPTIVE PURPOSES ONLY.
  - PROPERTY MAY BE SUBJECT TO EASEMENTS AND RESTRICTIONS NOT OBVIOUS OR APPARENT TO THE SURVEYOR.
  - PROPERTY IS ZONED RSL. ZONING IS PER CHARLESTON COUNTY ZONING MAP AND SHOULD BE VERIFIED WITH ALL GOVERNING MUNICIPALITIES AND ASSOCIATIONS BEFORE DESIGN OR CONSTRUCTION.
  - SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND UTILITIES OR OVERHEAD CONTAINERS OF FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS TRACT.
  - HORIZONTAL DATUM IS NAD 83 (2011).
  - A BOUNDARY SURVEY WAS NOT PERFORMED BY PARKER LAND SURVEYING.

- REFERENCES:
- CHARLESTON COUNTY TAX MAP No. 425-12-00-298 OWNER: JAMES ISLAND PUBLIC SERVICE DISTRICT
  - CHARLESTON COUNTY TAX MAP No. 425-12-00-185 OWNER: JAMES ISLAND PUBLIC SERVICE DISTRICT
  - UNRECORDED SURVEY TITLED JAMES ISLAND PUBLIC SERVICE DISTRICT TOPOGRAPHIC/BOUNDARY SURVEY OF TMS# 425-12-00-298 AND TMS# 425-12-00-185 LOCATED ON DILLS BLUFF ROAD IN THE TOWN OF JAMES ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA. PREPARED BY GLENN ROBERT GEORGE PLS SC No. 6517.

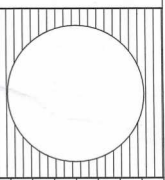
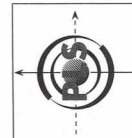
LEGEND		TREE GUIDE	
—●—	PROPERTY LINE W/ CORNER FOUND AS DESCRIBED	T20AK	HICKBERRY
---	PROPERTY LINE	TWAK	WATER OAK
---	ADJACENT PROPERTY LINE	TLOAK	LIVE OAK
---	RIGHT OF WAY LINE	TWHT	WHITE OAK
---	CENTER OF RIGHT OF WAY	TCY	CHERRY
		TPINE	PINE
		TLAUR	LAUREL OAK



TITLE  
**TREE SURVEY UPDATE ONLY**  
JAMES ISLAND PUBLIC SERVICE DISTRICT  
TMS# 425-12-00-298 & -185  
DILLS BLUFF ROAD, TOWN OF JAMES ISLAND  
CHARLESTON COUNTY, SC



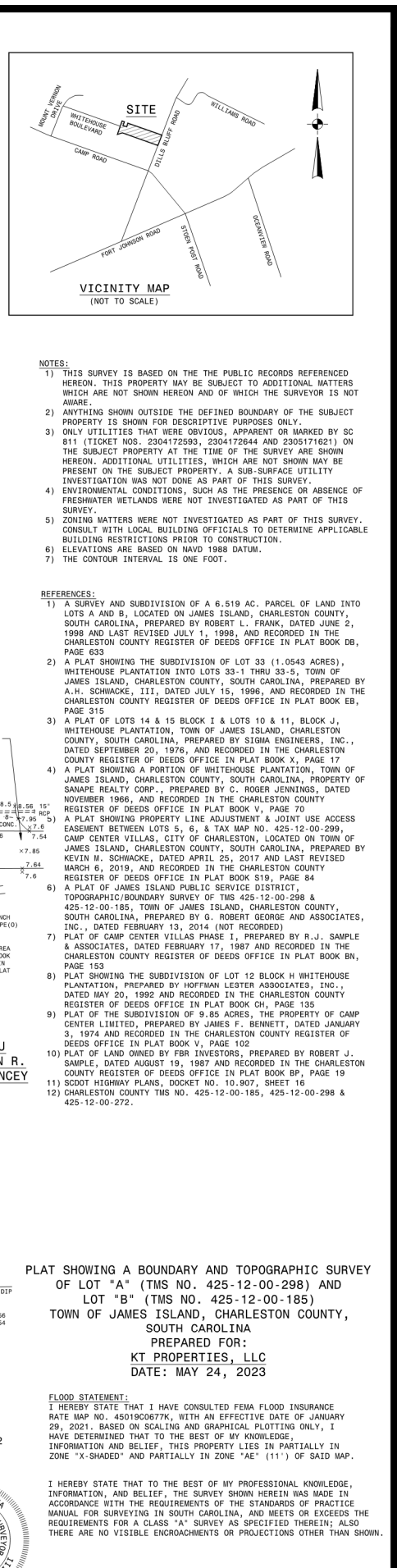
**Parker Land Surveying, LLC**  
5910 Griffin Street  
Hammonton, SC 29410  
Phone: (843) 554-7777  
Fax: (843) 554-7779



DESIGNED : —	DRAWN : J.L.K.
CHECKED : L.M.W.	APPROVED : A.C.G.
SCALE : 1" = 40'	DATE : 1/31/22
PROJECT NO. : 21165	SHEET 1 OF 1



Tree Number	DBH	Speices	Grade	Comments	Comments	Condition
1	28.5	LIVE OAK	B			Good
2	27	LAUREL OAK	C	DECAY	FORKED	Fair
3	11/22.5	LAUREL OAK	C	UTILITY PRUNING	POSSIBLY SEPARATE	Fair
4	28	LAUREL OAK	D	DECAY	UTILITY PRUNING	Poor
5	30	LAUREL OAK	C	UTILITY PRUNING	POOR FORM	Fair
6	31	LAUREL OAK	D	HOLLOW	DECLINE	Poor
7	26	LAUREL OAK	C	DECAY	FORKED	Fair
8	11/16	LAUREL OAK	C	V SHAPED CROTCH	POOR FORM	Fair
9	9/10/11/12	LAUREL OAK	D	STUMP SPROUTS	POOR FORM	Poor
10	9/14/20	LAUREL OAK	D	DECAY	STUMP SPROUTS	Poor
11	5.5/20	LIVE OAK	B	NOT GRAND < 6"		Good
12	12/18	LAUREL OAK	D	DECAY	INCLUDED BARK	Poor
13	17/20	LIVE OAK	B			Good
14	12/13	LAUREL OAK	C	V SHAPED CROTCH		Fair
15	9/18	LAUREL OAK	C	9" F DECLINE	POOR FORM	Fair
16	29	LAUREL OAK	C	DECAY	FORKED	Fair
17	9/18	LAUREL OAK	D	DECAY	POOR FORM	Poor
18	31.5	LAUREL OAK	D	HOLLOW	POOR FORM	Poor
19	18/19	LAUREL OAK	C	DECAY	V SHAPED CROTCH	Fair
20	27	LAUREL OAK	D	DECAY	FORKED	Poor
21	28	LAUREL OAK	D	DECAY	DECLINE	Poor
22	27	LAUREL OAK	D	SWEEP	POOR FORM	Poor
23	26	WATER OAK	C	DECAY	POOR FORM	Fair
24	24	LAUREL OAK	C	FORKED	POOR FORM	Fair
25	12/18	LAUREL OAK	C	DECAY	FORKED	Fair
26	11/14.5	LAUREL OAK	C	POSSIBLY SEPARATE		Fair
27	13/20	BLACK CHERRY	D	DECAY	DECLINE	Poor
28	42	LIVE OAK	D	DECAY	FORKED	Poor
29	26	LAUREL OAK	D	DECAY	INCLUDED BARK	Poor
30	27	LAUREL OAK	C	DECAY	POOR FORM	Fair
31	14/21	LAUREL OAK	D	POOR FROM	DECLINE	Poor
32	20/22	LAUREL OAK	D	DECAY IN BASE	V SHAPED CROTCH	Poor
33	12/28	LAUREL OAK	D	DECAY	POOR FORM	Poor
34	19/48	LAUREL OAK	D	STUMP SPROUTS	INCLUDED BARK	Poor
35	24.5	LAUREL OAK	B	FORKED		Good
36	9/12.5/13/13/16	LAUREL OAK	D	STUMP SPROUTS		Poor
37	7/13/14	LAUREL OAK	C	V SHAPED CROTCH	POOR FORM	Fair
38	10/11	LIVE OAK	B			Good
39	9/15	LAUREL OAK	C	V SHAPED CROTCH	INCLUDED BARK	Fair



- 1) THIS SURVEY IS BASED ON THE PUBLIC RECORDS REFERENCED HEREON. THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL MATTERS WHICH ARE NOT SHOWN HEREON AND OF WHICH THE SURVEYOR IS NOT AWARE.
- 2) ANYTHING SHOWN OUTSIDE THE DEFINED BOUNDARY OF THE SUBJECT PROPERTY IS SHOWN FOR DESCRIPTIVE PURPOSES ONLY.
- 3) ONLY UTILITIES THAT WERE OBVIOUS, APPARENT OR MARKED BY SC 811 (TICKET NOS. 2304712593, 2304712644 AND 2305171621) ON THE SUBJECT PROPERTY AT THE TIME OF THE SURVEY ARE SHOWN HEREON. ADDITIONAL UTILITIES, WHICH ARE NOT SHOWN MAY BE ENCOUNTERED DURING THE PROJECT. THE LOCATION OF ANY UTILITY INVESTIGATION WAS NOT DONE AS PART OF THIS SURVEY.
- 4) ENVIRONMENTAL CONDITIONS, SUCH AS THE PRESENCE OR ABSENCE OF FRESHWATER WETLANDS WERE NOT INVESTIGATED AS PART OF THIS SURVEY.
- 5) ZONING MATTERS WERE NOT INVESTIGATED AS PART OF THIS SURVEY. CONSULT WITH LOCAL BUILDING OFFICIALS TO DETERMINE APPLICABLE BUILDING RESTRICTIONS PRIOR TO CONSTRUCTION.
- 6) ELEVATIONS ARE BASED ON THE MEAN SEA LEVEL DATUM.
- 7) THE CONTOUR INTERVAL IS ONE FOOT.

- 1) A SURVEY AND SUBDIVISION OF A.6519 AC. PARCEL OF LAND INTO LOTS 1, 2 AND 3, LOCATED IN CHARLESTON COUNTY, SOUTH CAROLINA, PREPARED BY ROBERT L. FRANK, DATED JUNE 2, 1998 AND LAST REVISED JULY 1, 1998, AND RECORDED IN THE CHARLESTON COUNTY REGISTER OF DEEDS OFFICE IN PLAT BOOK DB, PAGE 315
- 2) A PLAT SHOWING THE SUBDIVISION OF LOT 33 (1.0543 ACRES), WHITEHOUSE PLANTATION, TOWN OF JAMES LINDSAY, CHARLESTON COUNTY, SOUTH CAROLINA, INTO LOTS 33-1 THRU 33-8, TOWN OF JAMES LINDSAY, CHARLESTON COUNTY, SOUTH CAROLINA, PREPARED BY A.H. SCHWACKE, III, DATED JULY 15, 1996, AND RECORDED IN THE CHARLESTON COUNTY REGISTER OF DEEDS OFFICE IN PLAT BOOK EB, PAGE 315
- 3) A PLAT OF LOTS 14 & 15 BLOCK I & LOTS 10 & 11, BLOCK J, WHITEHOUSE PLANTATION, TOWN OF JAMES LINDSAY, CHARLESTON COUNTY, SOUTH CAROLINA, PREPARED BY SIGMA ENGINEERS, INC., DATED FEBRUARY 19, 1987 AND RECORDED IN THE CHARLESTON COUNTY REGISTER OF DEEDS OFFICE IN PLAT BOOK X, PAGE 17
- 4) A PLAT SHOWING A PORTION OF WHITEHOUSE PLANTATION, TOWN OF JAMES LINDSAY, CHARLESTON COUNTY, SOUTH CAROLINA, PROPERTY OF SAMPSON & COMPANY, CORP., DATED FEBRUARY 19, 1987 AND RECORDED NOVEMBER 1966, AND RECORDED IN THE CHARLESTON COUNTY REGISTER OF DEEDS OFFICE IN PLAT BOOK V, PAGE 70
- 5) A PLAT OF PROPERTY LINE AND EASEMENT BETWEEN LOTS 299 & 300, CAMP CREST VILLAS, CITY OF CHARLESTON, LOCATED ON TOWN OF JAMES LINDSAY, CHARLESTON COUNTY, SOUTH CAROLINA, PREPARED BY KEVIN J. SCHWACKE, DATED APRIL 25, 2017 AND LAST REVISED MARCH 6, 2019, AND RECORDED IN THE CHARLESTON COUNTY REGISTER OF DEEDS OFFICE IN PLAT BOOK S19, PAGE 84
- 6) A PLAT OF LOTS 15 AND 16, PUBLIC SERVICE DISTRICT, 2ND TOPGONOMIC BOUNDARY SURVEY, DATED FEBRUARY 19, 1987 AND RECORDED 12-10-1985, TOWN OF JAMES LINDSAY, CHARLESTON COUNTY, SOUTH CAROLINA, PREPARED BY G. ROBERT GEORGE AND ASSOCIATES, INC., DATED FEBRUARY 19, 1987 AND RECORDED IN THE CHARLESTON COUNTY REGISTER OF DEEDS OFFICE IN PLAT BOOK BI, PAGE 135
- 7) PLAT OF CAMP CREST VILLAS PHASE I, PREPARED BY R.J. SAMPLE & ASSOCIATES, DATED FEBRUARY 17, 1987 AND RECORDED IN THE CHARLESTON COUNTY REGISTER OF DEEDS OFFICE IN PLAT BOOK BI, PAGE 135
- 8) PLAT SHOWING THE SUBDIVISION OF LOT 12 BLOCK H WHITEHOUSE PLANTATION, PREPARED BY HOFFMAN LESTER ASSOCIATES, INC., DATED FEBRUARY 19, 1987 AND RECORDED IN THE CHARLESTON COUNTY REGISTER OF DEEDS OFFICE IN PLAT BOOK CH, PAGE 135
- 9) PLAT OF THE SUBDIVISION OF 9.85 ACRES, THE PROPERTY OF CAMP CREST VILLAS, CITY OF CHARLESTON, SOUTH CAROLINA, DATED JANUARY 3, 1974 AND RECORDED IN THE CHARLESTON COUNTY REGISTER OF DEEDS OFFICE IN PLAT BOOK V, PAGE 102
- 10) PLAT OF LAND OWNED BY FBR INVESTORS, PREPARED BY ROBERT J. GEORGE, DATED AUGUST 19, 1987 AND RECORDED IN THE CHARLESTON COUNTY REGISTER OF DEEDS OFFICE IN PLAT BOOK BP, PAGE 19
- 11) SCOTCH HIGHLAND PLANS, Docket No. 10-907, SHEET 12
- 12) CHARLESTON COUNTY, SOUTH CAROLINA, DATED FEBRUARY 19, 1987 AND RECORDED IN THE CHARLESTON COUNTY REGISTER OF DEEDS OFFICE IN PLAT BOOK DB, PAGE 315

AT SHOWING A BOUNDARY AND TOPOGRAPHIC SURVEY  
OF LOT "A" (TMS NO. 425-12-00-298) AND  
LOT "B" (TMS NO. 425-12-00-185)  
TOWN OF JAMES ISLAND, CHARLESTON COUNTY,  
SOUTH CAROLINA  
PREPARED FOR:  
KT PROPERTIES, LLC  
DATE: MAY 24, 2023

FLOOD STATEMENT.

I HEREBY STATE THAT I HAVE CONSULTED FEMA FLOOD INSURANCE RATE MAP NO. 45019C0677X, WITH AN EFFECTIVE DATE OF JANUARY 1, 1985, CALLED, BASE FLOODING AND GRAPHICAL PLOTTING ONLY, I HAVE DETERMINED THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THIS PROPERTY LIES IN PARTIALLY IN ZONE "X-SHADED" AND PARTIALLY IN ZONE "AE" (11') OF SAID MAP.

I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOILS CORROSION AND WEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHO

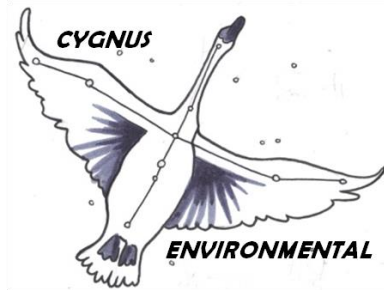
DRAFT-FOR REVIEW ONLY

---

J. BRUCE KING, III, SCPLS NO. 22361

## **Appendix C**

### Wetland Environmental Study



June 2, 2023

**Kyle A. Taylor, P.E. | Principal  
Taylor Consulting Group, LLC  
295 Seven Farms Dr. Suite C-133  
Daniel Island, SC 29492**

Reference: **Waters of US Determination Report**  
TMS 425-12-00-185&298  
6.52 Acres JIPSD Site  
Cygnus Project 2023-028

Mr. Taylor,

Cygnus Environmental, LLC has completed an on-site delineation, GPS location, background information and mapping to complete this investigation into the presence of wetlands or aquatic areas. Eric McClanahan, a Professional Wetland Scientist, visited the site on May 30, 2023 to verify the presence or absence of wetlands or other aquatic areas on the site.

The site consists of two parcels totaling 6.52 acres as listed on Charleston GIS TMS No. 425-12-00-185&298. The site is located on James Island in Charleston County, South Carolina - (32.729299°, -79.947579° on the Dills Bluff Frontage).

Waters of the U.S. include potentially many features including pits, marshes, swamps, bogs, pools, ponds, ditches, lakes or streams. Their jurisdictional status and definition may vary, however their status is ultimately determined by the regulatory agency(s). **Wetlands** are a specific subset of the above areas and are defined using the U.S. Army Corps of Engineers (USACE) Routine On-Site Determination method as described in the 1987 "Corps of Engineers Wetlands Delineation Manual" and Regional Supplements. This technique uses a multi-parameter approach which requires positive evidence of the following three criteria:

- Hydrophytic vegetation dominance
- Wetland hydrology indicators
- Hydric soil indicators

### **Site Characteristics and Findings**

The site is fully wooded with evidence of older excavations and roads present where the site ties into adjacent neighborhoods. The site is entirely uplands. No areas with all three criteria listed above exist on the site. Areas verified include the interior and all boundaries of the site. Some recent access paths for soil exploration also aided in the verification due to the lack of a water table present in boreholes.

***Waters of US Determination Report***

*TMS 425-12-00-185&298*

*6.52 Acres JIPSD Site*

*Cygnus Project 2023-028*

The site is surrounded on all sides by either residential or commercial development. Also – see Figure 5 attached, which shows the 1994 Aerial Photo. The site appears to have been fully cleared with a “dry” appearance and was under potential use at that time with road access and only large live oaks as the predominant standing canopy.

Cygnus Environmental is available to assist in coordinating with the USACE to obtain an approved Jurisdictional Determination. This jurisdictional assessment is meant for planning/marketing purposes only. The USACE holds the final authority on the official determination of any wetland or federal/state jurisdictional status and may differ depending on any regulatory changes, including but not limited to: new scientific discoveries, agency guidance changes, executive orders, congressional acts and Supreme Court decisions, etc.

**Closing**

Please contact Eric J. McClanahan at (843) 696-9865 if you have any questions concerning this letter, or if you would like to initiate any processes necessary for moving this project forward from this point.

Sincerely,

**Cygnus Environmental, LLC**

A handwritten signature in dark ink, appearing to read "Eric J. McClanahan", with a long horizontal flourish extending to the right.

Eric J. McClanahan, PWS  
Principal Environmental Scientist

Attachments:            Site Maps  
                              Photo-Documentation







***Waters of US Determination Report***

*TMS 425-12-00-185&298*

*6.52 Acres JIPSD Site*

*Cygnus Project 2023-028*





***Waters of US Determination Report***

*TMS 425-12-00-185&298*

*6.52 Acres JIPSD Site*

*Cygnus Project 2023-028*





***Waters of US Determination Report***

*TMS 425-12-00-185&298*

*6.52 Acres JIPSD Site*

*Cygnus Project 2023-028*





***Waters of US Determination Report***

*TMS 425-12-00-185&298*

*6.52 Acres JIPSD Site*

*Cygnus Project 2023-028*





***Waters of US Determination Report***

*TMS 425-12-00-185&298*

*6.52 Acres JIPSD Site*

*Cygnus Project 2023-028*





***Waters of US Determination Report***

*TMS 425-12-00-185&298*

*6.52 Acres JIPSD Site*

*Cygnus Project 2023-028*





***Waters of US Determination Report***

*TMS 425-12-00-185&298*

*6.52 Acres JIPSD Site*

*Cygnus Project 2023-028*





***Waters of US Determination Report***

*TMS 425-12-00-185&298*

*6.52 Acres JIPSD Site*

*Cygnus Project 2023-028*





***Waters of US Determination Report***

*TMS 425-12-00-185&298*

*6.52 Acres JIPSD Site*

*Cygnus Project 2023-028*





***Waters of US Determination Report***

*TMS 425-12-00-185&298*

*6.52 Acres JIPSD Site*

*Cygnus Project 2023-028*





***Waters of US Determination Report***

*TMS 425-12-00-185&298*

*6.52 Acres JIPSD Site*

*Cygnus Project 2023-028*





***Waters of US Determination Report***

*TMS 425-12-00-185&298*

*6.52 Acres JIPSD Site*

*Cygnus Project 2023-028*





***Waters of US Determination Report***

*TMS 425-12-00-185&298*

*6.52 Acres JIPSD Site*

*Cygnus Project 2023-028*





***Waters of US Determination Report***

*TMS 425-12-00-185&298*

*6.52 Acres JIPSD Site*

*Cygnus Project 2023-028*





***Waters of US Determination Report***

*TMS 425-12-00-185&298*

*6.52 Acres JIPSD Site*

*Cygnus Project 2023-028*





***Waters of US Determination Report***

*TMS 425-12-00-185&298*

*6.52 Acres JIPSD Site*

*Cygnus Project 2023-028*



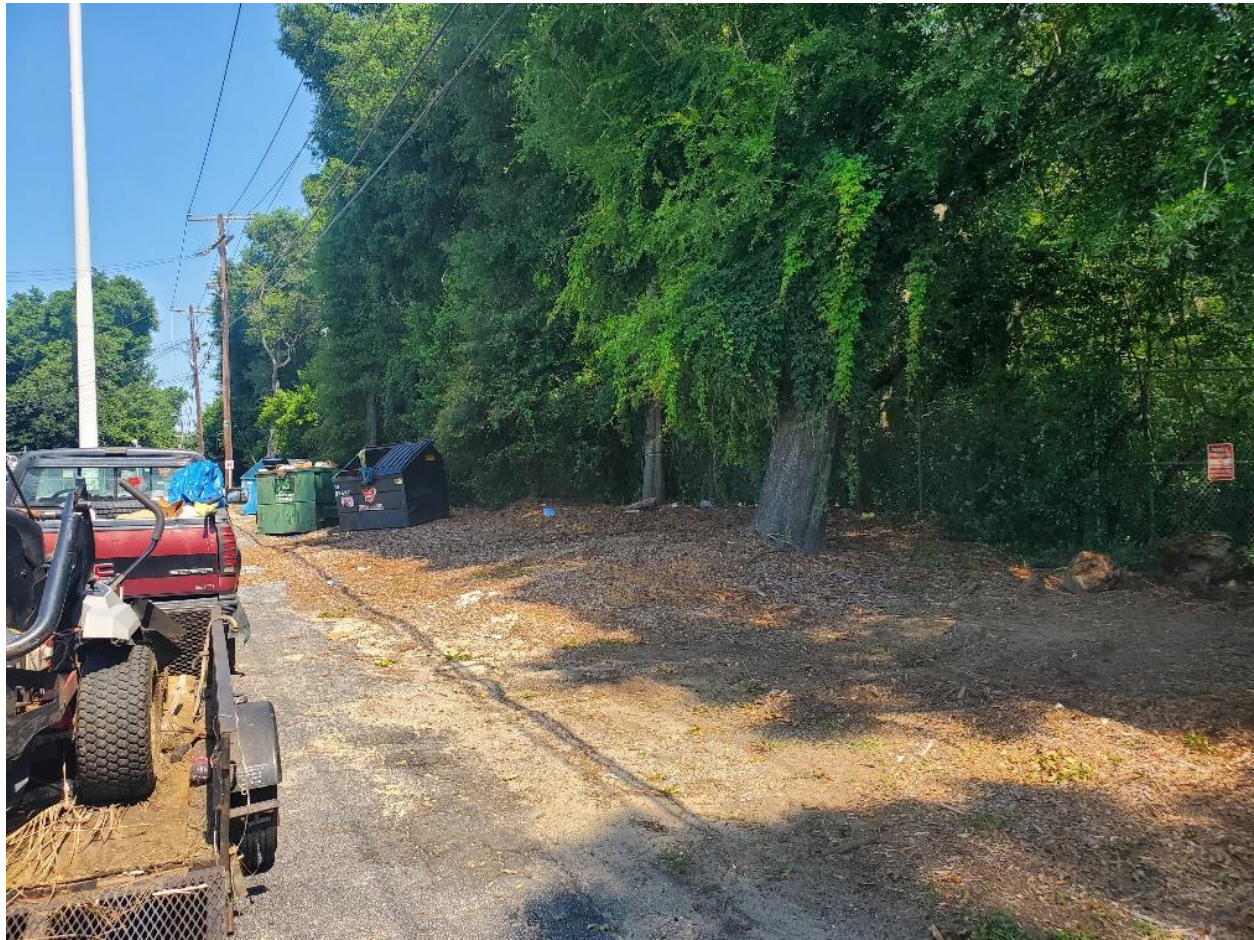


***Waters of US Determination Report***

*TMS 425-12-00-185&298*

*6.52 Acres JIPSD Site*

*Cygnus Project 2023-028*





## **SPECIAL PUBLIC NOTICE**

### **CHARLESTON DISTRICT REGULATORY UPDATE: PROGRAMMATIC EMPHASIS ON DA PERMIT APPLICATIONS**

The purpose of this notice is to provide an update on the U.S. Army Corps of Engineers (Corps), Charleston District's Regulatory Program. Effective immediately, the Regulatory Division is refining its process to emphasize review of Department of the Army (DA) permit applications and requests associated with pending DA permit applications.

This process refinement will enable the Regulatory Division to direct greater resource emphasis toward its fundamental mission of regulating activities in the nation's waters and wetlands and provide the public with more efficient, timely service when reviewing DA permit applications for projects that propose impacts to waters of the United States. As a result, this refinement effort will also allow the Regulatory Division to more effectively support an anticipated increase in program volume from the Infrastructure Investment and Jobs Act and other national authorizations.

Preliminary and approved jurisdictional determinations (JDs), delineation concurrences and other documentation verified by the Regulatory Division are not prerequisites for submitting a DA permit application. These approvals and verifications are also not intended to be prerequisites for development approvals by state and local government(s). Due to the state of South Carolina's geography and broad expanse of aquatic resources in concert with an increase in development activity across the state of South Carolina, the Regulatory Division has seen a significant increase in the number of requests for JDs and delineation concurrences. For example, the Regulatory Division processed 1,800 standalone JD requests in Fiscal Year 2021, more than the 2.5 times the national average. Currently, the Regulatory Division is reviewing over 600 pending standalone JD requests, and on average, Regulatory Division project managers have 45-55 pending standalone JD requests at any given time.

The Regulatory Division is also aware of increasing mandates by state and local government entities to require Corps-verified delineations and/or JDs for activities and transactions unrelated to DA permit applications. The growing volume of these standalone requests is exacerbating the Regulatory Division's already heavy workload, ultimately delaying the Regulatory Division's ability to provide efficient reviews of DA permit applications. To facilitate better public service, encourage smart development and help preserve the nation's natural resources, and as part of this process refinement, the Regulatory Division will be continuing its work with state and local government entities to further inform them of the Regulatory Division's position on the unintended consequences of their requirements, which are impacting the Regulatory Division's ability to review and process DA permit applications and associated JDs as efficiently as possible.

Regulatory Division project managers consult the 1987 Army Corps of Engineers Wetland Delineation Manual and appropriate regional supplement(s) to delineate wetlands and waters for purposes of federal jurisdiction. Private sector environmental consultants who *properly* rely upon and apply these documents are generally equipped to provide accurate and expeditious

delineations to their clients when the Regulatory Division's review of a DA permit application is not immediately required. Over the past five years, and in accordance with Regulatory Guidance Letter No. 16-01 (link below), the Regulatory Division has routinely engaged the regulated community in response to standalone requests to discuss what level of verification, if any, is appropriate for the circumstances of a given standalone request. In many cases, the services of private sector environmental consultants may be sufficient to respond to state or local requirements in the absence of the Regulatory Division's review of a DA permit application. In furtherance of these efforts, the Regulatory Division strongly encourages members of the public seeking support not associated with a project requiring a DA permit application to leverage the robust community of environmental consultants in South Carolina in response to independent requirements of state and local government(s).

**I. Charleston District Prioritization of Work:** To serve the regulated community in the most effective and efficient manner possible, this process refinement will allow the Regulatory Division to direct greater resource emphasis toward its fundamental mission of regulating activities in the nation's waters and wetlands and provide the public with more efficient, timely service when reviewing DA permit applications for projects that propose impacts to waters of the United States. Effective immediately, the Charleston District Regulatory Division will prioritize incoming requests in the following order:

- 1. Review and processing of new DA permit applications (Standard Permits/Nationwide Permits/Regional General Permits).**
- 2. Modifications of existing DA Permits / DA Permit Transfers.**
- 3. JD Requests and/or Delineation Concurrences (DCs) Not Associated with a DA permit application (Standalone JDs/DCs) submitted with sufficient supporting information. (NOTE: Supporting information is identified within the ["Jurisdictional Determination \(JD\)/Delineation Request and Checklist"](#). See *Section III for information and prioritization of Standalone JDs/DCs***

**II. Timeframes Associated with DA Permit Actions:** Timeframes for processing DA permit applications are contingent upon the receipt of a complete application, as well as any supporting information that may be required to make a final decision on the DA permit application. In general, the Regulatory Division strives to review and process DA permit applications according to the following timelines:

- Standard Permits (120-365 days);
- Nationwide Permits (45-60 days); and
- Regional General Permits (60-90 days).

Deficiencies or delays by an applicant in providing sufficient supporting information will impact the Regulatory Division's ability to process DA permit applications as efficiently as possible. Project complexity, coordination/consultation requirements, and the applicant's ability to obtain requisite state authorizations also directly affect the Regulatory Division's timeframes for processing DA permit applications.

Over the next several months, Regulatory Division staff will make a concerted effort to review and complete all standalone JD and DC requests submitted prior to April 22, 2022, provided that the requests have sufficient documentation. Going forward, in-house wetland delineations conducted by the Regulatory Division (rather than the Regulatory Division's review of a

submittal based on a consultant's prior delineation) will generally only be performed for small tracts (i.e., one acre or less) on a case-by-case basis.

**NOTE: Pre-approved Wetland Delineations and/or JDs are NOT a pre-requisite for submitting a DA permit application. When submitting a DA permit application, a depiction that accurately reflects the geographic limits of aquatic resources should be included. A Depiction of Aquatic Resources should consist of a drawing or map depicting the location and configuration of aquatic resources located on the site. Each aquatic resource must be identified and quantified (i.e., acreage and/or linear feet). A depiction of aquatic resources is required for all DA permit applications as well as for "no permit required" requests. Depictions of aquatic resources should include supporting information/documentation but do NOT have to be pre-approved by the Corps. Submitting a depiction of aquatic resources with a permit application is the most effective manner to expedite permit review.**

Updated Information and Guidance for preparing delineations and submittals with sufficient supporting information can be found by clicking on the **NEW** ["Jurisdictional Determination \(JD\)/Delineation Request and Checklist"](#).

**III. Delineations/ JDs:** As noted above, standalone JDs and/or Delineations are not pre-requisites for submitting DA permit applications. As such, these standalone requests are not subject to mandatory processing timeframe. Requests not associated with a DA permit application, including standalone JDs and DCs, will still be accepted by the Regulatory Division, but the review and processing of such standalone requests will be based on available resources, resulting in extended timelines for these requests to be fully processed.

**a. Types of Wetland Delineations / JDs:**

- **DC:** A DC provides concurrence that the delineated boundaries of wetlands on a property are a reasonable representation of the aquatic resources on-site. A DC does not address the jurisdictional status of the aquatic resources. (NOTE: A DC is generally the quickest type of standalone request for the Corps to review and process.)
- **Preliminary Jurisdictional Determination (PJD):** A PJD is defined in Corps regulations at 33 CFR 331.2. As explained in further detail in RGL No. 16-01, a PJD is used to indicate that this office has identified the approximate location(s) and boundaries of wetlands and/or other aquatic resources on a site that are presumed to be subject to regulatory jurisdiction of the Corps of Engineers. Unlike an AJD, a PJD does not represent a definitive, official determination that there are, or that there are not, jurisdictional aquatic resources on a site, and does not have an expiration date.
- **Approved Jurisdictional Determination (AJD):** An AJD is defined in Corps regulations at 33 CFR 331.2. As explained in further detail in RGL No. 16-01, an AJD is used to indicate that this office has identified the presence or absence of wetlands and/or other aquatic resources on a site, including their accurate location(s) and boundaries, as well as their jurisdictional status. AJDs are valid for 5 years.

- **Wetland Delineations Performed by the Corps:** These requests have historically been conducted as a courtesy for private property owners for small tracts of land. **Due to current workload and priorities, the Regulatory Division will only provide this service on a limited basis for private individuals on small tracts of land (typically 1 acre or less).**

**b. Priorities for Standalone JD / DC Requests**

1. DC requests submitted with sufficient supporting information.
2. PJD requests submitted with sufficient supporting information.
3. AJD requests submitted with sufficient supporting information.
4. Requests for wetland delineations to be performed by the Corps.

**NOTE: Due to the volume of DA permit applications, this office is unable to provide approximate processing timeframes for Standalone JD/DC requests. At this time, Standalone JD/DC requests may have extended timelines (e.g., one year or longer) based on the size and complexity of the site, the quality of information submitted, and other Regulatory Division priorities. After submittal of a standalone request, if additional information is required, you will be contacted by the project manager.**

**It is recommended that standalone requests be prepared and submitted by an environmental consultant. Although this is not a requirement, it will certainly help expedite the process.**

Information and Guidance for preparing delineations and submittals with sufficient supporting information can be found by clicking on [“Jurisdictional Determination \(JD\)/Delineation Request and Checklist”](#).

For more on the Regulatory Division’s process refinement, and for answers to frequently asked questions, visit our [process refinement FAQ’s](#). As noted above, the process refinement announced today further enables the Regulatory Division to better serve the state’s regulated community in the most efficient manner possible (please see [Regulatory Guidance Letter No. 16-01](#) for more details).

## Appendix D

### Letters of Coordination

- i. Charleston County School District
  - ii. Charleston Water System
  - iii. Dominion Energy Power
  - iv. Dominion Energy Gas
  - v. Charleston County EMS
  - vi. JIPSD Wastewater Services
  - vii. JIPSD Fire Department
  - viii. JIPSD Solid Waste Services
    - ix. BCDCOG CARTA
    - x. AT&T Phone/Cable



March 30, 2023

Taylor Consulting Group, LLC  
Attn: Kyle Taylor  
295 Seven Farms Dr, Ste C-133  
Daniel Island, SC 29492

Subject: TMS # 425-12-00-185 & 298  
Dills Bluff PD Project; James Island, SC

**Operations Division**

**Donald R. Kennedy, Sr.**  
Superintendent of Schools

**Jeffrey Borowy, P.E.**  
Chief Operating Officer

Dear Mr. Taylor:

Please accept this letter as "Proof of Coordination" and adequate service capacity for the proposed Dills Bluff PD Project in the James Island area consisting of approximately twenty five single-family units.

To determine an estimate of student yield that any development may create, a statistical formula is applied at the elementary, middle, and high school levels based on the type and number of units to be built.

On the basis of the information supplied to us, the three main schools that fall within the attendance zone where the development will take place are listed below and are subject to zoning modification.

- Harbor View Elementary
- Camp Road Middle
- James Island Charter High

From a capacity standpoint, we anticipate moderate impact to Harbor View Elementary with minimal impact to Camp Road Middle and James Island Charter High.

Please contact me at (843) 566-1995 if you have any questions and/or concerns.

Sincerely,



Angela Barnette, M.Ed.  
Director of Planning & Real Estate



PO Box B  
Charleston, SC 29402  
103 St. Philip Street (29403)

(843) 727-6800  
[www.charlestonwater.com](http://www.charlestonwater.com)

#### Board of Commissioners

Thomas B. Pritchard, Chairman  
Kathleen G. Wilson, Vice Chairman  
William E. Koopman, Jr., Commissioner  
Mayor John J. Tecklenburg (Ex-Officio)  
City Councilmember Perry K. Waring (Ex-Officio)

#### Officers

Mark Cline, P.E., Chief Executive Officer  
Dorothy Harrison, Chief Administrative Officer  
Wesley Ropp, CMA, Chief Financial Officer  
Russell Huggins, P.E., Capital Projects Officer  
Paul Hanson, Chief Information Officer  
Baker Mordecai, P.E., Chief Operating Officer

February 6, 2023

Kyle Taylor  
Taylor Consulting Group LLC  
[ktaylor@taylorconsultinggrp.com](mailto:ktaylor@taylorconsultinggrp.com)

Water Availability to TMS: 425-12-00-185 & 298  
20 single family residential units and 22,800 sq ft commercial space

This letter is to certify our willingness and ability to provide water service to the above referenced parcel in Charleston County, South Carolina. CWS has an existing 24" water main and an 8" water main in the ROW of Dills Bluff Road which can serve the proposed development. Looping may be required to the 6" water main in the ROW of Valley Forge Drive as well. JIPSD is the sewer provider.

It will of course be a developer responsibility to ensure there is adequate capacity on the existing mains to serve this site and not negatively impact the existing developments. Please be advised any extensions or modifications to the infrastructure will be a developer's expense. All fees and cost associated with providing service to this site will be a developer expense and will be due prior to connection of any Charleston Water System's water system. This letter does not reserve capacity in the Charleston Water System infrastructure, and it is incumbent upon the developer or his agent to confirm the availability herein granted past 12 months of this correspondence.

The Charleston Water System certifies the availability of service only insofar as its rights allow. Should access to our existing main/mains be denied by appropriate governing authorities, the Charleston Water System will have no other option than to deny service. This letter is not to be construed as a letter of acceptance for operation and maintenance from the Department of Health and Environmental Control.

If there are any questions pertaining to this letter, please do not hesitate to call on me at (843) 727-6869.

Sincerely,

A handwritten signature in blue ink that reads "Lydia Owens". The signature is written in a cursive style and is positioned above a faint, light blue rectangular stamp.

Lydia Owens  
Charleston Water System



## Electric Letter of Availability

April 20, 2023

Kyle Taylor

Email: [ktaylor@taylorconsultinggrp.com](mailto:ktaylor@taylorconsultinggrp.com)

Re: TMS #'s 425-12-00-185 & 425-12-00-298

Kyle,

I am pleased to inform you that Dominion Energy will be able to provide electric service to the above referenced project. Electric service will be provided in accordance with Dominion Energy General Terms and Conditions, other documents on file with the South Carolina Public Service Commission, and the company's standard operating policies and procedures. To begin engineering work for the project, the following information will need to be provided:

- 1.) Detailed utility site plan (AutoCAD format preferred) showing water, sewer, and storm drainage as well as requested service point/transformer location.
- 2.) Additional drawings that indicate wetlands boundaries, tree survey with barricade plan and buffer zones (if required), as well as any existing or additional easements will also be needed.
- 3.) Electric load breakdown by type with riser diagrams.

Dominion Energy construction standards and specifications are available upon request. For more information or questions, contact me by phone at (843) 576-8652 or at [hubert.gibbs@dominionenergy.com](mailto:hubert.gibbs@dominionenergy.com).

Sincerely,

A handwritten signature in blue ink that reads "H. Antonio Gibbs".

H. Antonio Gibbs  
Account Manager



## Gas Availability Letter

April 21, 2023

Kyle A. Taylor, P.E. | Principal  
Taylor Consulting Group, LLC  
Mobile 843-870-7001  
Email ktaylor@taylorconsultinggrp.com  
295 Seven Farms Dr. Suite C-133, Daniel Island, SC 29492

**Re: 0 Dills Bluff Road - TMS #425-12-00-185, -298**

Dear Kyle Taylor:

I am pleased to inform you that Dominion Energy will be able to provide natural gas service to the above referenced project. Services will be provided in accordance with Dominion Energy's General Terms and Conditions, other documents on file with the South Carolina Public Service Commission, and the company's standard operating policies and procedures.

Any cost associated with providing service will be determined when a finalized/approved plan is submitted to our office. In order to begin engineering work for the project, the following information will need to be provided:

- 1.) Detailed utility site plan (AutoCAD format preferred) showing water, sewer, and storm drainage. The finalized/approved plan must include lot numbers, street names, and 911 addresses for each lot.
- 2.) Additional drawings that indicate wetlands boundaries, tree survey with barricade plan and buffer zones (if required), as well as any existing or additional easements will also be needed.
- 3.) Copies of the Army Corp of Engineers official delineation and permits. If applicable, OCMR permits should also be included.
- 4.) Signed copy of this letter acknowledging its receipt and responsibility for its contents and authorization to begin engineering work with the understanding that Dominion Energy intends to serve the referenced project.

Dominion Energy's construction standards and specifications are available upon request. For more information or questions, contact me by phone at (843)701-6912 or at Barron.Gossett@dominionenergy.com

Sincerely,

*Barron Gossett*

Barron Gossett  
Dominion Energy

DAVID ABRAMS, J.D., NREMT-P  
Director



**Emergency Medical Services**

2010 NATIONAL EMS SERVICE OF THE YEAR

843.202.6700  
Fax: 843.202.6712  
dabrams@charlestoncounty.org  
Lonnie Hamilton, III Public Services Building  
4045 Bridge View Drive, Suite C 204  
North Charleston, SC 29405-7464

DATE: April 26, 2023

TO: Kyle A. Taylor

RE: Letter of Coordination

Dear Mr. Taylor,

This letter is to acknowledge that Charleston County EMS is in receipt of the information as it relates to the Dills Bluff Planned Development in the Town of James Island, owned by the James Island PSD. We understand that the plans are comprised of twenty to twenty- five (20-25} single – family residential units along with space to include commercial and associated infrastructure. Thank you for providing us with the information, at this point we see no impact towards EMS operations concerning your proposal.

All the best,

Deputy Chief C. L. Benton





James Island Public Service District

*Dedicated to Public Service Excellence*

**Joe Marcinkus** – Director of Wastewater Services

OFFICE OF THE DIRECTOR OF WASTEWATER SERVICES

05/17/2023

Kyle Taylor  
RE: Dills Bluff PD  
TMS# 425-12-00-185, -298

The James Island Public Service District is capable and has the capacity to serve the proposed development in the wastewater system.

Upon review of the final construction plans, the JIPSD will issue a Willingness and Able letter to the developer for DHEC submission.

If you have any questions please feel free to contact me at 843-998-6188.

Sincerely

A handwritten signature in black ink, appearing to read 'Joe Marcinkus', is written over a light blue horizontal line.

Joe Marcinkus  
Director of Wastewater Services  
843-998-6188  
[marcinkusj@jipsd.org](mailto:marcinkusj@jipsd.org)

1739 Signal Point Road | P.O. Box 12140 | Charleston, SC 29422-2140  
P 843-998-6188 | F 843-762-5252 | [marcinkusj@jipsd.org](mailto:marcinkusj@jipsd.org) | [www.jipsd.org](http://www.jipsd.org)

*JIPSD is an Equal Opportunity Employer and Provider, an At-Will Employer and a Drug-Free Workplace. We participate in E-Verify.*



Kyle Taylor  
295 Seven Farms Dr.  
Suite C-133  
Daniel Island, SC 29492  
843-870-7001

May 22, 2023

To Whom It May Concern:

This letter is to serve as notice that the James Island PSD Fire Department, as Authority Having Jurisdiction (AHJ) serves the property identified as Charleston County TMS 425-12-00-185, and TMS 425-12-00-298 situated on Dills Bluff Road, on James Island, Charleston, SC 29412.

As the AHJ the James Island PSD Fire Department provides coordination for the property to include emergency response and non-emergency matters concerning codes and occupancies.

If there are any questions, please feel free to contact myself at any of the listed means.

Respectfully,

Shawn L. Engelman  
Deputy Fire Chief of Administration and Safety Director





James Island Public Service District

*Dedicated to Public Service Excellence*

Kyle Taylor  
295 Seven Farms Dr.  
Suite C-133  
Daniels Island SC 29492  
843-870-7001

May 23, 2023

To whom it may Concern:

This letter is to serve notice that the James Island PSD Solid Waste Services as Authority having jurisdiction (AHJ) serves the property identified as Charleston County TMS 425-12-00-185, and TMS 425-12-00-298 situated on Dills Bluff Road, on James Island, Charleston SC 29412.

AS the AHJ, the James Island PSD Solid Waste department will provide garbage, yard debris and Bulk debris collection for the property in accordance with the Solid Waste resolution and service regulations.

If there are any questions, please feel free to contact the department directly.

Respectfully,

A handwritten signature in black ink, appearing to read "Walter Desmond", written over a horizontal line.

Walter Desmond  
Director of Solid Waste Services

1739 Signal Point Road | P.O. Box 12140 | Charleston, SC 29422-2140 | P 843-795-9060 | F 843-762-5240 |  
[www.jipsd.org](http://www.jipsd.org)

*JIPSD is an Equal Opportunity Employer and Provider, an At-Will Employer and a Drug-Free Workplace. We participate in E-Verify.*

[facebook.com/JamesIslandPSD](https://facebook.com/JamesIslandPSD)

[instagram.com/JamesIslandPSD](https://instagram.com/JamesIslandPSD)







---

**CHARLESTON AREA REGIONAL TRANSPORTATION AUTHORITY**

---

May 26, 2023

Kyle Taylor

RE: Letter of Coordination

Dear Mr. Taylor,

Thank you for contacting us regarding your Dills Bluff PD. No further approvals are required by CARTA. A BRT corridor has been proposed for this region along Rivers Avenue and is currently undergoing planning and design. There will be an impact to the right-of-way. For more information on the LCRT please visit this website (<https://lowcountryrapidtransit.com/>) or email us at [info@lowcountryrapidtransit.com](mailto:info@lowcountryrapidtransit.com).

Thank you again,  
Belén K. Vitello



April 27, 2023

Kyle A. Taylor  
Taylor Consulting Group  
295 Seven Farms Drive  
Suite C-133  
Charleston, SC 29492

RE: Dills Bluff PD  
TMS #425-12-00-185, -298

Dear Kyle:

This letter is in response to your request for information on the availability of service at the above list project, location or development by AT&T.

This letter acknowledges that the above referenced list development, location, or development is located in an area served by AT&T. Any service arrangements for the list development, location, or development will be subject to later discussions and agreements between the developer and AT&T. Please be advised that this letter is not a commitment by AT&T to provide service to project, location or development.

Please contact me at the phone number included in this letter with any questions. Thank you for contacting AT&T.

Allen Stanfield  
Construction & Engineering-SE, AT&T Network Operations  
2600 Meeting Street Rd.  
Charleston, SC 29405  
Ofc (843) 740-1836  
Cell (843) 801-8006  
AS1555@ATT.com

## **Appendix E**

### Examples of Site and Architectural Renderings



---

## Marsh Walk Village PD

Appendix E - Architectural Renderings

June 14, 2023



Rendering above: Bird's eye view of front commercial.



---

## Marsh Walk Village PD

Appendix E - Architectural Renderings

June 14, 2023



Rendering above: Street view entry at commercial drive closest to Dills Bluff Road.



---

## Marsh Walk Village PD

Appendix E - Architectural Renderings

June 14, 2023



Rendering above: View of Building No. 1 (Left), Building No. 2 in background (Right).



---

## Marsh Walk Village PD

Appendix E - Architectural Renderings

June 14, 2023



Rendering above: View of Building No. 3.



---

## Marsh Walk Village PD

Appendix E - Architectural Renderings

June 14, 2023



Rendering above: View of interior patio and covered patio between Building No. 1 (Left) and Building No. 2 (Right).



**TAYLOR**  
CONSULTING GROUP



---

## Marsh Walk Village PD

Appendix E - Architectural Renderings

June 14, 2023



Rendering above: Interior Bird's Eye view from Building No. 3 (bottom) facing northeast.



---

## Marsh Walk Village PD

Appendix E - Architectural Renderings

June 14, 2023



**Rendering above:** View into property toward Building No. 1 (Left) and Building No. 2 (center) facing southeast.



---

## Marsh Walk Village PD

Appendix E - Architectural Renderings

June 14, 2023



Rendering above: Street view of Attached single-family townhouses (Row of four “Traditional” 30-ft wide shown).



**TAYLOR**  
CONSULTING GROUP

## **Appendix F**

### Historic and Archeological Survey



# Cultural Resources Survey of the Dills Bluff Road Tract

Charleston County, South Carolina



June 2023



# Cultural Resources Survey of the Dills Bluff Road Tract

Charleston County, South Carolina

Draft Report

June 2023

**Prepared for:**

The James Island Public Service District

and

Taylor Consulting Group, LLC

**Prepared by:**



Ralph Bailey, RPA  
Principal Investigator

and

Kieya Kelley  
Archaeologist

**Brockington and Associates, Inc.**

Atlanta • Charleston • Savannah





# Abstract

In April 2023, Brockington and Associates, Inc. (Brockington), conducted an intensive Phase I cultural resources survey of the Dills Bluff Road Tract in Charleston County, South Carolina. The project tract includes two parcels (TMS 425-12-00-185 and 425-12-00-298) totaling 6.5 acres. This project was conducted for the James Island Public Service District (PSD) in accordance with federal and state laws for land development within the Coastal Zone of South Carolina. There are several previously recorded cultural resources within 0.5 mile of the project tract. The South Carolina Battleground Preservation Trust recorded the four Confederate earthworks during a Global Positioning System (GPS) survey of Charleston Harbor in 1995, including a redan and redoubts 4, 5, and 6 (see Figure 1.1). These earthworks are listed on the National Register of Historic Places (NRHP) as part of the defenses of Charleston. However, none of these Confederate earthworks will be affected by the proposed project. The First Baptist Church graveyard (SHPO Resource No. 1332) is south of the current project on the other side of the Dills Bluff Road and Camp Road intersection and will not be impacted. The Stony Memorial Gates (SHPO Resource No. 1337) were erected at the Fort Johnson Road and Stone Post Road intersection in 1926. The gates were determined not eligible for the NRHP (Owens 2018). However, based on the past public effort to preserve the Stoney Memorial Gates, they are considered an important local historic resource. The gates are located nearly 0.5 mile southeast of the current project and will not be impacted. During the current investigation, four sites and one isolated find were identified. Sites 38CH2749, 38CH2750, and 38CH2751, and the isolated find are post-contact artifact scatters, while Site 38CH2748 is a precontact artifact scatter. Brockington recommends these sites not eligible for the NRHP.





# Table of Contents

Abstract.....	iii
List of Figures.....	vi
List of Tables.....	vi
1.0 Introduction .....	1
2.0 Methods of Investigation .....	3
2.1 Background Research .....	3
2.2 Archaeological Survey.....	3
2.3 Laboratory Analysis .....	3
2.4 Assessing NRHP Eligibility .....	5
3.0 Environmental and Cultural Settings .....	7
3.1 Environmental Setting.....	7
3.2 Cultural Setting .....	7
3.2.1 The Precontact Era .....	7
3.2.2 The Contact Era.....	10
3.2.3 The Post-Contact Era.....	10
3.3 Previous Investigations .....	18
4.0 Results and Recommendations.....	19
4.1 Site 38CH2748 .....	19
4.2 Site 38CH2749 .....	19
4.3 Site 38CH2750 .....	20
4.4 Site 38CH2751 .....	20
4.5 Isolated Artifact Find .....	20
4.6 Project Summary .....	21
References Cited .....	23
Appendix A- Artifact Catalog	

## List of Figures

Figure 1.1 Location of the Dills Bluff Road Tract and all identified cultural resources (United States Geological Survey [USGS] 1979 <i>James Island, SC</i> quadrangle). .....	2
Figure 2.1 Map showing the location of shovel tests across the Dills Bluff Road Tract.....	4
Figure 3.1 Views of the project tract.....	8
Figure 3.2 Map of the project area during the Civil War (Manigault 1864). .....	15
Figure 3.3 LiDAR map of the project tract showing remnants of a recently planned but abandoned subdivision road. ....	16

## List of Tables

Table 3.1 Ceramic sequence for the central South Carolina coast.....	9
--	---

# 1.0 Introduction

On April 19 and 20, 2023, Brockington and Associates, Inc. (Brockington) completed an intensive Phase I survey of the Dills Bluff Road Tract. This tract is located on James Island in the center of Charleston County, east of Dills Bluff Road and slightly north of its intersection of Camp Road. The tract consists of two tax parcels (TMS 425-12-00-185 and 425-12-00-298), which total 6.5 acres. Vegetation on the property is a mix of hardwoods and pine with heavy ground cover. A ditch runs east-west through the center of the tract that is a result of a proposed road. The property is surrounded by a fence denoting the property boundary. There are no standing structures on the property. The tract is surrounded by residential and commercial development. Figure 1.1 shows the location of the project tract and previously recorded sites and studies within 0.5 mile.

The survey was conducted for the James Island Public Service District (owner) and Taylor Consulting Group, LLC (buyer), who is planning a high-density, mixed-use development on the property. The purpose of this cultural resources survey is to identify and evaluate all historic properties on the tract and to assess the effects of the proposed undertaking on any historic properties in compliance with federal and state laws concerning the management of historical properties (i.e., archaeological sites, buildings, structures, objects, or districts listed on or eligible for the National Register of Historic Places [NRHP]) affected by development activities in the Coastal Zone of South Carolina, including the Section 401 and 404 of Clean Water Act and the Coastal Zone Management Act. Compliance is administered through regulatory agencies including the United States Army Corps of Engineers (USACE), the Office of Ocean and Coastal Resource Management (OCRM), and the State Historic Preservation Office (SHPO).

There are no previously recorded cultural resources within the tract. We identified four archaeological sites and one isolated artifact during the field investigations. Sites 38CH2749, 38CH2750, and 38CH2751, and the isolated artifact are post-contact artifact scatters, while Site 38CH2748 is a precontact artifact scatter. We recommend these sites not eligible for the NRHP. There are no stand-

ing structures within the tract. Development of the 6.5-acre tract on Dills Bluff Road will have no effect on historic properties.

Chapter 2 outlines the methods used during this investigation. Chapter 3 outlines the natural and cultural settings of the project tract. Lastly, Chapter 4 discusses the results of the investigation and management recommendations. The text is followed by the References Cited and the Artifact Catalog (Appendix A).



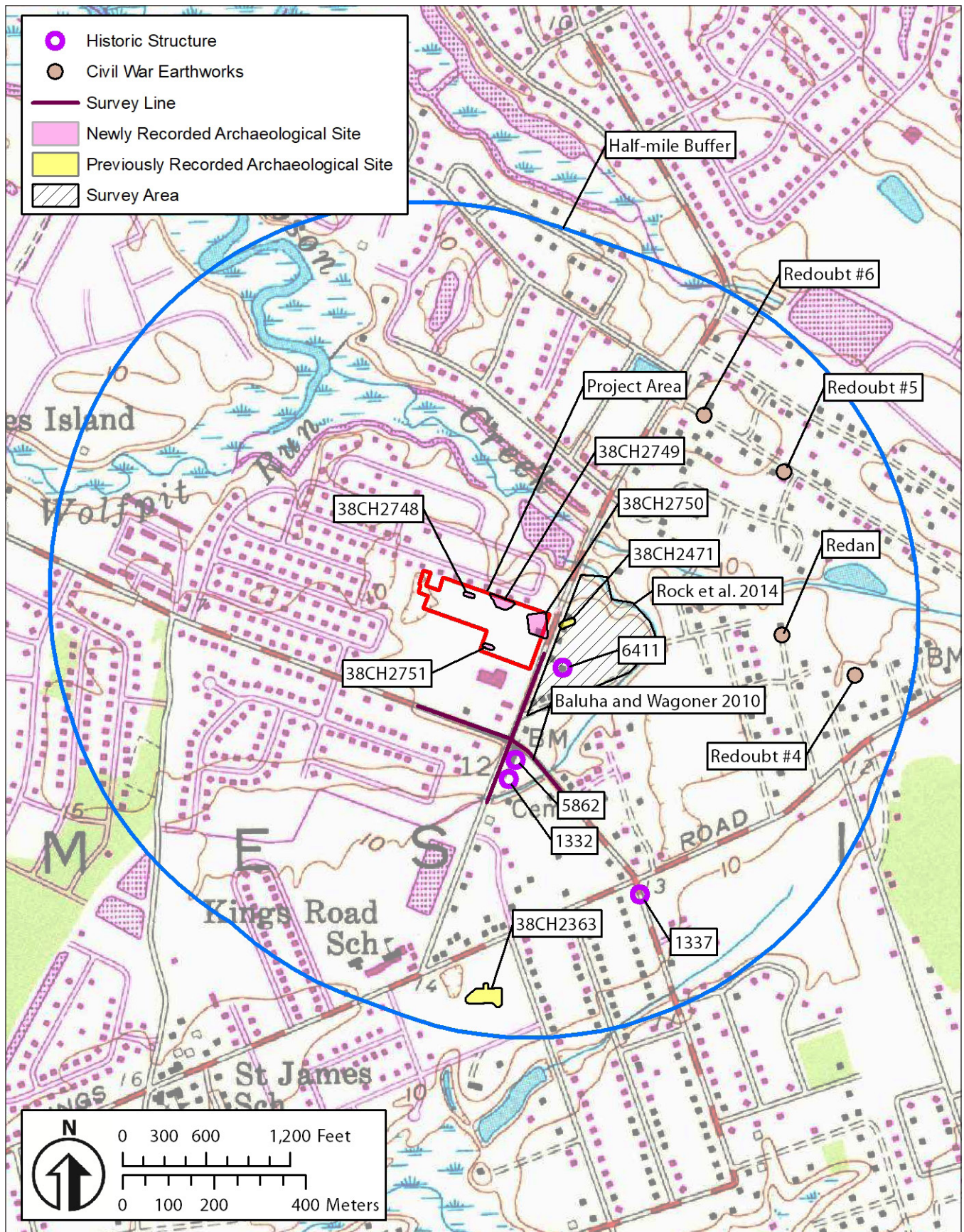


Figure 1.1 Location of the Dills Bluff Road Tract and all identified cultural resources (United States Geological Survey [USGS] 1979 James Island, SC quadrangle).



## 2.0 Methods of Investigation

### 2.1 Background Research

Brockington conducted background research through the subscriber version of ArchSite, the state's online Geographical Information System (GIS) database for cultural resources. Previously conducted studies were reviewed by the Principal Investigator, who also reviewed historic maps, aerial photographs, and soils data for the project area. Special attention was given to potential Civil War-era sites, and contemporary maps as well as Light Detection and Ranging (LiDAR) imagery were studied.

### 2.2 Archaeological Survey

Systematic survey was completed according to guidelines outlined in *South Carolina Standards and Guidelines for Archaeological Investigations* (Council of South Carolina Professional Archaeologists [COSCAPA] et al. 2013). This was completed through a pedestrian survey with transects spaced 30 meters (m) apart, with shovel tests excavated every 30 m. Each shovel test was dug until sterile subsoil was encountered. Transect orientation was determined by geographic features such as property lines, roads, tree lines, and fences. Archaeologists excavated 85 shovel tests across the tract. Figure 2.1 is an aerial photograph showing the shovel test coverage.

Shovel tests were roughly curricular with a diameter of approximately 30 centimeters (cm). Each shovel test was excavated until a sterile subsoil was encountered. Fill from each shovel test was sifted through ¼-inch hardware mesh. Any artifacts recovered (referred to as a positive shovel test) are placed in 4-mil acid-free artifact collection bags, which are labeled with the appropriate provenience information (project name, transect number, shovel test number, depth, date, and initials of excavator). Sometimes this information can include weights of materials that are not collected and discarded in the field (DIF) (i.e., brick, mortar, oyster). The same information is recorded in a field notebook along with soil descriptions and a hand-drawn map of the area. Positive shovel tests are marked with a flag to aid in site delineations.

To define an archaeological site, a locale must produce three or more artifacts within a 30-m radi-

us. If a locale produces less than three artifacts, it is considered an isolate (COSCAPA et al. 2013). Once a potential site or isolate is identified, the boundaries are defined with close-interval shovel tests. Typically, for positive shovel tests within a post-contact context, 15-m intervals are used; for a precontact context, 7.5-m intervals are used. Site boundaries are defined by two negative shovel tests in each cardinal direction, or by other cultural boundaries. After the boundary is established, a map including the location, the extent of surface scatters, and the full scope of the site is produced in the field.

To record the accurate location of each site, Brockington uses Wide Area Augmentation System (WAAS)-enabled Global Positioning System (GPS) receivers with a sub-3.0-m accuracy to document the Universal Transverse Mercator (UTM) coordinates. The GPS receivers are calibrated with the 1927 North American Datum (NAD-27) in order to associate the coordinates with the appropriate USGS 7.5-minute series quadrangles.

### 2.3 Laboratory Analysis

All recovered artifacts were transported to Brockington's Mt. Pleasant laboratory facility, where they were washed, cataloged, and analyzed. Laboratory personnel assigned distinct provenience numbers to artifacts from each supplemental shovel test. They separated artifacts from each provenience by class/type and assigned catalog numbers.

Typological identification as manifested by technological and stylistic attributes served as the basis for precontact artifact analysis. Laboratory personnel classified all precontact ceramic sherds larger than 2-by-2 cm by surface decoration and aplastic content. When recognizable, diagnostic attributes were recorded for residual sherds (i.e., those smaller than 2-by-2 cm). Nondiagnostic residual sherds were tabulated as a group.

Post-contact artifact analysis also was based on observable stylistic and technological attributes. Artifacts were identified by material of manufacture (e.g., ceramic, glass, metal), color, function, and method of manufacture, when possible. Temporally diagnostic artifacts were compared to published

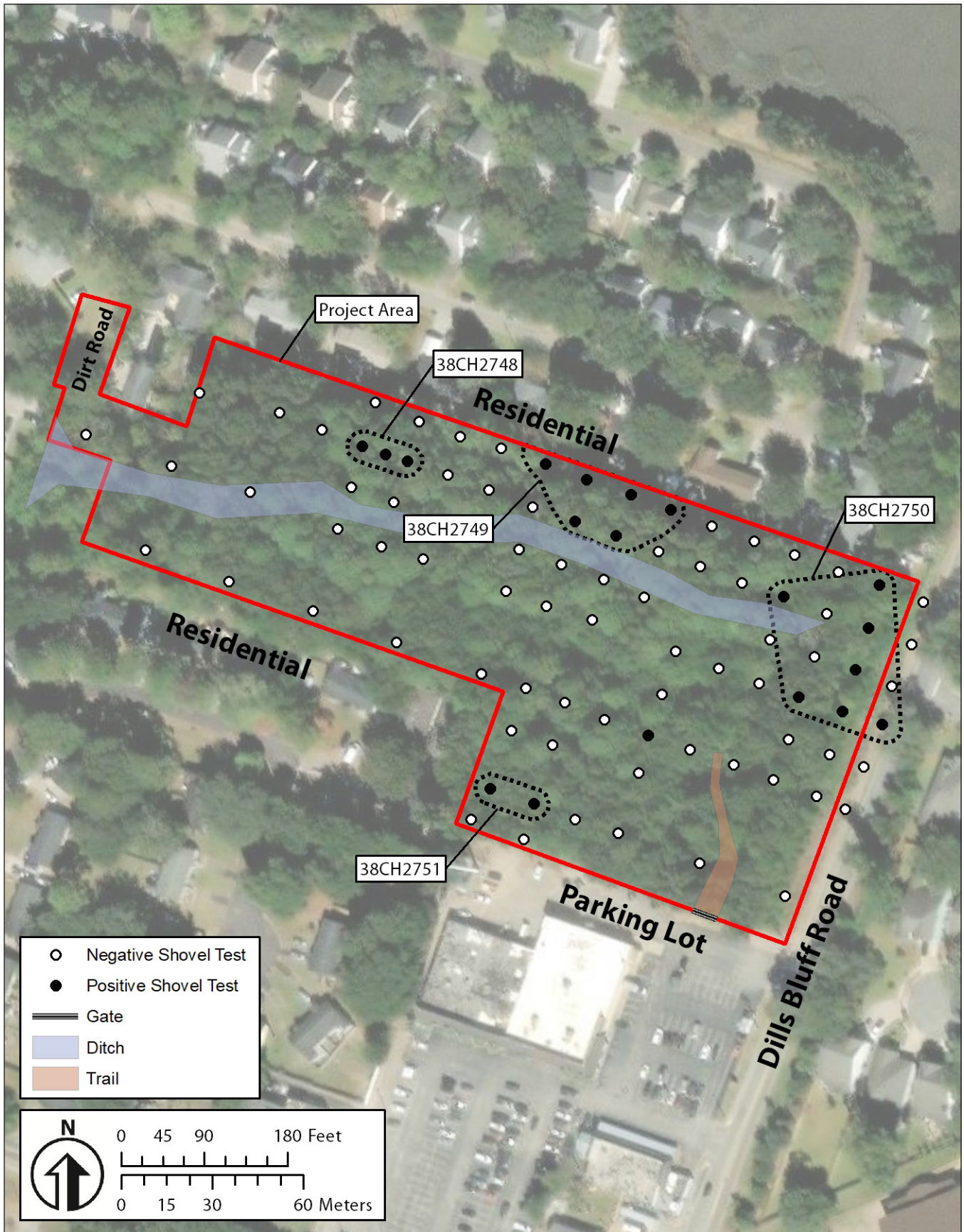


Figure 2.1 Map showing the location of shovel tests across the Dills Bluff Road Tract.



analytical sources. Artifact analysts utilized sources typically used for the types of artifacts recovered in the region (Brown 1982; Cushion 1972; DeBolt 1988; Godden 1964; Ketchum 1983; Kovel and Kovel 1953, 1986; Miller 1980; Nelson 1968; Noël Hume 1969; South 1977).

Artifacts and research materials associated with this project are currently stored at Brockington's Mt. Pleasant office. Upon acceptance of the final report, Brockington will deliver the curation package to the landowner, the South Carolina Institute of Archaeology and Anthropology (SCIAA), or other repository.

## 2.4 Assessing NRHP Eligibility

Cultural resources identified at the Dills Bluff Road Tract were evaluated for eligibility to the NRHP. As per 36 CFR § 60.4, there are four broad evaluative criteria for determining the significance of a particular resource and its eligibility for the NRHP. Any resource (building, structure, site, object, or district) that:

- A. is associated with events that have made a significant contribution to the broad pattern of history;
- B. is associated with the lives of persons significant in the past;
- C. embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, possesses high artistic value, or represents a significant and distinguishable entity whose components may lack individual distinction; or
- D. has yielded, or is likely to yield, information important to history or prehistory

may be eligible for the NRHP. A resource may be eligible under one or more of these criteria. Criteria A, B, and C are most frequently applied to historic buildings, structures, objects, non-archaeological sites (such as battlefields, natural features, designed landscapes, or cemeteries), or districts. The eligibility of archaeological sites is most frequently considered with respect to Criterion D. Also, a general guide of 50 years of age is employed to define "historic" in the NRHP evaluation process. That is, all resources

greater than 50 years of age may be considered. However, more recent resources may be considered if they display "exceptional" significance (Sherfy and Luce 1998).

Following *National Register Bulletin: How to Apply the National Register Criteria for Evaluation* (Savage and Pope 1998), evaluation of any resource requires a twofold process. First, the resource must be associated with an important historic context. If this association is demonstrated, the integrity of the resource must be evaluated to ensure that it conveys the significance of its context. The applications of both of these steps are discussed in more detail below.

Determining the association of a resource with a historic context involves five steps (Savage and Pope 1998). First, the resource must be associated with a particular facet of local, regional (state), or national history. Secondly, one must determine the significance of the identified historical facet/context with respect to the resource under evaluation. As an example, if the project contained no buildings that were constructed during the early nineteenth century, then an antebellum agricultural context would not be significant for the development of the project area or any of its internal resources. Similarly, a lack of Native American archaeological sites within the project would preclude the use of contexts associated with the prehistoric use of a region.

The third step is to demonstrate the ability of a particular resource to illustrate the context. A resource should be a component of the locales and features created or used during the historical period in question. For example, early nineteenth-century farmhouses, the ruins of enslaved African American settlements from the 1820s, and/or field systems associated with particular antebellum plantations in the region would illustrate various aspects of the agricultural development of the region prior to the Civil War. Conversely, contemporary churches or road networks may have been used during this time period but do not reflect the agricultural practices suggested by the other kinds of resources.

The fourth step involves determining the specific association of a resource with aspects of the significant historic context. Savage and Pope (1998) define how one should consider a resource under each of the four criteria of significance. Under Cri-

terion A, a resource must have existed at the time that a particular event or pattern of events occurred, and activities associated with the event(s) must have occurred at the site. In addition, this association must be of a significant nature, not just a casual occurrence (Savage and Pope 1998). Under Criterion B, the resource must be associated with historically important individuals. Again, this association must relate to the period or events that convey historical significance to the individual, not just that this person was present at this locale (Savage and Pope 1998). Under Criterion C, a resource must possess physical features or traits that reflect a style, type, period, or method of construction; display high artistic value; or represent the work of a master (an individual whose work can be distinguished from others and possesses recognizable greatness) (Savage and Pope 1998). Under Criterion D, a resource must possess sources of information that can address specific important research questions (Savage and Pope 1998). These questions must generate information that is important in reconstructing or interpreting the past (Butler 1987). For archaeological sites, recoverable data must be able to address specific research questions.

After a resource is specifically associated with a significant historical context, one must determine which physical features of the resource reflect its significance. One should consider the types of resources that may be associated with the context, how these resources represent the theme, and which aspects of integrity apply to the resource in question (Savage and Pope 1998). As in the antebellum agriculture example given above, a variety of resources may reflect this context (farmhouses, ruins of enslaved settlements, field systems, etc.). One must demonstrate how these resources reflect the context. The farmhouses represent the residences of the principal landowners who were responsible for implementing the agricultural practices that drove the economy of the South Carolina area during the Antebellum period. The enslaved settlements housed the workers who conducted the vast majority of the daily activities necessary to plant, harvest, process, and market crops.

Once the above steps are completed and the association with a historically significant context is demonstrated, one must consider the aspects of

integrity applicable to a resource. Integrity is defined in seven aspects of a resource; one or more may be applicable depending on the nature of the resource under evaluation. These aspects are location, design, setting, materials, workmanship, feeling, and association (36 CFR 60.4; Savage and Pope 1998). If a resource does not possess integrity with respect to these aspects, it cannot adequately reflect or represent its associated historically significant context. Therefore, it cannot be eligible for the NRHP. To be considered eligible under Criteria A and B, a resource must retain its essential physical characteristics that were present during the event(s) with which it is associated. Under Criterion C, a resource must retain enough of its physical characteristics to reflect the style, type, etc., or work of the artisan that it represents. Under Criterion D, a resource must be able to generate data that can address specific research questions that are important in reconstructing or interpreting the past.

## 3.0 Environmental and Cultural Settings

### 3.1 Environmental Setting

The Dills Bluff Road Tract is located immediately east of Dills Bluff Road on James Island. The property is just north of the intersection of Dills Bluff Road and Camp Road. The surrounding properties are primarily residential and commercial developments (see Figure 2.1). There is a ditch that was created for a future road running east-west through the tract, along with a small trail leading north in the south-eastern portion of the tract. The vegetation within the tract is a mix of hardwoods and pines with heavy amounts of ground cover. Figure 3.1 presents views of the tract taken during the field investigations.

Average yearly rainfall in Charleston County ranges from 0.8 to 1.6 m, which is evenly distributed throughout the year. The average daily temperatures range from a high of 89 degrees Fahrenheit (° F) in July and August to a low of 39° F in December and January (Miller 1971). With warm summers and mild winters, Charleston County enjoys a long growing season of 280 frost-free days per year.

The Dills Bluff Road Tract is located in the Lower Coastal Plain of South Carolina. This zone consists of a series of terraces of relict dunes and beach sands deposited by periods of receding and advancing seawater caused by glacial activity during the late Pleistocene epoch. Due to the changing sea levels of this time period, numerous former shorelines, terraces, beach ridges, and deltas were abandoned in what is now far inland (Kovacik and Winberry 1987).

### 3.2 Cultural Setting

Generally, the cultural history of North America is divided into three eras: Precontact, Contact, and Post-Contact. The Precontact era refers primarily to the Native American groups and cultures that were present for at least 10,000-12,000 years prior to the arrival of Europeans. The Contact era refers to the time of exploration and initial European settlement on the continent. The Post-Contact era refers to the time after the establishment of European settlements, when Native American populations usually were in rapid decline. Within these eras, finer temporal and cultural subdivisions are defined to permit discussions of particular events

and the lifeways of the peoples who inhabited North America at that time.

#### 3.2.1 The Precontact Era

In South Carolina, the Precontact era generally is divided into four stages (after Willey and Phillips 1958), including the Lithic, Archaic, Woodland, and Mississippian. Specific technologies and strategies for procuring resources define each of these stages, with approximate temporal limits also in place. Within each stage, with the exception of the Lithic stage, there are temporal periods that are defined on technological bases as well. Readers are directed to Goodyear et al. (1989) for more detailed discussions of particular aspects of these stages and periods in South Carolina.

The earliest inhabitants of the South Carolina Lower Coastal Plain region were Native American hunter-gatherers. From at least 13,000 years ago until the coming of the English colonists in the late seventeenth century, Native Americans lived as small and moderately sized groups across the Lower Coastal Plain landscape. The most frequently occupied spaces were locales adjacent to waterways and marshes. From these locations, Native Americans could easily travel over water or land to acquire plants and animals necessary to feed themselves and to make tools and shelter.

Artifacts associated with past Native American occupations are routinely found in many locales. The most common Native American artifacts found are pieces of pottery, made from local clay and sand. The ceramic sequence for the Central Coast of South Carolina is presented in Table 3.1. Stone tools are also common but are traditionally imported from mineral sources closer to the interior.

The earliest occupations (from roughly 13,000 years ago until roughly 5,000 years ago) left only a few fragments of stone tools in this area. Throughout much of that time, sea level was substantially lower, with present-day Charleston located 100-169 kilometers (km) east of the shoreline. We believe that most of the early hunter-gatherers lived closer to the coast, and their sites likely lie beneath the sea today. Underwater sites in Florida support this interpretation, although no specific sites have been found off the coast of South Carolina to date.





Figure 3.1 Views of the project tract.



By about 5,000 years ago, sea level rose to within 3-6 m of its present stand. The estuaries and barrier islands present on the coast today were present by this time. Also, climatic conditions were approaching modern norms. Thus, the Charleston area was similar to current conditions, albeit without the urban and suburban development. Maritime forests of oak and pine likely covered the region, with marshes along the edges. Native Americans gathered and consumed oysters, fish, and other marine, riparian, and terrestrial resources. Middens (refuse piles) of oyster shell are the most common markers of their camps that we see today. Archaeological sites from these occurrences often include buried shell middens and oyster processing areas (e.g., 38CH644 [Poplin et al. 1993]). It is likely that such middens were present when Charleston was founded, but the shell proved useful for a variety of purposes and the need to expand the available land quickly covered

these sites with various fills. Today, Native American artifacts often are found in layers of fill, likely from the areas where the fill was first acquired rather than from the location of the find today.

Adaptation during the Late Archaic through the Woodland periods saw a continuation of the generalized hunting-gathering-fishing economy, with a growing importance on horticulture and storable food stuffs during the Early Mississippian period. Anderson (1989) suggests that environmental unpredictability premised the organization of hierarchical chiefdoms in the Southeast beginning in the Early Mississippian period; the redistribution of stored goods (i.e., tribute) probably played an important role in the Mississippian social system. Maize was recovered from a feature suggested to date to the Early Mississippian period from 38BK226, near St. Stephen (Anderson et al. 1982:346).

**Table 3.1 Ceramic sequence for the central South Carolina coast.**

Period/Era	Date	Ceramic Types
Ceramic Late Archaic	2500-1000 BC	Stallings Drag and Jab Punctate, Finger Pinched, Incised, Simple Stamped, Plain
		Thom's Creek Drag and Jab Punctate, Finger Pinched, Incised, Simple Stamped, Plain
Early Woodland	1500-1000 BC	Refuge Dentate Stamped, Incised, Punctate, Simple Stamped, Plain
	1000-200 BC	Deptford Brushed, Check Stamped, Simple Stamped, Plain
Middle Woodland	200 BC-AD 200	Deptford Brushed, Check Stamped, Simple Stamped, Plain
	AD 200-500	Wilmington Check Stamped, Cord Marked, Fabric Impressed, Plain
		Deptford Brushed, Check Stamped, Cord Marked, Fabric Impressed, Plain
		Berkeley Check Stamped, Cord Marked, Fabric Impressed, Plain
Late Woodland	AD 500-900	Berkeley Cord Marked, Fabric Impressed, Plain
		Deptford Cord Marked, Fabric Impressed
		McClellanville Cord Marked, Fabric Impressed
		Wando Check Stamped, Cord Marked, Fabric Impressed, Simple Stamped
		Wilmington Cord Marked, Fabric Impressed, Plain
	AD 900-1100	St. Catherine's Cord Marked, Fabric Impressed, Net Impressed
		McClellanville Cord Marked, Fabric Impressed
		Santee Simple Stamped
		Wando Check Stamped, Cord Marked, Fabric Impressed, Simple Stamped
		Wilmington Cord Marked
Early Mississippian	AD 1100-1400	Savannah/Jeremy Burnished Plain, Check Stamped, Complicated Stamped
Late Mississippian	AD 1400-1550	Pee Dee Burnished Plain, Complicated Stamped, Incised
Contact	AD 1550-1715	Ashley Burnished Plain, Complicated Stamped, Cob Marked, Line Block Stamped

### 3.2.2 The Contact Era

Native groups encountered by the European explorers and settlers probably were living in a manner similar to the late Precontact Mississippian groups identified in archaeological sites throughout the Southeast. The highly structured Native American society of Cofitachequi, formerly located in central South Carolina and visited by De Soto in 1540, represents an excellent example of the Mississippian social organizations present throughout southeastern North America during the late Precontact era (Anderson 1985). However, initial European forays into the Southeast contributed to the disintegration and collapse of the aboriginal Mississippian social structures; disease, warfare, and European slave raids all contributed to the rapid decline of the regional Indian populations during the sixteenth century (Dobyns 1983; Ramenofsky 1982). By the late seventeenth century, Native American groups in coastal South Carolina apparently lived in small politically and socially autonomous semi-sedentary groups (Waddell 1980). By the middle of the eighteenth century, very few Native Americans remained in the region; all had been displaced or annihilated by the ever-expanding English colonial settlement of the Carolinas (Bull 1770, cited in Anderson and Logan 1981:24-25).

The ethnohistoric record from coastal South Carolina suggests that the Contact-era groups of the region followed a seasonal pattern which included summer aggregation in villages for planting and harvesting domesticates, and dispersal into one to three family settlements for the remainder of the year (Rogel 1570 [in Waddell 1980:147-151]). This coastal adaptation is similar to the Guale pattern of the Georgia coast, as reconstructed by Crook (1986:18). Specific accounts of the Contact-era groups of the region, the Sewee and the Santee, are summarized by Waddell (1980). It appears that both groups included horticultural production within their seasonal round, but did not have permanent, year-round villages. Trinkley (1981) suggests that a late variety of Pee Dee ceramics was produced by Sewee groups in the region; his late variety may correspond to the Ashley ware initially described by South (1973; see also Anderson et al. 1982; Marcoux et al. 2011).

### 3.2.3 The Post-Contact Era

The following discussion provides a general overview of the region during the Post-Contact era. A discussion of previous cultural resource investigations in the project area concludes this chapter. Note that the following discussion uses English measurements without metric conversion to maintain consistency with historic documents.

European colonization into South Carolina began with temporary Spanish and French settlements in the Beaufort area during the sixteenth century. The English, however, were the first Europeans to establish permanent colonies. In 1663, King Charles II made a proprietary grant to a group of eight powerful English courtiers who had supported his return to the throne in 1660 and who sought to profit from the sale of the new lands. These Lords Proprietors, including Sir John Colleton, Sir William Berkeley, and Lord Ashley Cooper, provided the basic rules of governance for the new Carolina colony. They also sought to encourage settlers, many of whom came from the overcrowded island of Barbados. These Englishmen from Barbados first settled at Albemarle Point on the west bank of the Ashley River in 1670; by 1680, they had moved their town to Oyster Point and called it Charles Towne (Dunn 1973:111-116). These initial settlers, and more who followed them, quickly spread along the central South Carolina coast. By the second decade of the eighteenth century, they had established settlements from Port Royal Harbor in Beaufort County northward to the Santee River in Georgetown County.

James Island was settled very early in the Carolina venture. In 1671, the Council of Province ordered the creation of a town on James Island. Designed to contain 12,000 acres, it was to be named James Town in honor of James, Duke of York. It serves as a valuable indication of the plans of the early administrators of the colony. This was a vast potentially threatening wilderness, and the settlers clung to the water's edge. The Carolina settlement was intended to be a permanent colony, and it would not survive as a rough frontier outpost. What the wilderness needed for the settlers to survive and make it prosper was to feel the hand of English civilization. James Town would be just that outpost of civilization. Rather than the range of plantations scattered along the coastal rivers as in Virginia, the Carolina



colony would have a town. Charles Town was a strat, and James Town would be the nest. It was laid out in the form of New England's recreation of medieval villages, in which settlers were granted half-acre town lots, while drawing lots for ten-acre fields. This was to be a self-sufficient community, each member contributing to the civilization of the others.

The plan never materialized. No plat of the town has survived in the public record, and maps of the 1690s fail to identify a town site. Its exact location remains unknown. Instead, these early maps of the Carolina colony show widely scattered settlements on James Island, which were most likely used as cattle-grazing lands (Wilson 1993:2). In these early years, grants for vast amounts of land were available, and wealthy investors who could sense the value of this land in the not-too-distant future took advantage of them.

The Lords Proprietors hoped to establish a benevolent, land-based aristocracy in Carolina. They granted large tracts to the aristocracy and smaller grants to commoners. Commoners received land on the basis of headrights, the number of persons they brought into the colony. Each head of household could obtain 60 acres for himself and 50 acres for every woman, child, and enslaved worker (Fagg 1970:172). Additionally, the Lords Proprietors offered the aristocracy grants of 12,000 acres, called baronies. A special barony granted to a Lord Proprietor was called a seignior (Smith 1988:1). The end of the Lords Proprietors' ownership in 1719 ended the granting of titles with attached baronies.

Initially, the South Carolina colony's early settlements were small despite its geographic spread. In 1700, the colony's population numbered approximately 5,000 European and African American inhabitants. The early colonial economy centered on trade with the Native American population, the naval stores industry, and beef and pork production. By the end of the seventeenth century, however, many colonists began to experiment with rice cultivation. The regular flood conditions of the immediate tidal area proved valuable, and production for export increased rapidly. By 1715, Charles Towne exported more than 8,000 barrels of rice annually; this number increased to 40,000 by the 1730s.

On James Island, however, the shortage of fresh water in sufficient quantities limited the develop-

ment of rice culture. Instead, planters there, along with other residents in the Lowcountry, began to experiment with processing indigo in the 1740s. Indigo is a blue dye that was very popular in Europe and became one of South Carolina's principal exports during the eighteenth century. Both indigo and rice were labor-intensive and laid the basis for South Carolina's dependence on enslaved African labor, much as tobacco had done in the Virginia colony (Coclanis 1989; Wood 1974). While the early rice production was restricted to the freshwater inland swamps, indigo cultivation in South Carolina practically ceased after the Revolutionary War as the British removed the bounty on the crop. Rice, however, continued to grow as an important crop into the antebellum era.

Early South Carolina also sought certainty through a secure economic base. It was not clear, during South Carolina's first generation or two, what that base would be. The Proprietors had planned for the colony to produce tropical goods that would not grow elsewhere in British colonies. However, neither silk, wine, olives, lemons, nor oranges thrived in the colony. As a result, the economic development in the Charleston area initially focused on Indian trade until a more stable economy was established. Colonists aggressively pursued trade with Native Americans through the beginning of the eighteenth century, but by 1716, conflicts with the Europeans and disease had drastically reduced or displaced the local native population.

In 1702, the War of Spanish Secession (1702-1712) in Europe erupted into Queen Anne's War in the American colonies. Carolinians took advantage of the war to make a series of raids against the Spanish and their Indian allies in Florida. In the first decade of the eighteenth century, Carolinians made three separate invasions into Florida, sacking the city of St. Augustine. They returned with hundreds of enslaved Indians, effectively destroying the Spanish Mission System among the Native Americans (Arnade 1959:55; Eliades 1981:93-94).

One of the important commercial ventures in the early settlements of the Lowcountry was cattle ranching. The climate in South Carolina allowed for year-round grazing, and the many necks of land surrounded by rivers and creeks along the coast provided naturally bounded cow pens and allowed the

cattle to range freely. Cattle ranching was also a low-capital industry, with a natural market in the West Indies sugar plantations. Cattle ranching in South Carolina began in the late seventeenth century in the Charleston area, and by the early eighteenth century it extended into what is now Colleton County, between the Edisto and Combahee rivers (Rowland et al. 1996: 85-88; Wood 1974: 28-33).

While cattle ranching was an ideal frontier industry, it required great amounts of open land. Large purchases of land throughout the Lowcountry created problems between white settlers and the Yamasee, whose lands were steadily and rapidly encroached upon. Angered by mistreatment from traders' encroachments on their land, the Yamasee attacked, leading to the Yamasee War in 1715, but did not succeed in dislodging the English (Covington 1978:12). The conclusion of the Yamasee War in 1716 and John Palmer's raid into Florida in 1728 ended Yamasee threats to settlement in Carolina and opened settlement southward into the Beaufort area. Many early settlements and plantations in the area focused on the Ashley, Cooper, Wando, and Stono rivers. These waterways provided the best opportunity for profitable agricultural production (i.e., rice cultivation) and the best avenues of transportation to Charleston and other settlements in the region (South and Hartley 1985). Evidence of the many plantations along these rivers remains today as archaeological sites and surviving architectural structures.

The capacity of the Lords Proprietors to govern the colony effectively declined in the early years of the eighteenth century. Governance under the Lords Proprietors became increasingly arbitrary, while wars with the Native population arose and the colonial currency went into steep depreciation. According to a historian of colonial South Carolina, "proprietary attitudes and behavior convinced many of the dissenters—who at one time had composed the most loyal faction—that the crown was a more reliable source of protection against arbitrary rule" (Weir 1983:94). South Carolina's legislature sent a petition to Parliament in 1719, requesting that royal rule supplant that of the Lords Proprietors. After several years in limbo, South Carolinians received a degree of certainty in 1729 when the crown purchased the Proprietors' interests, and in 1730 when

the new royal governor, Robert Johnson, arrived in the colony.

Early maps of the Carolina colony show scattered settlements on both James Island and Johns Island. The early settlers established themselves exclusively along the waterways, particularly the Stono River. The project area was apparently settled by the late seventeenth century; the Thornton-Morden map of 1695 shows settlements belonging to "Wilson" and "Cap. Clap" along the east bank of the Stono River near the project area on what was then Boones Island. Other settlers included such prominent names as Bernard Checking, Paul Grimboll, Williar Rivers, Benjamin Gambol, John Monck, John Cooksey, and John Ellis Jr. (Fick et al. 1989:8). With the rapidly increasing wealth in the South Carolina Lowcountry, and with the Yamasee War largely behind them, the population began to swell. By 1730, the colony had 30,000 residents, at least half of whom were enslaved blacks. A 1755 magazine cited by Peter Wood estimates that South Carolina residents had imported over 32,000 enslaved people by 1723 (Wood 1974:151). The growing population compounded by the growing black majority increased pressure for territorial expansion in the Lowcountry. Fears of a rebellion by the enslaved, along with continuing fears of attack from the Indians, led Charles Town residents to encourage settlement in the backcountry.

The colony was organized with the parish as the local unit of government. The present project area was originally a part of St. Andrews Parish, which was created by the Church Act of 1706. Within the parishes, the church building itself was to serve both religious and political purposes. As Gregorie (1961:5) explains, "the parish church as a public building was to be the center for the administration of some local government in each parish, for at that time there was not a courthouse in the province, not even in Charleston."

The rapidly increasing number of enslaved Africans being brought to South Carolina in the early eighteenth century worried many residents. Fears of an insurrection by the enslaved ran high. These fears were heightened in 1739 with the Stono Rebellion, in which a group of enslaved workers made an attempt to escape and travel south to Florida, then controlled by the Spanish. As the initial group began to move away from their plantation, they either en-

couraged or forced other enslaved to join with them. The movement was quickly put down by area planters, however, and the leaders were executed (Fick et al. 1989:14; Wood 1974).

The colonies declared their independence from Britain in 1776, following several years of increasing tension due in large part to what the colonists considered to be unfair taxation and trade restrictions imposed on them by the British Parliament. South Carolinians were divided during the war. The people of the Lowcountry were predominantly, but not completely, Patriots, while most of the loyalists resided in Charleston or in certain enclaves within the interior of the province.

Britain's Royal Navy attacked Fort Sullivan (later renamed Fort Moultrie) near Charleston in 1776. The British failed to take the fort, and the defeat bolstered the morale of American revolutionaries throughout the colonies. The British military then turned its attention northward. The British returned in 1778, however, besieging and capturing Savannah in late December. A major British expeditionary force landed on Seabrook Island in the winter of 1780 and then marched north and east to invade Charleston from its landward approaches (Lumpkin 1981:42-46). The patriot South Carolinians were not prepared for an attack and were besieged in May after offering a weak defense. Charleston subsequently became a base of operations for British campaigns into the interior of South Carolina, Georgia, and North Carolina. However, the combined American and French victory over Lord Cornwallis at Yorktown in 1782 effectively destroyed British military activity in the South and forced a negotiated peace (Lumpkin 1981). The 13 colonies gained full independence, and the English evacuated Charleston in December 1782.

The end of the Revolution in 1783 to the end of the War of 1812 is a period of trial and testing for the new nation, referred to as the Early National Period (1783-1815). Topics like westward expansion, Native American relations, tariffs, and early industrialization caught the interest of most Americans and dominated political discussion. Slavery was temporarily subjugated as a topic. Massive numbers of enslaved workers were imported into Charleston and other ports to meet the growing labor market of the rice expansion and the exploding cotton

kingdom. However, the foreign slave trade ended by Constitutional fiat in 1808.

In South Carolina, cotton became king of the backcountry after the invention of the cotton gin in the 1790s. Settlers poured into the South Carolina backcountry claiming rich cotton lands and bringing their enslaved workers with them. By the first decade of the nineteenth century, the "peculiar institution" of slavery was as firmly a part of the political landscape in the region as it had been in the Lowcountry in the eighteenth century. When lands in South Carolina were taken up, settlers moved into the adjoining states of Georgia, Alabama, Mississippi, and Louisiana, and into Texas and Florida after 1821.

A Sea Island version of the product was successfully experimented with by Kinsey Burden on Johns Island and the Carolina, Georgia, and Florida Sea Islands quickly became its primary growing region. Rice and cotton were combined on some plantations to add even more wealth to the landowners (Porcher and Fick 2005). Older areas of the Lowcountry, however, began to decline. St. Paul's and St. George's parishes, largely limited to their inland rice plantations and its antiquated system of rice production, declined in value. The richer rice plantations were those using the tides to manage their water flows. Some planters offset their losses by converting to upland cotton but many were either abandoned or became provision and ranch lands by the 1820s.

The period between the close of the War of 1812 and the beginning of the Civil War was characterized in South Carolina, and throughout the South, by plantation agriculture based on enslaved labor and the production of staple crops such as cotton and rice. It was also a period of increasing sectional tensions, with Southerners emphasizing the political expedience of states' rights, nullification, and agricultural expansion as a means of protecting their slave-based society (Edgar 1998:324-353).

In the wake of the Revolutionary War, indigo waned quickly as an important crop in the region, while Sea Island planters were beginning their experiments with long staple cotton. Rice continued to be an important crop. It had grown quickly during the eighteenth century in its importance to the Lowcountry's economy, and with the development of new technologies, rice cultivation increased still



further. After the Revolutionary War, some planters experimented with new technology that relied on the power of tides to raise river levels, which inundated crops with fresh water that would kill off the weeds. A series of elaborate canals, dikes, and gates were created in the marshes and swamps to keep the salt water out of the fields. In order to do this, the process of radically altering the landscape was expanded as lands along the tidal rivers were drained, canals were built, and fields were surrounded by levies to control their access to the water from southeastern North Carolina to Georgia and later to Northeast Florida (Chaplin 1993:227-276).

Sectional differences, the debates over slavery in the new territories, and the right of a state to nullify a federal law its citizens saw as harmful ultimately led to South Carolina leading the Southern states out of the Union in 1860. The Civil War that followed made extensive social, political, and cultural changes to the country, especially in the South. Emancipation of the enslaved and the dissection and redistribution of some of the plantations at the end of the war effectively destroyed the plantation system of production.

The Confederates, clearly anticipating an attack from the sea that would also include a land component, constructed an extensive network of earthen batteries in St. Andrews Parish and on James Island. What made their defensive position difficult was that they had abandoned much of Johns Island, Folly Island, and the lower Stono River to Union forces and had retreated to their fortifications east of the Stono River. By 1863, according to one contemporary report, there were at least nine batteries and three forts in St. Andrews Parish (*Official Records of the War of the Rebellion* [OR] Ser. 1, Vol. 14:842-843). Batteries Wilkes, Haig, and Geddes were along the north bank of the Stono River, while batteries Banks, Gaillard, and Maywood fortified the central area between the Stono and Ashley Rivers. Fort Bull guarded the parish at Bee's Ferry along the Ashley River, while additional batteries and entrenchments were located at the eastern end of the parish near James Island. Near the project area were Batteries Pringle, Leroy, and Tyne, all along the Stono River (Davis et al. 1978: Plate 131).

After consolidating a position at Port Royal Sound, Union forces made their first attempt to

take Charleston in June 1862. Federal steamers left Hilton Head Island with 11,500 men under the command of Brigadier General Henry Bonham. The fleet sailed up the Stono River and unloaded 7,500 troops at Thomas Grimball's plantation at the southwestern edge of James Island, south of the project area. Confederate forces quickly sought to strengthen the still-incomplete defensive lines at Secessionville, located east of the project area. While Confederate troops were rushed to Secessionville in the following days, Union officials were discouraged by the strength of Confederate defenses on James Island and eliminated plans for future attacks from that direction. Remnants of these defensive fortifications have been recorded across James Island, including along Dills Bluff Road both north and south of the project tract (Figure 3.2). No evidence of fortifications are visible on LiDAR imagery or on the ground (Figure 3.3)

The next Union assault came through Morris and Folly islands. Construction of Battery Wagner on Morris Island began in the early years of the war and was barely completed in July 1863 when the Union attack began. Union General C.E. Gilmore used the Navy to provide diversionary attacks on James Island and at the Edisto River. Meanwhile, Gilmore led 2,000 troops across Lighthouse Inlet from Little Folly Island to Morris Island. Under cover of fire from Union gunboats, these troops quickly approached Fort Wagner and established a foothold on Morris Island. An early attack on Battery Wagner failed, giving the Confederates time to reinforce it with additional troops. It took another two months for the Union forces to mount another attack; after furious fighting that involved the black troops of the 54th Massachusetts, the Union forces had to retreat once again with heavy losses. Gilmore then commenced a siege of the battery; after heavy fire lasting nearly two months, General Beauregard commenced a gradual withdrawal of Wagner in early September 1863.

General Gilmore used his base at Battery Wagner to begin a bombardment of Charleston. This siege, begun in late August 1863, did not end until February 1865, when General Beauregard determined that it was no longer militarily feasible to defend the city. The Confederate defenses on James Island and Johns Island were still in place, but the bombardment of Charleston had left the city in ruins. Confederate



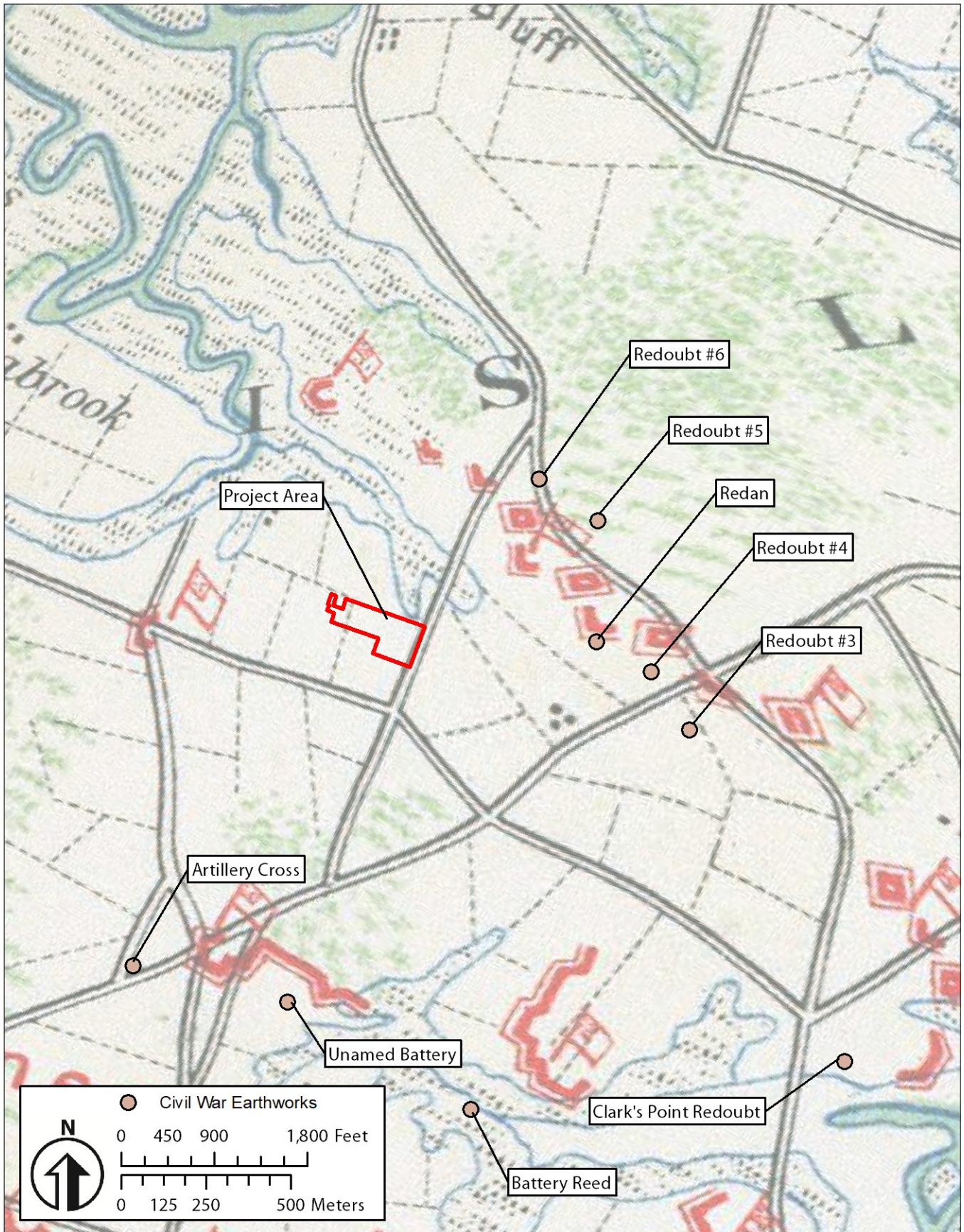


Figure 3.2 Map of the project area during the Civil War (Manigault 1864).



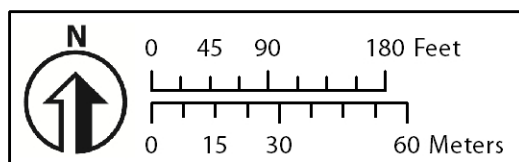
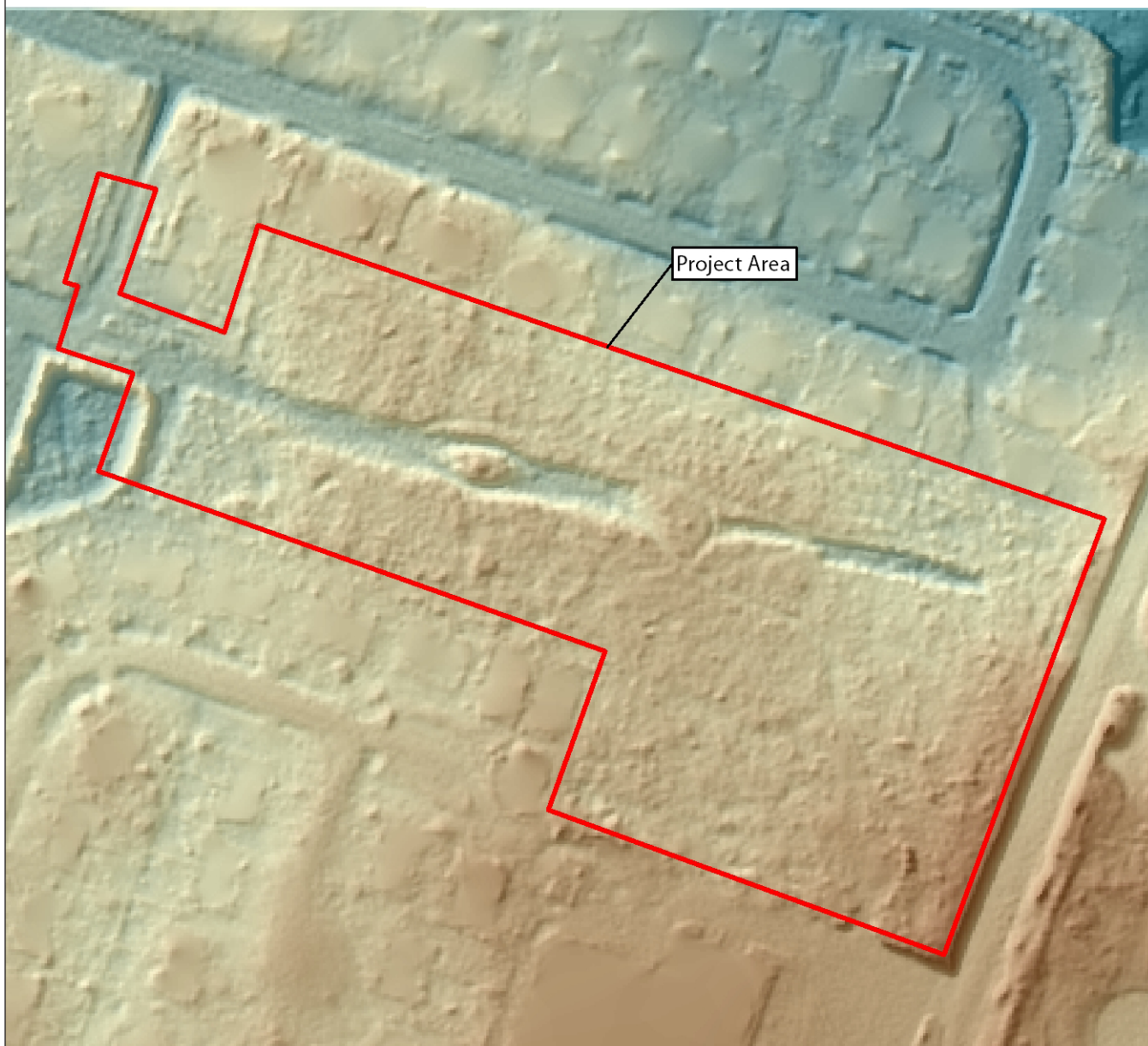


Figure 3.3 LiDAR map of the project tract showing remnants of a recently planned but abandoned subdivision road.



forces began the evacuation of the city on February 17, 1865. They spiked the guns, burned a number of buildings, and evacuated many of the soldiers and citizens quickly, without the knowledge of the Federal troops nearby. When Union troops entered the city, they found "a city of ashes" (Burton 1970:324).

The Civil War effectively destroyed the plantation system in South Carolina and the rest of the South. This meant profound changes for Charleston County, both economically and socially. The antebellum economic system disintegrated as a result of emancipation and the physical destruction of agricultural property through neglect and (to a lesser extent) military action. A constricted money supply coupled with huge debt made the readjustments worse. The changes were enormous. Land ownership was reshuffled, as outsiders began purchasing plots and former plantations that had been abandoned in the wake of the Civil War. Newly freed Blacks often exercised their freedom by moving, making the labor situation even more unsettled.

One result of this migration was a variety of labor systems for whites as well as freed African Americans; this fostered an era of experimentation and redefinition in the socio-economic relationships between the freed African Americans and white landowners. The Reconstruction period also witnessed a drastic increase in the number of farms and a drastic decrease in average farm size as predominately white landowners began selling and/or renting portions of their holdings. Many subdivided their lands and sold small, 1- to 10-acre parcels to the freedmen and their families, often supplying financing as well. The James Island Agricultural Society was formed in 1871, in part to coordinate these varied labor relations on the island, as well as to find ways to make Sea Island cotton competitive in the face of the increased cultivation of upland cotton. Sea Island cotton continued to be grown on James Island into the early twentieth century, although the arrival of the boll weevil in the 1910s effectively killed the crop.

Farm tenancy emerged as a dominant form of agricultural land management toward the end of the nineteenth century in South Carolina and presented itself in two basic forms, sharecropping and cash renting (Brockington et al. 1985; Orser and Holland 1984; Trinkley 1983). Sharecropping was a

system whereby the landowner provided all that the renter might need to tend and cultivate the land (i.e., draft animals, farming implements and tools, seed, and fertilizer). A variety of methods of payment by the renter could be arranged. However, usually an agreed portion of the crop (i.e., a share) would be surrendered to the landowner. Sharecropping was appropriate when tenants could not afford the capital necessary to purchase seed, animals, and tools.

Truck farming also began to emerge during the late nineteenth century. James Island farmers began growing produce such as vegetables for outside markets beginning in the 1870s and 1880s, and truck farming continued to grow in significance into the early twentieth century. In 1916, the Seaboard Coast Line Railroad established a branch across the Stono River to Johns Island, primarily to service the growing number of truck farms.

The substantial African American majority on James Island, dating to the plantation era of the eighteenth and early nineteenth centuries, continued after the Civil War. Shifts in settlement related to plantation reorganization apparently occurred throughout James Island and the Lowcountry. After the Civil War, there was a movement away from the traditional nucleated plantation village toward a more dispersed pattern of tenant farms having varying degrees of independence from the planter/landowner. According to Prunty (1955:470), the critical factor determining the extent of settlement distribution was the control and ownership of working livestock, agricultural implements, and housing. The nucleated form of settlement found on antebellum plantations continued to predominate until freedmen acquired (1) freedom from direct control and continuous supervision: (2) their own homes in proximity to crop lands at least functionally, if not nominally, under their control, and (3) use and control of mules. As these aspects of freedom were slowly realized, freed Blacks were able to move away from the plantation village complex and occupy outlying tracts within the planter's holdings.

As the formerly enslaved gained their freedom, they began to form communities and establish institutions. The churches formed by the freedmen were the most visible result, and many of these buildings are still standing. Conditions for Black farmers continued to be difficult throughout the

nineteenth and early twentieth centuries. In the wake of World War I, many Blacks from James Island and throughout the South began to migrate to the north, seeking employment and more favorable social and political conditions.

With the declining numbers of agricultural laborers and the decimation of the cotton crop due to the boll weevil, many farms on James Island went out of business. As the twentieth century advanced, many farmers sought to sell their land for suburban development. Early suburbs on James Island included Riverland Terrace and Wappoo Hall, laid out in the 1920s. Development accelerated after 1926, when the Wappoo Bridge connected James Island with the mainland (Fick et al. 1989:29-31).

### 3.3 Previous Investigations

From the subscriber's version of ArchSite, South Carolina's online cultural resource GIS database, many previous sites and areas were found within the 0.5-mile search radius (see Figure 1.1). Two archaeological sites (38CH2363 and 38CH2471) are located within 0.5 mile of the project tract. Site 38CH2363 is a Woodland site recorded by SM&E in 2011; the site has not been assessed for NRHP eligibility. This site is nearly 0.5 mile south of the project tract and will not be impacted by the proposed project. Site 38CH2471 was recorded by Brockington during a cultural resources survey of a tract located across Dills Bluff Road from the current project tract (Rock et al. 2014). Site 38CH2471 is a Middle to Late Woodland period site that was determined not eligible for the NRHP.

Several historic architectural resources have been recorded near the project tract as well. Preservation Consultants, Inc., recorded SHPO Resource Nos. 1332 and 1337 during an aboveground survey of James Island in 1989 (Fick et al. 1989). SHPO Resource No. 1332 is the First Baptist Church graveyard. This resource is not eligible for the NRHP; however, cemeteries are protected by state law. This cemetery is south of the current project on the other side of the Dills Bluff Road and Camp Road intersection and will not be impacted by the proposed project. In 2010, Brockington recorded the church associated with the cemetery during a survey prior to improvements to the Dills Bluff Road and Camp

Road intersection for the South Carolina Department of Transportation (SCDOT) (Baluha and Wagoner 2010). The church was determined not eligible for the NRHP.

The Stony Memorial Gates (SHPO Resource No. 1337) were erected at the Fort Johnson Road and Stone Post Road intersection in 1926 as an entrance to the Agricultural Society of South Carolina and United States Department of Agriculture joint agricultural Experiment Station Office. The gates are a memorial to Samuel Gaillard Stoney. The South Carolina Highway Department planned to remove the gates after an auto accident in 1999 partially destroyed one of the wings. However, a local public effort prevented the removal of the gates, and the damage was repaired. Following an assessment by Brockington, the gates were determined not eligible for the NRHP (Owens 2018). However, based on the past public effort to preserve the Stoney Memorial Gates, they were seen as an important local historic resource. This resource is located nearly 0.5 mile southeast of the current project tract and will not be impacted.

1054 Dills Bluff Road (SHPO Resource No. 6411) is a dilapidated ca. 1930 house recorded by Rock et al. (2014) during their survey of a tract across the street from the current project tract. This house is not eligible for the NRHP.

Finally, the South Carolina Battleground Preservation Trust recorded the four Confederate earthworks during a GPS survey of Charleston Harbor in 1995, including a redan and redoubts 4, 5, and 6 (see Figure 1.1). These earthworks are listed on the NRHP as part of the defenses of Charleston. However, none of these Confederate earthworks will be affected by the proposed project.

## 4.0 Results and Recommendations

Archaeologists excavated 85 shovel tests across the project tract (see Figure 2.1). Ground surface visibility was limited by dense vegetation. There are no standing structures on the tract. Archaeologists recorded four sites (38CH2748, 38CH2749, 38CH2750, and 38CH2751) and one isolated artifact during the survey. These resources are discussed in detail below. The artifact inventory for the project is attached as Appendix A.

### 4.1 Site 38CH2748

**Cultural Affiliation:** *Unknown Precontact*

**Site Type:** *Subsurface ceramic scatter*

**Overall Site Dimensions:** *15-by-30 m*

**Soil Type:** *Wando loamy fine sand*

**Elevation:** *10 feet above mean sea level (amsl)*

**Nearest Water Source:** *Simpson Creek*

**Present Vegetation:** *Mixed pine/hardwood*

**NRHP Status:** *Recommended Not Eligible*

Site 38CH2748 is a 15-by-30-m subsurface scatter of precontact pottery fragments. The site is located in the northern section of the tract, directly north of the ditch that runs east-west through the tract (see Figure 2.1). The site is defined by three shovel tests at 15-m intervals. An additional 10 shovel tests excavated at 15-m intervals were negative for cultural materials. The soil profile consisted of grayish-brown sandy soil from 0 to 30 cm below surface (cmbs), underlain by yellow brown sandy soil from 30 to 70 cmbs, and a pale leached soil (sterile subsoil) below 70 cmbs. These soils match the description of Wando loamy fine sandy soils. Artifacts recovered from the three positive shovel tests (between 0 and 70 cmbs) include two plain fine/medium sand-tempered body sherds and four residual sherds.

We assessed Site 38CH2748 with respect to Criterion D (research potential) (see Chapter 2). The artifacts recovered cannot be associated with a specific cultural period; therefore, this site has limited research potential. We recommend Site 38CH2748 not eligible for the NRHP. Additional management of this site is not warranted.

### 4.2 Site 38CH2749

**Cultural Affiliation:** *Nineteenth to Twentieth Century*

**Site Type:** *Subsurface artifact scatter*

**Overall Site Dimensions:** *25-by-60 m*

**Soil Type:** *Wando loamy fine sand*

**Elevation:** *10 feet amsl*

**Nearest Water Source:** *Simpson Creek*

**Present Vegetation:** *Mixed pine/hardwood*

**NRHP Status:** *Recommended Not Eligible*

38CH2749 is a 25-by-60-m subsurface artifact scatter of nineteenth- and twentieth-century artifacts. The site is located in the northern central section of the tract (see Figure 2.1). It is directly north of the east-west ditch, and the northern boundary of the site is defined by the property boundary and a residential subdivision. The site consists of six positive shovel tests. An additional 14 shovel tests excavated at 15-m intervals to the east, south, and west were negative for cultural material.

Artifacts recovered from the positive shovel tests include building material (brick, concrete, and nails), oyster shell, ceramics (colonoware, stoneware, buffware, redware, and creamware), residual ceramic sherds, a grog-tempered sherd, olive green glass, an iron vessel fragment, and a kaolin pipe bowl fragment were recovered. The artifacts were found at depths of 0-70 cmbs. The soil profile consisted of grayish-brown sandy soil from 0 to 50 cmbs, underlain by yellowish-brown sandy soil from 50 to 70 cmbs, and a pale leached soil (sterile subsoil) below 70 cmbs. The soils listed match the description of Wando loamy fine sandy soils.

We assessed Site 38CH2749 with respect to Criterion D (research potential). The site appears to represent a nineteenth-century domestic occupation; however, it is not shown on the Civil War-era map of the area, which may indicate that the site was minor or gone by that time. It is likely that the site extends north of the project tract; however, that area has been developed and the potential for intact archaeological deposits to be present is very low. We recommend Site 38CH2749 not eligible for the NRHP. Additional management of this site is not warranted.



### 4.3 Site 38CH2750

**Cultural Affiliation:** Nineteenth and Twentieth Century

**Site Type:** Subsurface artifact scatter

**Overall Site Dimensions:** 55-by-45 m

**Soil Type:** Seabrook loamy fine sand

**Elevation:** 10 feet amsl

**Nearest Water Source:** Simpson Creek

**Present Vegetation:** Mixed pine/hardwood

**NRHP Status:** Recommended Not Eligible

38CH2750 is a 55-by-45-m subsurface scatter of nineteenth- and twentieth-century artifacts. The site is located in the northeastern corner section of the tract (see Figure 2.1). The east-west ditch running through the project tract has disturbed the western portion of the site. The limits of the project tract, residential development, and Dills Bluff Road define the northern and eastern limits of the site. The site consists of 19 additional shovel tests, with seven being positive (including the original shovel tests).

Within the shovel tests, building material (brick, concrete, and nails), ceramics (stoneware, whiteware, coarse earthenware, porcelain, and refined earthenware), a brass washer, and glass (olive, colorless, and aqua) were recovered. The artifacts were found at depths of 0-60 cmbs. The soil profile consisted of brown sandy soil from 0 to 30 cmbs, underlain by yellow brown sandy soil from 30 to 60 cmbs, with a pale leached soil (sterile subsoil) below 60 cmbs. The soils listed match the description of the Seabrook loamy fine sandy soil type.

We assessed Site 38CH2750 with respect to Criterion D (research potential). The site appears to represent a late nineteenth- to early twentieth-century domestic occupation. It is not shown on the Civil War-era map of the area, although it is shown on the USGS quadrangle (see Figure 1.1). The site has been disturbed by residential development and the excavation of the ditch, which limits the research potential for this resource. We recommend Site 38CH2750 not eligible for the NRHP. Additional management of this site is not warranted.

### 4.4 Site 38CH2751

**Cultural Affiliation:** Nineteenth and Twentieth Century

**Site Type:** Subsurface artifact scatter

**Overall Site Dimensions:** 15-by-25 m

**Soil Type:** Wando loamy fine sand

**Elevation:** 10 feet amsl

**Nearest Water Source:** Simpson Creek

**Present Vegetation:** Mixed pine/hardwood

**NRHP Status:** Recommended Not Eligible

38CH2751 is a 15-by-25-m, nineteenth- to twentieth-century subsurface artifact scatter. The site is located in the southwestern corner of the tract (see Figure 2.1). The western and southern boundaries are defined by the project tract boundary, and commercial and residential development. The site consists of two positive shovel tests. Artifacts recovered include one nail, colorless molded glass, porcelain, refined earthenware, and a brick fragment. The artifacts were found at depths of 0-35 cmbs. The soil profile consisted of grayish-brown sandy soil from 0 to 35 cmbs, underlain by yellowish-brown sandy soil from 35 to 70 cmbs, with a pale leached soil (sterile subsoil) below 70 cmbs. The soils listed match the description of the Wando loamy fine sand soil type.

We assessed Site 38CH2751 with respect to Criterion D (research potential). The site appears to represent a late nineteenth- to early twentieth-century domestic occupation; however, it is not shown on the Civil War-era map of the area or the USGS quadrangle. The site has been disturbed by residential and commercial development, which limits the research potential for this resource. We recommend Site 38CH2751 not eligible for the NRHP. Additional management of this site is not warranted.

### 4.5 Isolated Artifact Find

A single brick fragment was recovered in the center of the eastern portion of the tract. This resulted in an additional four shovel tests excavated 15 m apart in each cardinal direction. No additional artifacts were recovered. This artifact does not constitute an archaeological site and warrants no further management.

## **4.6 Project Summary**

Brockington conducted a cultural resource survey of the 6.5-acre Dills Bluff Road Tract in April 2023. This was completed for the PSD and Taylor Consulting Group, LLC in compliance with state and federal laws pertaining to private development in the Coastal Zone of South Carolina. The project tract is surrounded by commercial and residential development. There are several previously recorded Civil War earthworks and a historic cemetery within 0.5 mile of the project tract. These resources will not be impacted by the proposed project.

There are no standing structures within the project tract. During the current investigation, one isolated artifact and four archaeological sites were identified (38CH2748, 38CH2749, 38CH2750, and 38CH2751). Site 38CH2748 is a nineteenth-century artifact scatter. Site 38CH2749 is a non-diagnostic precontact ceramic scatter. Sites 38CH2750 and 38CH2751 are nineteenth- to twentieth-century artifact scatters. We recommend these sites not eligible for the NRHP. Development of the project tract will have no effect on historic properties.

**This page intentionally left blank.**



## References Cited

Anderson, David G.

1985 The Internal Organization and Operation of Chiefdom Level Societies on the Southeastern Atlantic Slope: An Explanation of Ethnohistoric Sources. *South Carolina Antiquities* 17:35-69.

1989 The Mississippian in South Carolina. In *Studies in South Carolina Archaeology*, edited by Albert C. Goodyear, III and Glen T. Hanson, pp. 101-132. South Carolina Institute of Archaeology and Anthropology, Anthropological Studies 9. Columbia.

Anderson, David G. and Patricia Logan

1981 *Francis Marion National Forest Cultural Resources Overview*. US Department of Agriculture, Forest Service, Columbia, South Carolina.

Anderson, David G., Charles E. Cantley, and A. Lee Novick

1982 *The Mattassee Lake Sites: Archaeological Investigations along the Lower Santee River in the Coastal Plain of South Carolina*. US Department of the Interior, National Park Service, Southeast Regional Office, Atlanta.

Arnade, Charles

1959 *The Siege of St. Augustine in 1702*. University of Florida Press, Gainesville.

Baluha, David and Paige Wagoner

2010 *Cultural Resources Survey of the S-28 and S-95 Intersection Improvements Project, Charleston County, South Carolina*. Letter Report prepared for SC DOT.

Brockington, Paul E., Jr., M. Scardaville, P.H. Garrow, D. Singer, L. France, and C. Holt

1985 *Rural Settlement in the Charleston Bay Area: Eighteenth and Nineteenth Century Sites in the Mark Clark Expressway Corridor*. Prepared for the South Carolina Department of Transportation, Columbia.

Brown, Ann R.

1982 *Historic Ceramic Typology With Principal Dates of Manufacture and Descriptive Characteristics For Identification*. Delaware Department of Transportation Archeology Series 15.

Burton, E. Milby

1970 *The Siege of Charleston, 1861-1865*. University of South Carolina, Columbia.

Butler, William B.

1987 Significance and Other Frustrations in the CRM Process. *American Antiquity* 52 (4):820-829.

Chaplin, Joyce E.

1993 *An Anxious Pursuit: Agricultural Innovation and Modernity in the Lower South, 1730-1815*. University of North Carolina Press, Chapel Hill.

Coclanis, Peter

1989 *Shadow of a Dream: Economic Life and Death in the South Carolina Low Country 1670-1920*. Oxford University Press, New York.

Code of Federal Regulations (CFR)

15 CFR 930: Federal Consistency with Approved Coastal Management Programs.

33 CFR 325, Appendix C: Regulatory Program of the US Army Corps of Engineers.

36 CFR 60.4: National Register of Historic Properties.

36 CFR 800: Protection of Historic Properties.

Council of South Carolina Professional Archaeologists (COSCAPA), South Carolina State Historic Preservation Office, and South Carolina Institute of Archaeology and Anthropology  
2013 *South Carolina Standards and Guidelines for Archaeological Investigations*. South Carolina State Historic Preservation Office, Columbia.

Crook, Morgan R., Jr.

1986 *Mississippian Period Archaeology of the Georgia Coastal Zone*. University of Georgia Laboratory of Archaeology, Georgia Archaeological Research Design Papers 1. Athens.

Covington, James W.

1978 Stuart's Town: The Yemassee Indians and Spanish Florida. *The Florida Anthropologist* 21:8-13.

Cushion, John P.

1972 *Pottery & Porcelain*. Hearst Books, New York.

Davis, George B., Leslie J. Perry, and Joseph W. Kirkley

1978 *The Official Military Atlas of the Civil War*. Fairfax Press, New York.

DeBolt, C. Gerald

1988 *The Dictionary of American Pottery Marks: Whiteware and Porcelain*. Charles E. Tuttle, Rutland, Vermont.

Dobyns, Henry F.

1983 *Their Number Become Thinned: Native American Population Dynamics in Eastern North America*. University of Tennessee Press, Knoxville.

Dunn, Richard S.

1973 *Sugar and Slaves: The Rise of the Planter Class in the English West Indies, 1624-1713*. W.W. Norton and Company, New York.

Edgar, Walter B.

1998 *South Carolina: A History*. University of South Carolina, Columbia.

Eliades, David Klearchos

1981 *The Indian Policy of Colonial South Carolina, 1670-1763*. Ph.D. dissertation, University of South Carolina, Columbia.

Fagg, Daniel Webster

1970 *Carolina, 1663-1683: The Founding of a Proprietary*. Ph.D. dissertation, Emory University, Atlanta, Georgia.

- Fick, Sarah, David Schneider, and Robert P. Stockton  
1989 *James and Johns Island Historical Survey*. Preservation Consultants, Inc., Charleston.
- Godden, Geoffrey A.  
1964 *Encyclopedia of British Pottery and Porcelain Marks*. Bonanza Books, New York.
- Goodyear, Albert C., III, James L. Michie, and Tommy Charles  
1989 The Earliest South Carolinians. In *Studies in South Carolina Archaeology*, edited by Albert C. Goodyear, III and Glen T. Hanson, pp. 19-52. South Carolina Institute of Archaeology and Anthropology, Anthropological Studies 9. Columbia.
- Gregorie, Anne K.  
1961 *Christ Church 1706-1959: A Plantation Parish of the South Carolina Establishment*. The Dalcho Historical Society, Charleston, South Carolina.
- Ketchum, William C.  
1983 *The Knopf Collectors' Guides to American Antiques: Pottery & Porcelain*. Alfred A. Knopf, New York.
- Kovacik, Charles, F., and John J. Winberry  
1987 *South Carolina: A Geography*. Westview Press, Boulder, Colorado.
- Kovel, Ralph M., and Terry H. Kovel  
1953 *Dictionary of Marks - Pottery and Porcelain*. Crown Publishers, Inc., New York.  
  
1986 *Kovels' New Dictionary of Marks: Pottery and Porcelain, 1850 to the Present*. Crown Publishers, Inc., New York.
- Lumpkin, Henry  
1981 *From Savannah to Yorktown: The American Revolution in the South*. University of South Carolina Press, Columbia.
- Marcoux, Jon Bernard, Brent Lansdell, and Eric C. Poplin  
2011 Revisiting the Ashley Series: A quantitative Analysis of a Contact-period Household Ceramic Assemblage. *South Carolina Antiquities* 43:3-20.\
- Miller, E.N.  
1971 *Soil Survey of Charleston County*. US Department of Agriculture, Soil Conservation Service, Washington, DC.
- Miller, George L.  
1980 Classification and Economic Scaling of Nineteenth-Century Ceramics. *Historic Archaeology* 14:1-40.
- Nelson, Lee H.  
1968 *Nail Chronology as an Aid to Dating Old Buildings*. National Park Service Technical Leaflet 48.



Noël Hume, Ivor

1969 *A Guide to Artifacts of Colonial America*. Alfred A. Knopf, New York.

Official Records of the War of the Rebellion (OR)

1901 Government Printing Office, Washington, DC.

Orser, Charles E., and Claudia C. Holland

1984 Let Us Praise Famous Men, Accurately: Toward a More Complete Understanding of Postbellum Southern Agricultural Practices. *Southeastern Archaeology* 3(2):111-120.

Owens, Sheldon

2018 *Stony Memorial Gates (Resource 1337)*, Charleston County, South Carolina. Prepared for Parrish and Partners, LLC, Columbia.

Poplin, Eric C., Christopher C. Espenshade, and David C. Jones

1993 *Archaeological Investigations at the Buck Hall Site (38CH644), Francis Marion National Forest, South Carolina*. Prepared for the US Department of Agriculture, Forest Service, Columbia, South Carolina.

Porcher, Richard Dwight and Sarah Fick

2005 *The Story of Sea Island Cotton*. Wyick & Company, Charleston.

Prunty, Merle Jr.

1955 The Renaissance of the Southern Plantation. *The Geographical Review* XLV (4): 459-491

Ramenofsky, Anne P.

1982 *The Archaeology of Population Collapse: Native American Response to the Introduction of Infectious Disease*. PhD dissertation, Department of Anthropology, University of Washington, Seattle.

Rock, Carolyn, Charles F. Philips, Jr., and Sheldon Owens

2014 *Cultural Resources Survey of the Dills Bluff Tract (TMS 428-03-00-060), Charleston County, South Carolina*. Prepared for the Pulte Group, Charleston.

Rowland, Lawrence S., Alexander Moore, and George C. Rodgers Jr.

1996 *The History of Beaufort County, South Carolina: Volume 1, 1514-1861*. University of South Carolina Press, Columbia.

Savage, Beth L., and Sarah Dillard Pope

1998 *National Register Bulletin: How to Apply the National Register Criteria for Evaluation*. US Department of Interior, National Park Service, Interagency Resources Division, Washington, DC.

Sherfy, Marcella and W. Ray Luce

1998 *National Register Bulletin 22: Guidelines for Evaluating and Nominating Properties that Have Achieved Significance in the Last Fifty Years*. US Department of the Interior, National Park Service, Interagency Resources Division, Washington, DC.

Smith, Henry A.M.

1988 *Rivers and Regions of Early South Carolina: Articles from the South Carolina Historical (and Genealogical) Magazine, Volume III*. The Reprint Company Publishers, Spartanburg, South Carolina.

South, Stanley A.

1977 *Method and Theory in Historical Archaeology*. Academic Press, New York.

1973 The Indian Pottery Taxonomy for the South Carolina Coast. *The Institute of Archaeology and Anthropology Notebook* 5:54-55. University of South Carolina, Columbia.

South, Stanley A., and Michael Hartley

1985 Deep Water and High Ground: Seventeenth Century Low Country Settlement. In *Structure and Process in Southeastern Archaeology*, edited by Roy S. Dickens Jr. and H. Trawick Ward, pp. 263-286. University of Alabama Press, Tuscaloosa.

Trinkley, Michael

1981 The Jeremy-Pee Dee Ceramic Series Along the South Carolina Coast. *South Carolina Antiquities* 13(1-2):1-12.

1983 *Archaeological reconnaissance of the cleared S.C. 31 borrow pit, Charleston County, State File No 10.969, F.A. No. F-081(89)*. South Carolina Department of Transportation, Columbia, South Carolina.

United States Geological Survey (USGS)

1979 *James Island, SC*. Topographic quadrangle map.

Waddell, Eugene

1980 *Indians of the South Carolina Low Country, 1562-1751*. The Reprint Company, Spartanburg, South Carolina.

Weir, Robert M.

1983 *Colonial South Carolina, A History*. KTO Press, New York.

Willey, Gordon R., and Philip Phillips

1958 *Method and Theory in American Archaeology*. University of Chicago Press, Chicago.

Wilson, Fillmore G.

1993 *Historic Summary of McLeod Plantation, James Island, South Carolina*. Prepared for Historic Charleston Foundation, Charleston.

Wood, Peter H.

1974 *Black Majority: Negroes in Colonial South Carolina from 1670 Through the Stono Rebellion*. Alfred A. Knopf, New York.

**This page intentionally left blank.**



# **Appendix A**

## Artifact Catalog



# Artifact Catalog

Brockington and Associates, Inc. uses the following proveniencing system. Provenience 1 designates general surface collections. Numbers after the decimal point designate subsequent surface collections, or trenches. Proveniences 2 to 200 designate shovel tests. Controlled surface collections and 50 by 50 cm units are also designated by this provenience range. For all provenience numbers except 1, the numbers after the decimal point designate levels. Provenience X.0 is a surface collection at a shovel test or unit. X .1 designates level one, and X.2 designates level two.

Table of Contents						
		Site Number	Page Number	Site Number	Page Number	
		38CH2748	1	38CH2751	3-4	
		38CH2749	1-2	Isolate 1	4	
		38CH2750	2-3			
Site Number: 38CH2748						
Catalog #	Count	Weight (in g)	Artifact Description	Lithic Type	Ceramic Type	Temporal Range
SITE NUMBER: 38CH2748						
Provenience Number:	2.	1	Shovel Test , N500, E500, 20-60 cmbs			
1	1	6.6	Plain Body Sherd, Fine/Medium Sand Tempered			
2	2	2	Residual Sherd			
Provenience Number:	3.	1	Shovel Test , N500, E507.5, 0-60 cmbs			
1	1	3.5	Plain Body Sherd, Fine/Medium Sand Tempered			
Provenience Number:	4.	1	Shovel Test , N500, E515, 20-60 cmbs			
1	2	1.9	Residual Sherd			
SITE NUMBER: 38CH2749						
Provenience Number:	2.	1	Shovel Test , N500, E485, 0-50 cmbs			
1	0	50	Oyster, Discarded			Discarded
2	0	100	Brick Fragment,			Discarded
3	1	0.9	Colonoware, Undecorated Fragment			
4	2	5.5	Stoneware, Undecorated White Salt Glazed White-Bodied Body			1720 - 1790
5	2	40.2	Iron Vessel Fragment			
Provenience Number:	3.	1	Shovel Test , N515, E485, 0-40 cmbs			
1	0	19.9	Concrete			Discarded



**Site Number:** 38CH2749

<i>Catalog #</i>	<i>Count</i>	<i>Weight (in g)</i>	<i>Artifact Description</i>	<i>Lithic Type</i>	<i>Ceramic Type</i>	<i>Temporal Range</i>	<i>Comments</i>
2	0	5.7	Brick Fragment,				Discarded
3	0	1.6	Oyster, Discarded				Discarded
4	1	1.1	Coarse Earthenware, Unglazed Red-Bodied Base				
5	3	3.9	Colonoware, Undecorated Body				
6	1	6.1	Colonoware, Indeterminate Decoration Body				
7	2	3.2	Buffware, Undecorated Clear Glazed Buff-Bodied Body, Staffordshire				
8	1	0.3	Redware, Undecorated Body				
9	1	3.9	Cord Marked Body Sherd, Grog Tempered				

**Provenience Number:** 4. 1 Shovel Test , N500, E500, 0-60 cmbs

1	0	70.7	Oyster, Discarded				Discarded
2	0	100	Brick Fragment,				Discarded
3	1	3.8	Colonoware, Undecorated Body				
4	2	2.9	Creamware, Undecorated Body			1762 - 1820	
5	1	0.3	Kaolin, Molded Pipe Bowl Fragment				
6	1	0.4	Stoneware, Undecorated White Salt Glazed White-Bodied Body			1720 - 1790	
7	2	3	Olive Green Glass Container Body				Patinated

**Provenience Number:** 5. 1 Shovel Test , N515, E500, 0-40 cmbs

1	0	10.5	Oyster, Discarded				Discarded
2	0	26.3	Brick Fragment,				Discarded
3	1	1.9	Coarse Earthenware, Trailed Slip Unglazed Red-Bodied Body				
4	1	4.6	Square/Cut Nail				

**Provenience Number:** 6. 1 Shovel Test , N515, E515, 0-40 cmbs

1	0	2.8	Oyster, Discarded				Discarded
2	0	100	Brick Fragment,				Discarded

**Provenience Number:** 7. 1 Shovel Test , N515, E570, 0-40 cmbs

1	0	0.7	Oyster, Discarded				Discarded
2	4	4.4	Residual Sherd				
3	1	3.2	Indeterminate Decoration Body Sherd, Grog Tempered				

**SITE NUMBER:** 38CH2750

**Provenience Number:** 2. 1 Shovel Test , N500, E470, 0-50 cmbs

1	2	5.3	Colonoware, Undecorated Body				
---	---	-----	------------------------------	--	--	--	--

**Site Number:** 38CH2750

<i>Catalog #</i>	<i>Count</i>	<i>Weight (in g)</i>	<i>Artifact Description</i>	<i>Lithic Type</i>	<i>Ceramic Type</i>	<i>Temporal Range</i>	<i>Comments</i>
<b>Provenience Number: 3. 1 Shovel Test , N470, E485, 0-40 cmbs</b>							
1	0	150	Brick Fragment,				Discarded
<b>Provenience Number: 4. 1 Shovel Test , N470, E500, 0-40 cmbs</b>							
1	0	5.3	Concrete				Discarded
2	1	5.9	Aqua Glass Container Body				
<b>Provenience Number: 5. 1 Shovel Test , N485, E500, 0-40 cmbs</b>							
1	1	1.1	Coarse Earthenware, Indeterminate Decoration Unglazed Red-Bodied Body, Slipped				
2	1	0.5	Window Glass Fragment				
3	1	2.6	Aqua Glass Container Base				
4	1	1.4	Colorless Molded Glass Molded Container Body				
5	1	0.1	Green Glass Container Fragment				
6	1	1.1	Brass Washer				
<b>Provenience Number: 6. 1 Shovel Test , N500, E500, 0-40 cmbs</b>							
1	1	0.3	Colorless Glass Container Body			1904-	
2	1	7.5	Colorless Machine-Made Glass Container Body				
3	1	7	Colorless Molded Glass Embossed Container Body				
4	1	2.5	Unknown Manufacture Nail				
<b>Provenience Number: 7. 1 Shovel Test , N515, E500, 0-40 cmbs</b>							
1	0	103.1	Brick Fragment,				Discarded
2	1	0.2	Refined Earthenware, Undecorated Rim, Astburyware			1725 - 1750	
<b>Provenience Number: 8. 1 Shovel Test , N470, E515, 0-40 cmbs</b>							
1	0	50	Brick Fragment,				Discarded
2	1	2.4	Whiteware, Undecorated Body			c1820+	
3	1	0.9	Colorless Glass Container Body				

**SITE NUMBER:** 38CH2751

<b>Provenience Number: 2. 1 Shovel Test , N500, E485, 0-35 cmbs</b>							
1	0	150	Brick Fragment,				Discarded
2	1	0.7	Colorless Molded Glass Container Body				
<b>Provenience Number: 3. 1 Shovel Test , N500, E500, 0-30 cmbs</b>							
1	1	1.5	Porcelain, Undecorated Fragment				

<b>Site Number:</b> 38CH2751							
<i>Catalog #</i>	<i>Count</i>	<i>Weight (in g)</i>	<i>Artifact Description</i>	<i>Lithic Type</i>	<i>Ceramic Type</i>	<i>Temporal Range</i>	<i>Comments</i>
2	1	0.4	Refined Earthenware, Undecorated Green Glazed Body				
3	1	1.1	Unknown Manufacture Nail				

<b>SITE NUMBER:</b> Isolate 1							
<b>Provenience Number:</b>		<b>2. 1</b>	<b>Shovel Test , 0-40 cmbs</b>				
1	1	28.2	Brick Fragment,				Discarded



## **Appendix G**

### Town of James Island Zoning Ordinance Chapters

## BASE ZONING DISTRICTS

### § 153.065 GENERAL; ESTABLISHMENT, INTERPRETATION, SPLIT PARCELS.

(A) *Establishment.* The following base zoning districts are hereby established:

<b>District Name</b>		<b>Comprehensive Plan Land Use Designation</b>
<b>District Name</b>		<b>Comprehensive Plan Land Use Designation</b>
NRM-25	Resource Management	N/A
AG-5	Agricultural Preservation	N/A
AGR	Agricultural/Residential	N/A
RSL	Low-Density Suburban Residential	Suburban Residential/Residential Low Density
RSM	Moderate-Density Suburban Residential	Mixed Style Residential/Residential Moderate Density
MHS	Low-Density Manufactured Housing Subdivision	Suburban Residential/Residential Low Density
OR	Residential Office	Office
OG	General Office	Office
CN	Neighborhood Commercial	Commercial Neighborhood
CC	Community Commercial	Commercial
I	Industrial	N/A
PD	Planned Development	Planned Development (All areas of Plan)

(B) *Zoning district references.*

(1) References in this chapter to “nonresidential” zoning districts shall be construed as references to all base zoning districts beginning with the letters “O” (office), “C” (commercial), or “I” (industrial).

(2) References to “residential” zoning districts shall be construed as references to all base zoning districts beginning with the letter “R” or “M.”

(3) References to “agricultural” zoning districts shall be construed as references to all base zoning districts beginning with the letter “A.”

(4) References to “natural resource” zoning districts shall be construed as references to all base zoning districts beginning with the acronym “NRM.”

(C) *Zoning district hierarchy.* Under the hierarchy established by this chapter, the NRM-25 District is the most restrictive base zoning district, while the I District is the least restrictive base zoning district. The table of division (A) above presents the districts in order from most to least restrictive. The planned development, overlay, and special purpose zoning districts are not included in the zoning district hierarchy.

(D) *Existing and proposed parcels containing split zoning parcels.*

(1) *Existing lots of record with split zoning districts.* Uses and development standards for existing lots of record with split zoning districts shall be limited to the most restrictive zoning district within the parcel per § 153.009, Conflicting provisions, and division (C) above, Zoning district hierarchy.

(2) *New parcels.* No new parcels with split zoning districts shall be created. A property boundary line may be created to eliminate the existing split zoning districts, provided the proposed parcels meet the minimum lot area requirements for the zoning district each parcel is to be located.

(3) *Mixed use.* This division (D) does not apply to mixed use developments such as parcels zoned RSM or PD or the overlay and special purpose zoning districts.

(4) *Amendment.* Property owner(s) with existing split zoning districts shall apply for a zoning map amendment (rezoning) in order to eliminate split zoning districts if the Comprehensive Plan supports the proposed future land use or file a Comprehensive Plan amendment.

(Ord. 2012-06, § 4.1, passed 10-18-2012; Ord. 2013-02, passed 4-18-2013)

## **§ 153.066 MEASUREMENTS, COMPUTATIONS AND EXCEPTIONS; DIMENSIONAL STANDARDS DEFINED.**

(A) *Density.* **DENSITY** refers to the number of dwelling units per unit of land area. Density is calculated by dividing the number of dwelling units on a site by the gross area (in acres) of highland (including retention ponds) of the site on which the dwelling units are located. The number of dwelling units allowed on a site is based on the presumption that all other applicable standards of this chapter shall be met. The maximum density established for a district is not a guarantee that such densities may be obtained, nor shall the inability of a development to achieve the stated maximum density be considered sufficient justification for varying or otherwise adjusting other density, intensity, or dimensional standards of this chapter.

### **(B) Lot area.**

(1) *Measurement.* **LOT AREA** refers to the horizontal land area within lot lines, including retention ponds.

(2) *Exceptions.* No zoning permit, building permit, or development approval may be issued for a lot that does not meet the minimum lot area requirements of this chapter except in the following cases:

(a) Nonconforming lots may be used in accordance with the provisions contained in §§ 153.355 through 153.361 of this code.

(b) Utilities using land or unoccupied buildings covering less than 1,000 square feet of site area shall be exempt from minimum lot area standards.

(3) *Absence of sewer or water.* In the absence of public water or public sewer, no zoning permit or building permit shall be issued until the lot meets all applicable requirements of this chapter and the State Department of Health and Environmental Control (DHEC).

(C) *Setbacks.* **SETBACKS** refer to the unobstructed, unoccupied open area between the furthestmost projection of a structure and the property line of the lot on which the structure is located, except as modified by the standards of this section.

(1) *Exceptions to setbacks.* Every part of a required setback must be open and unobstructed from the ground to the sky except as set out in this division.

(a) Trees, shrubbery, or other landscape features may be located within any required setback; however, they shall be selected for site specific conditions. Plant material to be located adjacent to public drainage easements and rights-of-way shall be selected and placed not to impede future access. Additionally, vegetation planted within utility easements shall be selected and sited to minimize pruning for future maintenance and clearance of such utilities. The Zoning Administrator may



require modifications (substitutions and relocation) of plant material on proposed landscape plans when necessary to ensure access and ease of maintenance to any easements and rights-of-way and to preserve the public health, safety, and welfare.

(b) 1. Fences and walls may be located within any required setback, provided that in residential, office, and commercial districts no fence, wall, or hedge shall exceed:

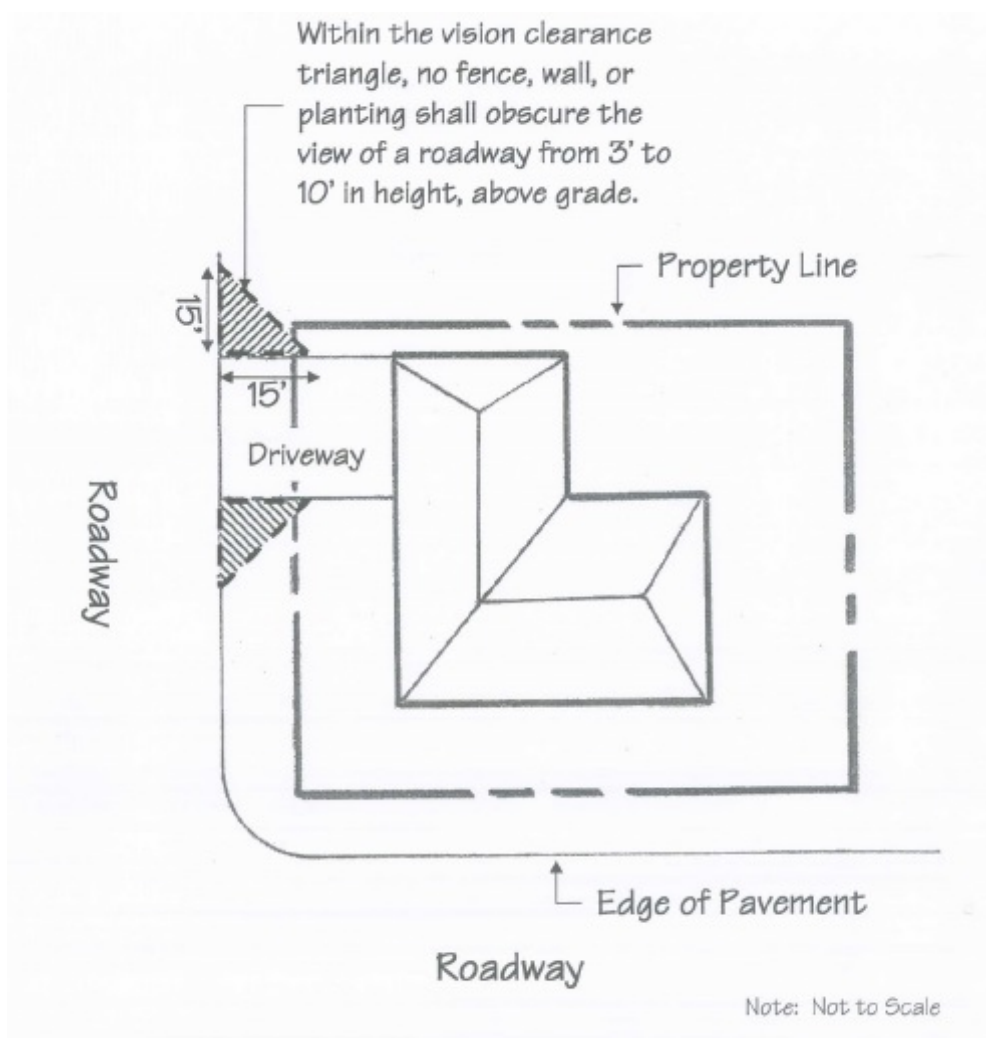
a. Four feet in height when located within any front or street side setback with the exception of chain link chain link fences, which can be six feet in height; or

b. Eight feet in height when located in an interior side or rear setback.

2. In all zoning districts, fences, hedges, and walls may be located within any required setback, provided that no fence, wall, or hedge shall obstruct the view of vehicular access to any roadway between three and ten feet in height above grade. For the safety of pedestrian and vehicular traffic, in residential zoning districts, an unobstructed vision clearance triangle shall be maintained along intersections of residential driveways with adjacent roadways. The vision clearance triangle shall be formed by the connection of a perpendicular line measuring 15 feet from the point of intersection at the edge of the travelway into the driveway and a 15-foot parallel line away from the point of intersection along the roadway (see Figure 153.066.1). Residential driveways along roadways with a classification of collector or higher may be subject to a greater distance of measurement.

**Figure 153.066.1**

### Vision Clearance Triangle



- (c) Driveways may be located in front and street side setbacks.
  - (d) Sidewalks may be located within any required setback.
  - (e) Utility lines, wires, and associated structures, such as power poles, may be located within any required setback.
  - (f) Uncovered porches, uncovered steps to building entrances, uncovered patio decks, and uncovered balconies may extend up to five feet into any required front, rear, or street side setback.
  - (g) Openwork fire balconies and fire escapes may extend up to five feet into any required side setback.
  - (h) Sills, belt courses, cornices, buttresses, eaves, and other architectural features may extend up to two feet into any required setback.
  - (i) Chimneys and flues may extend up to two feet into any required setback.
  - (j) Satellite dish antennas may be placed in required rear setbacks.
  - (k) Mechanical equipment, including heating ventilation and air conditioning (HVAC) equipment may be extended up to five feet into required side or rear setbacks in all zoning districts.
- (2) *Contextual setbacks.* Notwithstanding the front setback requirements of the underlying zoning district, the front building line of any structure or addition to a structure may be as close to the street as the front building line of a structure located on any lot that is immediately adjacent to the subject lot. If the subject lot is located between two developed lots, the front building line of the structure that is set back further from the street shall apply to the subject lot.
- (3) *Setback reductions.* Where the front, interior, side, and rear setbacks of the underlying zoning district reduces the buildable width of a lot to less than 40 feet, the Zoning Administrator shall be authorized to reduce the required setbacks as much as necessary. However, no setback reduction granted by the Planning/Zoning Department shall be for more than 15 feet per side.
- (4) *Front setbacks on narrow streets.* Where a lot abuts a dedicated street (that has been accepted for street maintenance) with a right-of-way width of less than 50 feet, the required front setback shall be measured from the center line of the right-of-way, provided all building code and fire/safety requirements are met.
- (5) *Setbacks on corner and double-frontage lots.* On corner and double-frontage lots, front setback standards will apply to each lot line that borders a street. The remaining lot lines will be subject to side setback standards. There is no rear lot line.
- (6) *Reduction for public purpose.* When an existing setback is affected because of conveyance to a federal, state, or local government for a public purpose and the remaining setback is at least 50% of the required minimum setback for the district in which it is located, then that remaining setback will be deemed to satisfy the minimum setback standards of this chapter.
- (7) *Front setbacks on narrow ingress/egress easements.* Where a lot abuts an ingress/egress easement (that has not been accepted for street maintenance) with a width of less than 50 feet, and is used as a primary access point to the lot as indicated on an approved plat recorded prior to October 18, 2012 (with dashed or solid lines), the required front setback shall be measured from the center line of the easement, provided all building code and fire/safety requirements are met. There shall be a minimum 25- foot setback between the edge of the easement to the front of any structure.

(D) *Building height.*

(1) *In general.* **BUILDING HEIGHT** refers to the vertical distance between the base flood elevation and:

- (a) The average height level between the eaves and ridge line of a gable, hip, or gambrel roof;
- (b) The highest point of a mansard roof; or
- (c) The highest point of the coping of a flat roof.

**Figure 153.066.2**

### Building Height

**Figure 153.066.2**  
**Building Height**



(2) *Fences or walls.* Height shall be measured from ground level on the higher side of the fence or wall.

(3) *Exceptions to height limits.* Unless otherwise expressly stated, the height limitations of this chapter shall not apply to any of the following:

- (a) Farm buildings in any agricultural zoning (A) district;
- (b) Electrical power transmission lines;
- (c) Belfries, cupolas, spires, domes, monuments, flagpoles, chimneys, decorative fence post caps not to exceed 25% of the fence height, radio/television receiving antennas, or chimney flues not for human habitation; or
- (d) Bulkhead, elevator, water tank, or any other similar structure or necessary mechanical appurtenance extending above the roof of any building, if such structure does not occupy more than 33% of the area of the roof.

(E) *Building coverage.* **BUILDING COVERAGE** refers to the area of a lot covered by buildings (principal and accessory) or roofed areas, as measured along the outside wall at ground level, and including all projections, other than open porches, fire escapes, canopies, and the first two feet of a roof overhang.

(Ord. 2012-06, § 4.2, passed 10-18-2012; Ord. 2013-02, passed 4-18-2013)

### **§ 153.067 NRM-25, NATURAL RESOURCE MANAGEMENT DISTRICT.**

(A) *Purpose and intent.* The NRM-25, Natural Resource Management District is intended to protect and conserve natural resources and is principally used for timber production, wildlife habitat, recreation, and commercial fishing.

(B) *Use regulation.* Uses are allowed in the NRM-25 District in accordance with the use regulations of §§ 153.110, 153.120 through 153.180, 153.200 through 153.217, 153.230 through 153.234, and 153.250 through 153.255.

(C) *Density and dimensional standards.* All residential and nonresidential development in the NRM-25 District shall be subject to the following density, intensity, and dimensional standards:



<b>NRM-25</b>	
<b><i>Density/Intensity and Dimensional Standards</i></b>	
<b>NRM-25</b>	
<b><i>Density/Intensity and Dimensional Standards</i></b>	
Maximum density	1 dwelling unit per 25 acres
Minimum lot area	1 acre
Minimum lot width	135 feet
Minimum setbacks	
Front/street side	50 feet
Interior side	50 feet
Rear	50 feet
OCRM critical line	50 feet
Maximum building cover	10,000 square feet
Maximum height	35 feet

(D) *Other regulations.* Development in the NRM-25 District shall comply with all other applicable regulations of this chapter, including the development standards of § 153.079 and §§ 153.330 through 153.342.

(Ord. 2012-06, § 4.3, passed 10-18-2012; Ord. 2013-02, passed 4-18-2013)

#### **§ 153.068 AG-5, AGRICULTURAL PRESERVATION DISTRICT.**

(A) *Purpose and intent.* The AG-5, Agricultural Preservation District is intended to protect farmlands and the needs of the farming industry with compatible residential development.

(B) *Use regulations.* Uses are allowed in the AG-5 District in accordance with the use regulations of §§ 153.110, 153.120 through 153.180, 153.200 through 153.217, 153.230 through 153.234, and 153.250 through 153.255.

(C) *Density and dimensional standards.* All residential and nonresidential development in the AG-5 District shall be subject to the following density and dimensional standards:

<b>AG-5</b>	
<b><i>Density/Intensity and Dimensional Standards</i></b>	
Maximum density	1 dwelling unit per 5 acres
<b>AG-5</b>	
<b><i>Density/Intensity and Dimensional Standards</i></b>	
Maximum density	1 dwelling unit per 5 acres
Minimum lot area	1 acre
Minimum lot width	135 feet
Minimum setbacks	

Front/street side	50 feet
Interior side	15 feet
Rear	30 feet
OCRM critical line	50 feet
Maximum building cover	30% of lot
Maximum height	35 feet

(Ord. 2012-06, § 4.4, passed 10-18-2012; Ord. 2013-02, passed 4-18-2013)

### **§ 153.069 AGR, AGRICULTURAL/ RESIDENTIAL DISTRICT.**

(A) *Purpose and intent.* The AGR, Agricultural/ Residential District is intended to support residential development that is rural in nature on parcels too small to support viable agriculture.

(B) *Use regulations.* Uses are allowed in the AGR District in accordance with the use regulations of §§ 153.110, 153.120 through 153.180, 153.200 through 153.217, 153.230 through 153.234, and 153.250 through 153.255.

(C) *Density and dimensional standards.* All residential and nonresidential development in the AGR District shall be subject to the following density and dimensional standards:

<b>AGR</b>	
<b><i>Density/Intensity and Dimensional Standards</i></b>	
<b>AGR</b>	
<b><i>Density/Intensity and Dimensional Standards</i></b>	
Maximum density	1 dwelling unit per acre
Minimum lot area	1 acre
Minimum lot width	100 feet
Minimum setbacks	
Front/street side	50 feet
Interior side	15 feet
Rear	30 feet
OCRM critical line	50 feet
Maximum building cover	30% of lot
Maximum height	35 feet

(D) *Other regulations.* Development in the AGR District shall comply with all other applicable regulations of this chapter, including the development standards of § 153.079 and §§ 153.330 through 153.342.

(Ord. 2012-06, § 4.5, passed 10-18-2012; Ord. 2013-02, passed 4-18-2013)

### **§ 153.070 RSL, LOW-DENSITY SUBURBAN RESIDENTIAL DISTRICT.**

(A) *Purpose and intent.* The RSL, Low-Density Suburban Residential District implements suburban residential/residential low density policies of the Comprehensive Plan.

(B) *Use regulations.* Uses are allowed in the RSL District in accordance with the use regulations of §§ 153.110, 153.120 through 153.180, 153.200 through 153.217, 153.230 through 153.234, and 153.250 through 153.255.

(C) *Density, intensity, and dimensional standards.* All residential and nonresidential development in the RSL District shall be subject to the following density, intensity, and dimensional standards:

<b>RSL</b>	
<b><i>Density/Intensity and Dimensional Standards</i></b>	
Maximum density	3 dwelling units per acre
<b>RSL</b>	
<b><i>Density/Intensity and Dimensional Standards</i></b>	
Maximum density	3 dwelling units per acre
Minimum lot area	14,520 square feet
Minimum lot width	60 feet
Without public water and/or sewer	70 feet
Minimum setbacks	
Front/street side	25 feet
Interior side	10 feet
Rear	15 feet
OCRM critical line	35 feet
Maximum building cover	30% of lot
Maximum height	35 feet

(D) *Other regulations.* Development in the RSL District shall comply with all other applicable regulations of this chapter, including the development standards of § 153.079 and §§ 153.330 through 153.342.

(Ord. 2012-06, § 4.6, passed 10-18-2012; Ord. 2013-02, passed 4-18-2013)

### **§ 153.071 RSM, MODERATE-DENSITY SUBURBAN RESIDENTIAL DISTRICT.**

(A) *Purpose and intent.* The RSM, Moderate- Density Suburban Residential District implements the mixed style residential/residential moderate density policies of the Comprehensive Plan.

(B) *Use regulations.* Uses are allowed in the RSM District in accordance with the use regulations of §§ 153.110, 153.120 through 153.180, 153.200 through 153.217, 153.230 through 153.234, and 153.250 through 153.255.

(C) *Density, intensity, and dimensional standards.* All residential and nonresidential development in the RSM District shall be subject to the following density, intensity, and dimensional standards:

<b>RSM</b>	
<b><i>Density/Intensity and Dimensional Standards</i></b>	



Maximum density	4 dwelling units per acre
<b>RSM</b>	
<b><i>Density/Intensity and Dimensional Standards</i></b>	
Maximum density	4 dwelling units per acre
Minimum lot area	1 acre
Minimum lot width	40 feet
Minimum setbacks	
Front/street side	25 feet
Interior side	10 feet
Rear	10 feet
OCRM critical line	35 feet
Maximum building cover	35% of lot
Maximum height	35 feet

(D) *Other regulations.* Development in the RSM District shall comply with all other applicable regulations of this chapter, including the development standards of § 153.079 and §§ 153.330 through 153.342.

(Ord. 2012-06, § 4.7, passed 10-18-2012; Ord. 2013-02, passed 4-18-2013)

#### **§ 153.072 MHS, LOW-DENSITY MANUFACTURED HOME SUBDIVISION DISTRICT.**

(A) *Purpose and intent.* The MHS, Low- Density Manufactured Home Subdivision District implements the suburban residential/residential low density policies of the Comprehensive Plan.

(B) *Use regulations.* Uses are allowed in the MHS District in accordance with the use regulations of §§ 153.110, 153.120 through 153.180, 153.200 through 153.217, 153.230 through 153.234, and 153.250 through 153.255.

(C) *Density and dimensional standards table.* All residential and nonresidential development in the MHS District shall be subject to the following density, intensity, and dimensional standards:

<b>MHS</b>	
<b><i>Density/Intensity and Dimensional Standards</i></b>	
Maximum density	3 dwelling units per acre
<b>MHS</b>	
<b><i>Density/Intensity and Dimensional Standards</i></b>	
Maximum density	3 dwelling units per acre
Minimum lot area	14,520 square feet
Minimum lot width	60 feet
Without public water and/or public sewer	70 feet
Minimum setbacks	

Front/street side	25 feet
Interior side	10 feet
Rear	10 feet
OCRM critical line	35 feet
Maximum building cover	30% of lot
Maximum height	35 feet

(D) *Other regulations.* Development in the MHS District shall comply with all other applicable regulations of this chapter, including the development standards of § 153.079 and §§ 153.330 through 153.342.

(Ord. 2012-06, § 4.8, passed 10-18-2012; Ord. 2013-02, passed 4-18-2013)

### **§ 153.073 OR, RESIDENTIAL OFFICE DISTRICT.**

(A) *Purpose and intent.* The OR, Residential Office District implements the office policies of the Comprehensive Plan.

(B) *Use regulations.* Uses are allowed in the OR District in accordance with the use regulations of §§ 153.110, 153.120 through 153.180, 153.200 through 153.217, 153.230 through 153.234, and 153.250 through 153.255.

(C) *Density and dimensional standards.* All development in the OR District shall be subject to the following density, intensity, and dimensional standards:

<b>OR</b>	
<b><i>Density/Intensity and Dimensional Standards</i></b>	
<b>OR</b>	
<b><i>Density/Intensity and Dimensional Standards</i></b>	
Minimum lot area	14,520 square feet
Minimum lot width	60 feet
Minimum setbacks	
Front/street side	25 feet
Interior side	10 feet
Rear	15 feet
OCRM critical line	50 feet
Maximum building cover	35% of lot
Maximum height	35 feet

(D) *Other regulations.* Development in the OR District shall comply with all other applicable regulations of this chapter, including the development standards of § 153.079 and §§ 153.330 through 153.342.

(E) *Supplemental district standards.* In addition to all other applicable provisions of this chapter, structures within the OR District shall be subject to the following standards:

(1) *Architectural character.* Structures in the OR District shall be compatible with the established architectural character of the neighborhood in which they are located by using a design that is complementary in terms of:

- (a) Consistency of roof lines, roof materials, and roof colors;
- (b) Use of similar proportions in building mass and outdoor spaces;
- (c) Similar relationships to the street;
- (d) Similar window and door patterns;
- (e) Similar streetscapes including landscaping, light fixtures, and other site amenities; and
- (f) Free-standing signs only with indirect illumination.

(2) *Building orientation.* Primary facades and entries shall face the adjacent street.

(3) *Building materials.* Building materials shall either be similar to the materials already being used in the neighborhood or, if dissimilar materials are being proposed, other characteristics, such as scale and proportions, form architectural detailing, color, and texture shall be utilized to ensure that enough similarity exists for the building to be compatible despite the differences in materials.

(4) *Building colors.* Color shades shall be used to facilitate blending into the neighborhood and unifying the development with its surroundings. The color shades of building materials shall draw from the range of color shades found in structures in the immediate area.

(F) *Residential uses.* Residential uses in the OR District shall be subject to the density, intensity, and dimensional standards of the RSL District (§ 153.070).

(Ord. 2012-06, § 4.9, passed 10-18-2012; Ord. 2013-02, passed 4-18-2013)

#### **§ 153.074 OG, GENERAL OFFICE DISTRICT.**

(A) *Purpose and intent.* The OG, General Office District implements the office policies of the Comprehensive Plan.

(B) *Use regulations.* Uses are allowed in the OG District in accordance with the use regulations of §§ §§ 153.110, 153.120 through 153.180, 153.200 through 153.217, 153.230 through 153.234, and 153.250 through 153.255.

(C) *Density, intensity, and dimensional standards.* All development in the OG District shall be subject to the following density, intensity, and dimensional standards:

<b>OG</b>	
<b><i>Density/Intensity and Dimensional Standards</i></b>	
<b>OG</b>	
<b><i>Density/Intensity and Dimensional Standards</i></b>	
Minimum lot area	4,000 square feet
Minimum lot width	50 feet
Minimum setbacks	
Front/street side	25 feet
Interior side	10 feet



Rear	15 feet
OCRM critical line	50 feet
Maximum building cover	40% of lot
Maximum height	35 feet

(D) *Other regulations.* Development in the OG District shall comply with all other applicable regulations of this chapter, including the development standards of § 153.079 and §§ 153.330 through 153.342.

(Ord. 2012-06, § 4.10, passed 10-18-2012; Ord. 2013-02, passed 4-18-2013)

### **§ 153.075 CN, NEIGHBORHOOD COMMERCIAL DISTRICT.**

(A) *Purpose and intent.* The CN, Neighborhood Commercial District implements the commercial neighborhood policies of the Comprehensive Plan.

(B) *Use regulations.* Uses are allowed in the CN District in accordance with the use regulations of §§ 153.110, 153.120 through 153.180, 153.200 through 153.217, 153.230 through 153.234, and 153.250 through 153.255.

(C) *Density, intensity, and dimensional standards.* All development in the CN District shall be subject to the following density, intensity, and dimensional standards:

<b>CN</b>	
<b><i>Density/Intensity and Dimensional Standards</i></b>	
<b>CN</b>	
<b><i>Density/Intensity and Dimensional Standards</i></b>	
Minimum lot area	4,000 square feet
Minimum lot width	15 feet
Minimum setbacks	
Front/street side	25 feet
Interior side	10 feet
Rear	10 feet
OCRM critical line	50 feet
Maximum building cover	25% of lot
Maximum height	35 feet

(D) *Other regulations.* Development in the CN District shall comply with all other applicable regulations of this chapter, including the development standards of § 153.079 and §§ 153.330 through 153.342.

(E) *Supplemental district standards.* In addition to any other applicable provisions of this chapter, structures in the CN District shall be subject to the following performance standards:

(1) *Floor area.* All structures, including accessory structures, shall be limited to a maximum of 5,000 square feet gross floor area, provided that structures between 5,000 and 10,000 square feet

gross floor area may be approved in accordance with the special exception procedures of § 153.045. In no case shall the total, combined gross floor area of all principal and accessory structures exceed 10,000 square feet.

(2) *Enclosed buildings.* All commercial activities, excluding accessory gasoline outlets and restaurants, shall be operated entirely within enclosed buildings.

(3) *Gasoline pump nozzles.* Accessory gasoline pumps shall be limited to a maximum of four nozzles, provided that five to eight nozzles may be approved in accordance with the special exception procedures of § 153.045. In no case shall the number of gasoline nozzles exceed eight.

(F) *Signs.* Signs within the CN District shall comply with the following standards:

<b>Standard</b>	
Maximum sign face area	20 square feet
<b>Standard</b>	
Maximum sign face area	20 square feet
Maximum sign height [1]	6 feet
Maximum number of signs per major road frontage [2]	1
Internal illumination allowed	No
<b>Notes:</b>	
[1] Free-standing signs shall be monument or pedestal type.	
[2] When a parcel abuts more than one road classification, signs will be allowed on the road with the higher classification only.	

(G) *Operating hours.* All commercial uses within the CN District shall be limited to operating hours between 6:00 a.m. to 11:00 p.m.

(H) *Residential uses.* Residential uses in the CN District shall be subject to the density, intensity, and dimensional standards of the RSL District (§ 153.070).

(Ord. 2012-06, § 4.11, passed 10-18-2012; Ord. 2013-02, passed 4-18-2013)

## **§ 153.076 CC, COMMUNITY COMMERCIAL DISTRICT.**

(A) *Purpose and intent.* The CC, Community Commercial District implements the commercial policies of the Comprehensive Plan.

(B) *Use regulations.* Uses are allowed in the CC District in accordance with the use regulations of §§ 153.110, 153.120 through 153.180, 153.200 through 153.217, 153.230 through 153.234, and 153.250 through 153.255.

(C) *Density and dimensional standards.* All development in the CC District shall be subject to the following density, intensity, and dimensional standards:

<b>CC</b>	
<b>Density/Intensity and Dimensional Standards</b>	
Minimum lot area	4,000 square feet

<b>CC</b>	
<b><i>Density/Intensity and Dimensional Standards</i></b>	
Minimum lot area	4,000 square feet
Minimum lot width	40 feet
Minimum setbacks	
Front/street side	15 feet
Interior side	10 feet
Rear	20 feet
OCRM critical line	50 feet
Maximum building cover	35% of lot
Maximum height	35 feet

(D) *Other regulations.* Development in the CC District shall comply with all other applicable regulations of this chapter, including the development standards of §§ 153.330 through 153.342 and 153.079.

(E) *Residential uses.* Residential uses in the CC District shall be subject to the density, intensity, and dimensional standards of the RSM District (§ 153.071).

(Ord. 2012-06, § 4.12, passed 10-18-2012; Ord. 2013-02, passed 4-18-2013)

### **§ 153.077 I, INDUSTRIAL DISTRICT.**

(A) *Purpose and intent.* The I, Industrial District is intended for manufacturing, production, or other uses that may be incompatible with consumer service commercial uses or residential uses.

(B) *Use regulations.* Uses are allowed in the I District in accordance with the use regulations of §§ 153.110, 153.120 through 153.180, 153.200 through 153.217, 153.230 through 153.234, and 153.250 through 153.255.

(C) *Density, intensity, and dimensional standards.* All development in the I District shall be subject to the following density, intensity, and dimensional standards:

<b>I</b>	
<b><i>Density/Intensity and Dimensional Standards</i></b>	
<b>I</b>	
<b><i>Density/Intensity and Dimensional Standards</i></b>	
Minimum lot area	15,000 square feet
Minimum lot width	70 feet
Minimum setbacks	
Front/street side	50 feet
Interior side	25 feet
Rear	25 feet
OCRM critical line	50 feet



Maximum building cover	70% of lot
Maximum height	35 feet

(D) *Other regulations.* Development in the I District shall comply with all other applicable regulations of this chapter, including the development standards of §§ 153.330 through 153.342.

(Ord. 2012-06, § 4.13, passed 10-18-2012; Ord. 2013-02, passed 4-18-2013)

### **§ 153.078 PD, PLANNED DEVELOPMENT ZONING DISTRICT.**

#### *(A) Authority.*

(1) The state's Local Government Comprehensive Planning Enabling Act of 1994, as amended, ("Planning Act") authorizes local governments to utilize zoning and planning techniques (not limited to those found in the Planning Act) for implementation of the goals specified in S.C. Code § 6-29-720 (2007). The Town Council hereby establishes a zoning and planning technique called a "Planned Development" Zoning District. The Planned Development Zoning District incorporates provisions of the planning technique called "planned development district" referred to in the Planning Act and identified in this chapter and the additional provisions found in this section that expands, varies, and/or differs from the provisions found in the references to planned development districts in the Planning Act. A **PLANNED DEVELOPMENT**, as applied herein, is a type of zoning district (PD) and a type of development plan. PD zoning districts are inextricably linked to planned development plans, in that no rights of development apply to a PD zoning designation other than those of the approved planned development plan.

(2) Planned development provisions are intended to encourage innovative site planning for residential, commercial, institutional, and/or industrial developments within planned developments. Planned developments may provide for variations from other ordinances and the regulations of other established zoning districts concerning use, setbacks, lot size, density, bulk, and other requirements to accommodate flexibility in the arrangement of uses for the general purpose of promoting and protecting the public health, safety, and general welfare. A **PLANNED DEVELOPMENT** as used in this chapter is intended to apply the flexibility and variation provisions of the Planning Act provided in the planned development zoning district provision, along with the additional regulatory and procedural provisions of this section.

(B) *Purpose and intent.* The town finds and determines that this section is consistent with the following goals of the Comprehensive Plan:

- (1) To preserve the essential character of this sea island (Residential Land Use Goal 1);
- (2) To encourage use of innovative site planning techniques to achieve quality development that is sensitive to this unique environment (Residential Land Use Goal 1);
- (3) To support island commerce in serving the local market as the need arises (Commercial Goal 1); and
- (4) To ensure that if and when agricultural land is developed it is done in a manner sensitive to the natural habitat and environment (Agricultural Land Goal 1).

(C) *Intent and results.* The PD, Planned Development, Zoning District regulations of this section are intended to encourage achievement of the goals of the town's Comprehensive Plan and to allow flexibility in development of property that proposes a single or multiple use(s) that will result in improved design, character, and quality of new or redesigned developments and preserve natural and scenic features of open spaces. The following objectives may be attained through the use of the planned development process:

- (1) A maximum choice in the types of environment available to the public by allowing a development that would not be possible under the strict application of the standards of this chapter that were designated primarily for development on individual lots;
- (2) A greater freedom in selecting the means to provide access, light, open space, and design amenities;
- (3) Quality design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations, and land use arrangements;
- (4) A development pattern in harmony with the applicable goals and strategies of the Comprehensive Plan;
- (5) The permanent preservation of common open space, recreation areas, and facilities;
- (6) An efficient use of the land resulting in more economical networks of utilities, streets, schools, public grounds and buildings, and other facilities;
- (7) A creative approach to the use of land and related physical facilities that results in better development and design and the construction of amenities; and
- (8) A development pattern that incorporates adequate public safety and transportation-related measures in its design and does not adversely affect existing infrastructure and compliments the developed properties in the vicinity and the natural features of the site.

(D) *Applicability.* There is a minimum three- acre lot size requirement (combined) for a planned development as long as the planned development meets all requirements of this section.

(E) *Development standards.*

(1) *Dimensional standards.*

(a) The waterfront development standards of the base zoning district, as set forth in § 153.079 of this code, shall be applied to all waterfront lots within the planned development.

(b) Each lot located on the perimeter of the planned development shall maintain the rear yard setback requirements and any buffer requirements of the adjacent zoning district.

(2) *Architectural standards.* The architectural design guidelines of §§ 153.330 through 153.342 shall apply to all proposed planned developments. Modifications to the architectural design guidelines may be proposed in a planned development request where the Zoning Administrator determines that the architectural design of the proposed development is compatible with the architectural design of development on adjacent properties.

(3) *Access.*

(a) Streets within planned developments should connect to adjoining neighborhoods/developments. Cul-de-sacs, T-turnarounds, and dead-end streets are discouraged.

(b) Areas between structures shall be covered by easements where necessary for access and to provide for maintenance and utility service.

(c) Primary vehicular access to office, commercial, or industrial development shall be through limited access roads.

(4) *Commercial areas.*

(a) Commercial areas and adjacent residential, office, and industrial areas shall be directly connected through paved sidewalks, trails, or other pedestrian infrastructure.

(b) Commercial areas shall be planned as groups having common parking areas and common ingress and egress points.

(5) *Industrial areas.*

(a) A minimum vegetated buffer of 40 feet shall be required where industrial uses abut residential uses.

(b) All intervening spaces between the right-of-way line and project building line and intervening spaces between buildings, drives, parking areas, and improved areas shall be landscaped with trees and plantings and properly maintained at all times.

(6) *Areas designated for future use.* All areas designated for future expansion or not intended for immediate improvement or development shall remain in a natural state until such time as development permits are approved.

(7) *Signs.* Specifications of size, type, height, setback, location, design, illumination, and number of signs shall be included in the planned development guidelines. Specifications shall be as restrictive or more restrictive than the standards set forth in this chapter.

(8) *Parking.* Parking shall be provided in accordance with the standards set forth in §§ 153.330 through 153.342 of this code. Modifications to the parking standards of §§ 153.330 through 153.342 may be proposed in a planned development request where the Zoning Administrator determines that the amount of parking requested and its location is sufficient for the use proposed.

(9) *Resource areas.*

(a) Planned developments shall protect any resources determined significant by the Zoning Administrator, including, but not limited to: agricultural soils and active farmland, buffer areas between active farmland and existing/planned future non-farm development, wetlands, mature trees, land adjacent to preserved farmland on neighboring properties, scenic views, water access and shoreline buffers, and habitat of species designated as of federal, state, and local concern.

(b) Planned developments shall comply with all provisions of § 153.334, tree protection and preservation, of this code.

(F) *Planned development procedure.* The procedure and criteria for planned development applications is outlined below. Planned development applications are comprised of planned development stipulations and sketch plans, referred to herein as the PD development plan. All sketch plan(s) shall be drawn to scale.

(1) *Pre-application conference.* Before submitting a PD development plan for a planned development, the applicant shall confer with the Zoning Administrator and any other officials designated by the Zoning Administrator. The purpose of this pre-application conference is to discuss the proposal and the applicable development review and approval procedures.

(2) *Conceptual PD development plan presentation.* At least one time prior to submitting a formal application, planned development applicants shall present their conceptual PD development plan to the Town Planning Commission at a Planning Commission workshop. This presentation shall be for discussion and feedback purposes only and no action shall be taken on the conceptual PD development plan at the workshop.

(3) *Community workshop.* After the pre-application conference, it is recommended that the applicant hold one or more community workshops. The purpose of a community workshop is to ensure early citizen participation in an informal forum, in conjunction with the development applications and to provide an applicant the opportunity to understand and try to mitigate any impacts an application may have on an affected community. A community workshop is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors.



(4) *Draft PD development plan submittal.* After the required pre-application conference and prior to submitting a formal application, the applicant shall submit at least five copies of a draft of the requested PD development plan for staff review. The draft PD development plan must comply with all requirements of this chapter and all other applicable regulations. Additionally, the checklist, available in the Planning/Zoning Department, must be filled out and turned in with the draft PD development plan.

(5) *PD development plan application.* Complete applications for planned developments (PD development plans) may be submitted on forms available in the Planning/Zoning Department once the Zoning Administrator has determined that the requested PD development plan complies with the requirements of this chapter and all other applicable regulations.

(a) No application for a PD development plan shall be accepted as complete unless it includes the 20 required paper copies of the PD development plan, the required fee, and the following information:

1. One completed zoning map amendment application signed by the current property owner(s);
2. One copy of a legible approved and recorded plat showing the current property lines of the property/properties to be included in the planned development;
3. One copy of the current, recorded deed;
4. One restrictive covenants affidavit(s) signed by the applicant or current property owner(s) in compliance with state law;
5. One copy of the completed checklist;
6. Documentation of any community workshops held regarding the proposed PD development plan application;
7. A digital version of all text, charts, tables, exhibits, and graphics used in the PD;
8. A current aerial overlaid with the proposed sketch plan; and
9. Any other information that the Planning Commission determines is reasonably necessary to make an informed decision as to whether the application complies with the standards of this section.

(b) Applications for PD development plans shall comply with § 153.040(E), Application completeness and submission deadlines, of this code.

(c) Town Council may waive the fees at its discretion.

(d) The following shall be included in the requested planned development stipulations:

1. The following shall be included in the requested planned development stipulations:
  - a. The name of the planned development, not duplicating the name of any other planned development or subdivision, the final plat of which has been recorded in the county;
  - b. A statement of objectives of the proposed development;
  - c. A description of how the proposed development meets the objectives contained in division (C) above, Intent and results, addressing each objective separately;
  - d. The total acreage of the planned development, broken down into total acreage, total highland acreage, total freshwater wetland acreage, and total critical line wetland, or marsh, acreage;
  - e. A table of proposed land uses including:

- i. A table of proposed maximum and average residential densities for each residential use;
- ii. The maximum total acreage of each residential use, including affordable dwelling units, if applicable;
- iii. The maximum allowable number of each type of residential unit requested, including affordable dwelling units, if applicable;
- iv. The maximum proposed floor area ratios (percentage of lot in relation to building floor area), and the maximum building/lot coverage for each nonresidential use; and
- v. All dimensional and lot standards requested, for each land use type designated.
- f. An analysis of the impact of the proposed development on existing public facilities and services (e.g., roads and streets, water, sewer, and the like). Any proposed future improvements to these facilities and services to be made as part of the planned development shall also be included;
- g. A traffic study that meets the requirements of §§ 153.330 through 153.342 of this code for planned developments that contain 50 or more dwelling units, or five or more acres of nonresidential development;
- h. A development schedule with a generalized phasing schedule, if appropriate. The phasing schedule shall include the number of dwelling units, total acreage of each residential use, total gross floor area of each nonresidential use, percentage and acreage of common open space to be included in each phase, and percentage, number, and acreage of affordable dwelling units to be included in each phase (if applicable);
- i. A statement indicating how any common open space/recreation areas will be owned or managed;
- j. A statement indicating how all roads and alleys will be owned and maintained;
- k. A statement of inclusion and compliance with processes included in the town's Zoning and Land Development Regulations that are not mentioned in the planned development stipulations;
- l. A statement of agreement to proceed with proposed development in accordance with the provisions of these zoning regulations, applicable provisions of the town's Comprehensive Plan, and with such conditions as may be attached to any rezoning to the applicable PD district;
- m. A statement that the provisions of § 153.049, Zoning variances, of this code shall not apply to the planned development and that all major changes to the planned development must be approved by Town Council. Tree variances may be granted in accordance with this section and all other sections of this chapter;
- n. A description of how the proposed development complies with the approval criteria contained in division (F)(5)(i) below, addressing each criterion separately;
- o. A historic and archaeological survey identifying all historic and cultural sites, structures, and landscapes on the subject property, consistent with §§ 153.330 through 153.342, Historic preservation, of this code. Any required on-site mitigation must be detailed in the planned development stipulations and proof of coordination with OCRM and/or the State Historic Preservation Office must be included;
- p. Letters of coordination from all agencies from which the applicant must either obtain permits, or obtain services and/or facilities; and
- q. Any other information that the Zoning Administrator determines is necessary to determine whether or not an application complies with the standards established in this section.

2. The following shall be included on the requested sketch plan. Multiple sketch plans may be submitted. Sketch plans shall be drawn to scale.

- a. The general location and amount of land proposed for each land use including single-family residential, multi-family residential, institutional, office, commercial, industrial, common open space/recreation, street use, and the like;
- b. Conceptual lot lines;
- c. Pedestrian and motor traffic circulation;
- d. Location, acreage, and type (freshwater or critical line/marsh) of all wetlands as they exist prior to development. The location and acreage of all freshwater wetlands to be developed upon shall be indicated;
- e. A tree survey to include all Grand trees on residential lots of one acre or less and in road rights-of-way and easements. Significant trees shall be shown on residential lots greater than one acre. Tree surveys for nonresidential uses shall conform with the standards of § 153.334(C) of this code;
- f. Architectural elevations for each type of residential and nonresidential unit;
- g. The general location, size, and capacity of all existing and proposed water and sewer lines;
- h. Areas to be included in each phase of development, including the location of all common open space areas and/or affordable housing units to be included in each phase;
- i. The location of all construction entrances;
- j. A landscaping sketch plan including the location and composition of all screening and buffering materials;
- k. A utility sketch plan with the location of any on-site natural areas, buffers, trees and sidewalks that may be impacted by utility facilities including existing and proposed location of any easements or rights-of-way; and
- l. Any other information that the Zoning Administrator determines is necessary to determine whether the application complies with the standards established in this section.

(e) *Public hearing notice.* Newspaper, neighbor, parties in interest, and posted notice of the Town Council's public hearing shall be provided in accordance with the requirements of § 153.040(G) of this code.

(f) *Zoning Administrator review and report.* Once an application is deemed complete and to contain all information required herein by the Zoning Administrator, the application will be scheduled for a Planning Commission meeting and the applicant and other interested parties will be notified in accordance with this chapter. The Zoning Administrator shall prepare a staff report that reviews the PD development plan application.

(g) *Planning Commission review and recommendation.*

1. The Planning Commission shall review the proposed PD development plan and adopt a resolution, by majority vote of the entire membership, recommending that the Town Council approve, approve with conditions, or deny the proposed development plan. The Planning Commission's recommendation shall be based on the approval criteria of division (F)(5)(i) below. The Planning Commission shall submit its recommendation to the Town Council within 30 calendar days of the Planning Commission meeting at which the PD development plan was introduced.

2. At any time prior to action by the Planning Commission, the applicant may request that the Planning Commission enter mediation. When mediation is requested, the Planning Commission shall assign one of its members as a representative in mediation proceedings and the Zoning Administrator shall represent the Planning staff. A majority vote of the entire Planning Commission membership in a public meeting shall be required to accept any mediated settlement. An accepted mediated settlement cannot waive the standards of this chapter. Prior to beginning talks, applicable time limits for review and action on complete applications must be extended by mutual agreement of the applicant and Planning Commission.

(h) *Town Council hearing and decision.* After receiving the recommendation of the Planning Commission, the Town Council shall take action to approve, approve with conditions, or deny the proposed PD development plan based on the approval criteria of division (F)(5)(i) below. Town Council shall hold a public hearing prior to giving first reading to planned development/zoning map amendment applications. If the Town Council takes action to approve the PD development plan, it may require time-frames for development of the entire planned development and its individual phases, if any. Within ten working days of approval by Town Council of a planned development, the applicant shall submit three copies of the approved planned development guidelines and sketch plan to the Planning/Zoning Department. This plan shall contain all changes and conditions approved by Council. The approval of a planned development shall deem it to be a new zoning district with its own zoning designation.

(i) *Approval criteria.* Applications for PD development plan approval may be approved only if the Town Council determines that the following criteria are met:

1. The PD development plan complies with the standards contained in this section;
2. The development is consistent with the intent of the Comprehensive Plan and other adopted policy documents; and
3. The town and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, at the time the property is developed.

(G) *Identification of zoning maps.* Approved PDs shall be indicated on the official zoning map.

(H) *Compliance with other regulations.* Unless expressly stated in this section or approved at the time of a planned development approval, all applicable standards of this chapter and other law shall apply to development within a planned development. Planned developments may provide for variations from this chapter or other ordinances and the regulations of established zoning districts concerning use, setbacks, lot area, bulk, and other requirements to accommodate flexibility in the arrangement of uses for the general purpose of promoting and protecting the public health, safety, and general welfare. All development, other than single-family residential, shall comply with the site plan review requirements of this chapter.

(Ord. 2012-06, § 4.14, passed 10-18-2012; Ord. 2013-02, passed 4-18-2013)

## **§ 153.079 WATERFRONT DEVELOPMENT STANDARDS.**

(A) The following standards have precedence over base zoning district standards for properties which contain or abut an OCRM critical line:

<b>Standard</b> <sup>[1]</sup>	<b>NRM-25</b>	<b>AG-5</b>	<b>AGR</b>	<b>RSL</b>
<b>Standard</b> <sup>[1]</sup>	<b>NRM-25</b>	<b>AG-5</b>	<b>AGR</b>	<b>RSL</b>
Min. lot area	1 Ac	1 Ac	1 Ac	14,520 sq. ft.
Min. lot width (feet)	200	175	125	90



Min. lot width average (feet)	250	200	150	100
Min. buffers/ setbacks (feet)				
OCRM critical line buffer (feet)	35	35	35	15
Building setback from OCRM critical line (feet)	50	50	50	35
<b>Notes:</b>				
Ac = Acre				
Min. = Minimum				
[1] Landscape buffer standards specified in §§ 153.330 through 153.342 may require greater setbacks.				

(B) *Minimum lot width (feet).* The minimum lot width (feet) is measured and maintained from the front lot line through the entire parcel to the OCRM critical line. All lots within a subdivision must meet the minimum lot width average. (Exception: flag lots and lots served by cul-de-sacs.)

(1) Lots fronting on cul-de-sacs shall meet the minimum lot width at the required minimum front setback. Flag lots are designed with a “flag pole” area with a minimum width of 20 feet. The flag pole area is not required to meet the minimum lot width nor does this area count towards the minimum lot size or area. Flag lots must meet the minimum lot width at the end of the flag pole area/base of lot. All lots within a subdivision must meet the required minimum lot width average for the zoning district within this section, Waterfront development standards.

(2) Reductions from minimum lot width average requirements for parcels which contain or abut an OCRM critical line may be permitted if the Zoning Administrator determines that one of the following criteria has been met:

(a) No more than three waterfront lots are being created from the original parcel and that a reduction of no more than 10% of lot width average is required for any resulting lot; or

(b) Where two lots of record (lots existing prior to October 18, 2012) have been combined, the resulting lot may be subdivided into the original configuration shown on the previously approved, recorded plat of record, even if the original lots do not meet the minimum lot width requirement of this division (B), provided that the subdivision meets all other requirements of this chapter.

(C) *Minimum lot standards for dwelling groups on parcels which contain or abut an OCRM critical line.* The number of dwelling units shall not exceed the maximum number permitted by the density, intensity, and dimensional standards of the underlying base zoning district. In addition, the dwelling groups shall comply with the requirements of this section, Waterfront development standards, including the minimum lot area and lot width requirements.

(Ord. 2012-06, § 4.15, passed 10-18-2012; Ord. 2012-21, passed 12-20-2012; Ord. 2013-02, passed 4-18-2013)

## USE REGULATIONS TABLE

### § 153.110 USE TABLE; USE TYPES; INTERPRETATION.

(A) *Use table.* Principal uses shall be allowed within the base zoning districts of this chapter in accordance with Table 153.110.

(B) *Definitions.* All of the types of uses listed in the Table 153.110 are defined in § 153.013.

(C) *Use types.* This subchapter and §§ 153.120 through 153.180, 153.200 through 153.217, 153.230 through 153.234, and 153.250 through 153.255 explain how to interpret Table 153.110, Use Table. The top of Table 153.110 contains the zoning districts and left side of the table contains the use types. Under the hierarchy established by this chapter, the NRM-25 District is the least intensive base zoning district, while the I District is the most intensive base zoning district. The uses listed in Table 153.110 are permitted or not permitted in each zoning district according to the letter coding described in divisions (C)(1) through (C)(5) below.

(1) *A; uses allowed by right.* An “A” indicates that a use type is allowed by right in the respective zoning district, subject to compliance with all other applicable regulations of this chapter. A use allowed by right is defined in § 153.013 of this code as a principal use allowed without the requirement of a special exception.

(2) *C; uses subject to conditions.* A “C” indicates that a use type is allowed in the respective zoning district only if it complies with use-specific conditions and all other applicable regulations of this chapter. A cross-reference to the applicable conditions can be found in the “condition” column of Table 153.110. The number provides a cross-reference to the use-specific conditions contained in §§ 153.120 through 153.180, 153.200 through 153.217, 153.230 through 153.234, and 153.250 through 153.255.

(3) *S; special exception uses.* An “S” indicates that a use type is allowed only if reviewed and approved in accordance with the special exception procedures of this chapter, subject to compliance with use-specific conditions and all other applicable regulations of this chapter. A cross-reference to the applicable conditions can be found in the “condition” column of Table 153.110. The number provides a cross-reference to the use-specific conditions contained in §§ 153.120 through 153.180, 153.200 through 153.217, 153.230 through 153.234, and 153.250 through 153.255.

(a) Any use that was legally established before October 18, 2012 without special exception approval and which after October 18, 2012 is located in a zoning district that requires special exception approval for the subject use and which presently continues as an allowable use, shall not be considered a nonconforming use and shall not require a special exception. Such uses shall be deemed uses permitted by right, as defined in § 153.013 of this code.

(b) Any use that was legally established before October 18, 2012 with a conditional use permit and which after October 18, 2012 is located in a zoning district that requires special exception approval for the subject use and which presently continues as an allowable use, shall not be considered a nonconforming use and shall not require a special exception. Such uses shall be deemed uses permitted by right, as defined in § 153.013 of this code.

(4) *Uses not allowed.* A blank cell indicates that a use type is not allowed in the respective zoning district, unless it is otherwise expressly allowed by other regulations of this chapter.

(5) *New or unlisted uses and use interpretation.* The Zoning Administrator shall be authorized to make use determination whenever there is a question regarding the category of use based on the definitions contained in § 153.013 of this code or may require that the use be process in accordance with the planned development (PD) procedures of this chapter.

To view a PDF file of this table, click [here](#).

Table 153.110	Zoning Districts											Condition
	NRM-25	AG-5	AGR	RSL	RSM	MHS	OR	OG	CN	CC	I	
Table 153.110	Zoning Districts											Condition
	NRM-25	AG-5	AGR	RSL	RSM	MHS	OR	OG	CN	CC	I	
AGRICULTURAL USES												
ANIMAL PRODUCTION												
Animal aquaculture, including finfish farming, fish hatcheries, or shrimp or shellfish farming (in ponds)	A	A	C									§ 153.121
Concentrated animal feeding operations	S											
Horse or other animal production	S	A	C									§ 153.121
CROP PRODUCTION												
Crop production	S	A	A	S	S		S					
Greenhouse production or food crops grown under cover	A	A	A	C	C		C		C	C	C	§ 153.121
Horticultural production or commercial nursery operations	A	A	A	S			S			A	A	
Hydroponics	S	A	A									
Wineries	C	C	C								C	§ 153.180
FORESTRY AND LOGGING												
Bona fide forestry operations	C	C	C									§ 153.143
Lumber mills, planing, or saw mills, including chipping or mulching	A	A	S								A	
STABLE												
Stable	S	A	C	C								§ 153.140
SUPPORT ACTIVITIES FOR AGRICULTURE USES												
Agricultural processing	C	C	S								A	§ 153.121
Agricultural sales or services	A	A	C							A	A	§ 153.164
Roadside stands, including the sale of sweetgrass baskets	C	C	C	C	C	C	C	C	C	C	C	§ 153.164, § 153.178
RESIDENTIAL USES												
Affordable dwelling units	S	C	C	C	A		C					§ 153.139
Child caring institution (more than 20 children)	S	S	S	S	S	S	S					
Congregate living for the elderly (up to 15 residents)	S	S	S	S	S	S	S					
Duplex					A	S						
Dwelling group	C	C	C	C	C	C	C		C			§ 153.127
Farm labor housing (up to 10 residents)	C	C	C									§ 153.129

Farm labor housing (dormitory) (more than 10 residents)	S	S	S									§ 153.129
Group care home, residential (up to 20 children)	S	S	S	S	S	S	S					
Manufactured housing park												
Manufactured housing unit	A	A	A	C	C	A	C					§ 153.144
Manufactured housing unit, replacement	A	A	A	C	C	A	S					§ 153.144
Multi-family, including condominiums or apartments					A					A		
Retirement housing	S	S	S	S	S	S	S					
Retirement housing, limited (up to 10 residents)	S	S	S	S	S	S	S					§ 153.128
Single-family attached, also known as townhouses or rowhouses					C	S				C		§ 153.122
Single-family detached	A	A	A	A	A	A	A	C	C	C	C	§ 153.145
Single-family detached/manufactured housing unit (joint) or two manufactured housing units (joint)	A	A	A	C			C					§ 153.144
Transitional housing, including homeless and emergency shelters, pre-parole detention facilities, or halfway houses					S		S	S	S	A		
<b>CIVIC / INSTITUTIONAL USES</b>												
<b>COURTS AND PUBLIC SAFETY</b>												
Correctional institutions											A	
Parole offices or probation offices											A	
Safety services, including emergency medical or ambulance service, fire protection, or police protection	A	A	A	S	S	S	A	A	A	A	A	
<b>DAY CARE SERVICES</b>												
Adult day care facilities		C	C	S	S	S	S	S	A	A	A	§ 153.149
Child day care facilities, including group day care home or child care center		S	S	S	S	S	S	A	A	A	A	§ 153.149
Family day care home	A	A	A	A	A	A	A	A		A	S	
<b>DEATH CARE SERVICES</b>												
Cemeteries	A	A	C	C	C	S	A	A	A	A	A	§ 153.173
Funeral services, including funeral homes or mortuaries							A	A	A	A	A	
<b>EDUCATIONAL SERVICES</b>												
Business or trade school		S	S					S	S	A	A	
College or university facility		S	S	S	S	S	S	S	S	A	A	
Personal improvement education, including fine arts schools or automobile driving schools		S	S				S	S	C	A	A	§ 153.146



Pre-school or educational nursery		C	C	S	S	S	S	S	A	A	A	§ 153.149
School, primary		S	S	S	S	S	S			S		
School, secondary		S	S	S	S	S	S			S		
HEALTH CARE SERVICES												
Community residential care facilities			S		S			S		A		
Convalescent services, including nursing homes			S	S	S	S	S	S	S	A		
Counseling services, including job training or placement services			S				A	A	A	A	A	
Health care laboratories, including medical diagnostic or dental laboratories							A	A	A	A	A	
Home health agencies			S				A	A	A	A	A	
Hospitals, including general hospitals, specialized hospitals, chronic hospitals, psychiatric or substance abuse hospitals, or hospices							S	A	S	A	S	
Intermediate care facility for the intellectually disabled			S		S			S	S	A		
Medical office or outpatient clinic, including psychiatrist offices, abortion clinics, chiropractic facilities, or ambulatory surgical facilities			S				A	A	A	A	A	
Outpatient facilities for chemically dependent or addicted persons								S	S	A		
Public or community health care centers			S				A	A	A	A		
Rehabilitation facilities							S	A	A	A	A	
Residential treatment facility for children or adolescents (mental health treatment)			S				S	S	S	A		
MUSEUMS, HISTORICAL SITES, AND SIMILAR INSTITUTIONS												
Botanical gardens	A	A	A						S	S	A	
Historical sites (open to the public)	C	C	C	C	C	A	A	A		A	A	§ 153.147
Libraries or archives		A	A	A	A	A	A	A	A	A		
Museums		S	S	S	S	S	A	A	A	A		
Nature exhibition	C	C	C						S	A		§ 153.130
Zoos		S	S						S	S		
POSTAL SERVICE												
Postal Service, United States	C	C	C	C	C	C	A	A	A	A	A	§ 153.148
RECREATION AND ENTERTAINMENT												
Community recreation, including recreation centers	A	A	A	A	A	A	A	A	A	A	A	
Drive-in theaters										C	A	§ 153.126, § 153.131
Fishing or hunting guide service (commercial)	A	A	A				A	A	A	A	A	

Fishing or hunting lodge (commercial)	A	A										
Golf courses or country clubs	C	C	C	C	C		C					§ 153.170
Golf driving ranges		S	S									§ 153.131
Outdoor shooting ranges	S	S										§ 153.131
Parks and recreation	C	C	C	C	C	C	C	C	C	C		§ 153.131
Recreation and entertainment, indoor, including billiard parlors, bowling centers, ice or roller skating rinks, indoor shooting ranges, theaters, or video arcades									C	A		§ 153.150
Recreation and entertainment, outdoor, including amusement parks, fairgrounds, miniature golf courses, race or go-cart tracks, or sports arenas		C								C	C	§ 153.131
Recreation or vacation camps	C	C	C									§ 153.131
Special events (commercial and industrial)									C	C	C	§ 153.252
Special events (residential and agricultural)		S	S	S			S					§ 153.253
RELIGIOUS, CIVIC, PROFESSIONAL, AND SIMILAR ORGANIZATIONS												
Business, professional, labor, or political organizations							A	A	A	A	A	
Religious assembly	C	C	C	C	C	C	C	C	C	C	C	§ 153.133
Social club or lodge		S	S	S	S	S	S	A	A	A	A	
Social or civic organizations, including youth organizations, sororities, or fraternities		S	S				S	A	A	A	A	
UTILITIES AND WASTE-RELATED USES												
Utility service, major	S	S	S	C	C	C	C	C	C	C	C	§ 153.141, § 153.137
Electric or gas power generation facilities	S	S	S	C	C	C	C	C	C	C	C	§ 153.141, § 153.137
Electrical or telephone switching facility	S	S	S	C	C	C	C	C	C	C	C	§ 153.141
Sewage collector or trunk lines	S	S	S	C	C	C	C	C	C	C	C	§ 153.141
Sewage disposal facilities	S	S	S	C	C	C	C	C	C	C	C	§ 153.137
Utility pumping station	S	S	S	C	C	C	C	C	C	C	C	§ 153.141
Utility substation	S	S	S	S	S	C	C	C	C	C	C	§ 153.141
Water mains	S	S	S	C	C	C	C	C	C	C	C	§ 153.141
Water or sewage treatment facilities	S	S	S	C	C	C	C	C	C	C	C	§ 153.141
Water storage tank	S	S	S	C	C	C	C	C	C	C	C	§ 153.141
Utility service, minor	A	A	A	A	A	A	A	A	A	A	A	§ 153.151
Electric or gas power distribution	A	A	A	A	A	A	A	A	A	A	A	§ 153.151
Sewage collection service line	A	A	A	A	A	A	A	A	A	A	A	§ 153.151
Water service line	A	A	A	A	A	A	A	A	A	A	A	§ 153.151
Waste-related uses											S	

Hazardous waste treatment or disposal											S	
Nonhazardous waste treatment or disposal											S	
Septic tank installation, cleaning, or related services										S	S	
Solid waste combustors or incinerators, including cogeneration plants											S	
Solid waste disposal facility											S	§ 153.171
Waste collection services											S	
Waste transfer facilities											S	
<b>COMMERCIAL USES</b>												
<b>ACCOMMODATIONS</b>												
Bed and breakfast inns	C	C	C	C	S	S	C	C	C	C		§ 153.124
Hotels or motels								S	A	A	A	
Rooming or boarding houses								S	A	A		
RV (recreational vehicle) parks or campgrounds	S	S	S									§ 153.132
<b>ANIMAL SERVICES</b>												
Kennel	A	A	C									§ 153.174
Pet stores or grooming salons										S	A	§ 153.152
Small animal boarding (enclosed building)	A	A	S							S	A	§ 153.152
Veterinary services	A	A	S				S	C	C	A	A	§ 153.152
<b>FINANCIAL SERVICES</b>												
Banks							C	C	C	A	A	§ 153.153
Financial services, including loan or lending services, savings and loan institutions, or stock and bond brokers							C	C	C	A	A	§ 153.153
<b>FOOD SERVICES AND DRINKING PLACES</b>												
Bar or lounge (alcoholic beverages), including taverns, cocktail lounges, or member exclusive bars or lounges									S	S	S	
Catering service	S	S	S	S	S	S	C	C	A	A	A	§ 153.154
Nonalcoholic beverage bars including coffee shops and smoothie bars							S	C	C	C	C	§ 153.154
Restaurant, fast-food, including snack bars									S	S	C	§ 153.135
Restaurant, general, including cafeterias, diners, delicatessens, or full-service restaurants								C	C	C	C	§ 153.135
Sexually oriented business											C	§ 153.138
<b>INFORMATION INDUSTRIES</b>												
Communication services, including radio or television broadcasting studios, news syndicates, film or sound recording studios,								S	S	A	A	

telecommunication service centers, or telegraph service offices												
Communications towers	C	C						C	C	C	C	§ 153.125
Data processing services								A	A	A	A	
Publishing industries, including newspaper, periodical, book, database, or software publishers							S	A	A	A	A	
OFFICES												
Administrative or business office, including bookkeeping services, couriers, insurance offices, personnel offices, real estate services, secretarial services, or travel arrangement services							C	C	A	A	A	§ 153.155
Government office and courts							C	C	C	A	A	§ 153.155
Professional office, including accounting, tax preparation, architectural, engineering, or legal services							C	C	C	A	A	§ 153.155
OTHER NONRESIDENTIAL DEVELOPMENT												
Billboard											S	
Convention center or visitors bureaus							S	S	A	A	A	
Heavy construction services or general contractors, including paving contractors, or bridge or building construction											A	
Office/warehouse complex									S	A	A	
Special trade contractors (offices/storage)									S	A	A	§ 153.156
Building equipment or other machinery installation contractors									S	A	A	§ 153.156
Carpentry contractors									S	A	A	§ 153.156
Concrete contractors									S	A	A	§ 153.156
Drywall, plastering, acoustical, or insulation contractors									S		A	§ 153.156
Electrical contractors									S	A	A	§ 153.156
Excavation contractors									S	A	A	§ 153.156
Masonry or stone contractors									S	A	A	§ 153.156
Painting or wall covering contractors									S	A	A	§ 153.156
Plumbing, heating, or air-conditioning contractors									S	A	A	§ 153.156
Roofing, siding, or sheet metal contractors									S	A	A	§ 153.156
Tile, marble, terrazzo, or mosaic contractors									S	A	A	§ 153.156
PARKING, COMMERCIAL												
Parking garages								A		A	A	



Parking lots								S	A	A	A	A	§ 153.157
RENTAL AND LEASING SERVICES													
Charter boat or other recreational watercraft rental services		C	C						S	A			§ 153.092
Commercial or industrial machinery or equipment rental or leasing										A	A		
Construction tools or equipment rental									S	A	A		
Consumer goods rental centers									S	A			
Consumer goods rental service, including electronics, appliances, formal wear, costume, video or disc, home health equipment, recreational goods, or other household items									C	A			§ 153.158
Heavy duty truck or commercial vehicle rental or leasing										A	A		
Self-service storage/mini warehouses										A	A		§ 153.136
Vehicle rental or leasing, including automobiles, light or medium duty trucks, motorcycles, moving vans, utility trailers, or recreational vehicles										A	A		
REPAIR AND MAINTENANCE SERVICES													
Boat yard		C	S							C	C		§ 153.159, § 153.092
Repair service, commercial, including electric motor repair, scientific or professional instrument repair, tool repair, heavy duty truck or machinery servicing and repair, tire retreading or recapping, or welding shops										A	A		
Repair service, consumer, including appliance, shoe, watch, furniture, jewelry, or musical instrument repair shops									C	A	A		§ 153.160
Vehicle repair, consumer, including muffler shops, auto repair garages, tire or brake shops, or body or fender shops								S	S	A	A		§ 153.142
Vehicle service, limited, including automotive oil change or lubrication shops, or car washes									C	A	A		§ 153.142
RETAIL SALES													
Building materials or garden equipment and supplies retailers									C	A	A		§ 153.162
Garden supplies centers									C	A			§ 153.162

Hardware stores									C	A		§ 153.162
Home improvement centers										A		
Outdoor power equipment stores									C	A		§ 153.162
Paint, varnish, or wallpaper stores									C	A		§ 153.162
Food sales, including grocery stores, meat markets or butchers, retail bakeries, or candy shops								C	C	A		§ 153.163
Liquor, beer, or wine sales									S	S		
Nonstore retailers										A	A	
Direct selling establishments										A	A	
Electronic shopping or mail-order houses										A	A	
Fuel (except liquefied petroleum gas) dealers, including heating oil dealers											A	
Liquefied petroleum gas (bottled gas) dealers										A	A	§ 153.161
Vending machine operators										A	A	
Retail sales or services, general									C	A		§ 153.164
Art, hobby, musical instrument, toy, sporting goods, or related products store									C	A		§ 153.164
Clothing, piece goods, shoes, jewelry, luggage, leather goods, or related products store									C	A		§ 153.164
Convenience stores									S	S		
Drug stores or pharmacies									C	A		§ 153.164
Duplicating or quick printing services								C	C	A	A	§ 153.164
Electronics, appliance, or related products store									C	A		§ 153.164
Florist									C	A		§ 153.164
Furniture, cabinet, home furnishings, or related products store									C	A		§ 153.164
Pawn shop										A	A	§ 153.164
Private postal or mailing service								C	C	A	A	§ 153.164
Tobacconist									C	A		§ 153.164
Warehouse clubs or superstores										A	A	
Service stations, gasoline (with or without convenience stores)									S	S	A	§ 153.165
Truck stop										S	A	
Vehicle parts, accessories, or tire stores										A	A	

Vehicle sales (new or used)										A	A	
Automobile, or light or medium duty truck dealers										A	A	
Heavy duty truck or commercial vehicle dealers										A	A	
Manufactured (mobile) home dealers										A	A	
Motorcycle, watercraft, or recreational vehicle dealers										A	A	
RETAIL OR PERSONAL SERVICES												
Consumer convenience service									A	A		§ 153.166
Automated bank/teller machines								C	C	A		§ 153.166
Drycleaners or coin-operated laundries									C	A		§ 153.166
Drycleaning or laundry pick-up service stations									C	A		§ 153.166
Locksmith									C	A		§ 153.166
One-hour photo finishing									C	A		§ 153.166
Tailors or seamstresses									C	A		§ 153.166
Hair, nail, or skin care services, including barber shops or beauty salons	C	C	C	C	C	C	C	C	A	A	A	§ 153.123
Landscaping and horticultural services to commercial, industrial, or institutional buildings, and residences	C	C	S				C	C	A	A	A	§ 153.168
Personal improvement service, including dance studios, health or physical fitness studios, photography studios, or reducing studios							C	C	C	A	A	§ 153.167
Services to buildings or dwellings, including carpet or upholstery cleaning, exterminating, or janitorial services							C	C	C	A	A	§ 153.168
Tattoo parlors											C	§ 153.179
VEHICLE AND WATERCRAFT STORAGE												
Boat ramps	C	C	C	C	C	C	C	C	C	C	C	§ 153.092(D)
Commercial dock		S	S	S	S	S	S	S	S	S	S	§ 153.092(F)
Community dock	S	S	S	S	S	S	S	S	S	S	S	§ 153.092(C)
Marina		S	S	S	S		S	S	S	S	S	§ 153.092(E)
Vehicle storage, including bus barns, boat or RV storage, or impound yards										A	A	
WHOLESALE SALES												
Aircraft wholesalers, including related parts										A	A	
Beverage or related products wholesalers, including										A	A	

alcoholic beverages												
Book, periodical, or newspaper wholesalers										A	A	
Chemical wholesalers (except pharmaceutical products, fertilizers, or pesticides)										A	A	
Clay or related products wholesalers									S	A	A	
Computers or electronic products wholesalers										A	A	
Construction material wholesalers, including brick, cement, concrete, lumber, millwork, plywood, shell, stone, wood panel, or other related materials										A	A	
Electrical equipment, appliances, or components wholesalers										A	A	
Fabric or apparel wholesalers										A	A	
Farm supplies or equipment wholesalers										A	A	
Flower, nursery stock, or florists' supplies wholesalers	A	A								A	A	
Food or related products wholesalers										A	A	
Furniture, cabinets, or related products wholesalers										A	A	
Glass or related products wholesalers										A	A	
Leather products wholesalers										A	A	
Machinery, tools, or construction equipment wholesalers										A	A	
Manufactured home (mobile home) or other prefabricated structures wholesalers										A	A	
Metal or mineral (except petroleum) wholesalers										A	A	
Motor vehicles (commercial or passenger) or trailers wholesalers, including related parts										A	A	
Paint, varnish, or related supplies wholesalers										A	A	
Paper or paper products wholesalers									S	A	A	
Petroleum wholesalers										A	A	
Pharmaceutical wholesalers										A	A	
Plastics or rubber products wholesalers										A	A	
Professional or commercial equipment or supplies wholesalers, including office, medical, or restaurant equipment										A	A	
Sign wholesalers										A	A	



Tobacco or related products wholesalers										A	A	
Toy or artwork wholesalers										A	A	
Watercraft (commercial or recreational) wholesalers, including related parts										A	A	
Wood products wholesalers										A	A	
Other miscellaneous wholesale sales										S	A	
<b>INDUSTRIAL USES</b>												
<b>INDUSTRIAL SERVICES</b>												
Drycleaning or carpet cleaning plants											A	
Laundries, commercial											A	
Photo finishing laboratories											A	
Research and development laboratories											A	
Scrap and salvage service, including automotive wrecking yards, junk yards, parts salvage, paper salvage yards, wholesale scrap or waste materials establishments, or materials recovery facilities											S	
<b>MANUFACTURING AND PRODUCTION</b>												
Aircraft manufacturing, including related parts											A	
Beverage or related products manufacturing, including alcoholic beverages										S	A	
Cement or concrete products manufacturing, including concrete batching or asphalt mixing											A	
Chemical manufacturing, including pharmaceutical products, chemical fertilizers, or pesticides											S	
Clay or related products manufacturing	C								C	C	A	§ 153.177
Computers or electronic products manufacturing										C	A	§ 153.177
Electrical equipment, appliances, or components manufacturing										C	A	§ 153.177
Fabric or apparel manufacturing, including textile mills											A	
Food or related products manufacturing											A	
Furniture, cabinets, or related products manufacturing	C	C								C	A	§ 153.177
Glass or related products manufacturing										C	A	§ 153.177
Leather products manufacturing, including tanneries											A	

Machinery, tools, or construction or construction equipment manufacturing, including farm equipment										C	A	§ 153.177
Manufactured home (mobile home) or other prefabricated structures manufacturing											A	
Metal, petroleum, coal, and other mineral products manufacturing, including refineries											A	
Motor vehicle (commercial and passenger) or trailer manufacturing, including related parts											A	
Paint, varnish, or related supplies manufacturing											A	
Plastics or rubber products manufacturing											A	
Printing press production or lithography										C	A	§ 153.177
Professional or commercial equipment or supplies manufacturing, including office, medical, restaurant equipment, or specialty items										C	A	§ 153.177
Pulp or paper mills											S	
Rendering plants											S	
Sign manufacturing											A	
Slaughterhouse and meat packing											S	
Stone or shell products manufacturing										C	S	§ 153.177
Tobacco products manufacturing											A	
Toy or artwork manufacturing	C	C	C							C	A	§ 153.177
Watercraft (commercial or recreational) manufacturing, including related parts											A	
Wood products manufacturing		C	C							C	A	§ 153.177
Other miscellaneous manufacturing and production	C	C	C							C	A	§ 153.177
WAREHOUSE AND FREIGHT MOVEMENT												
Warehouse and distribution facilities											A	
Cold storage plants											A	
Freight container storage yards, excluding fuel storage facilities											C	§ 153.172
Freight forwarding facilities, including truck terminals, marine terminals, or packing and crating facilities										C	C	§ 153.169
Fuel storage facilities, excluding nuclear fuels											A	
Grain terminals and elevators											A	

Household moving storage											A	
Parcel services											A	
Retail store warehouses											A	
Stockpiling of sand, gravel, or other aggregate materials											A	
Storage of weapons or ammunition											S	
<b>OTHER USES</b>												
<b>RECYCLING SERVICES</b>												
Recycling center											A	
Recycling collection, drop-off	C	C	C	C	C	C	C	C	C	C	A	§ 153.175
<b>RESOURCE EXTRACTION/MINING</b>												
Resource extraction/mining, including borrow pits, mining, oil or gas extraction, quarries, or sand or gravel operations	S	S	S								S	§ 153.134
<b>TRANSPORTATION</b>												
Aviation, including private air strips	S										C	§ 153.176
Railroad facility											A	
Sightseeing transportation, land or water	S	S								A	A	§ 153.092
Taxi or limousine service										A	A	
Urban transit systems											A	
Water transportation, including coastal or inland water passenger transportation		S	S						A	A	A	§ 153.092

(Ord. 2012-06, §§ 6.1, 6.2, 6.3, and Table 6.1-1, passed 10-18-2012; Ord. 2013-02, passed 4-18-2013; Ord. 2015-01, passed 2-19-2015; Ord. 2016-01, passed 4-21-2016; Ord. 2016-05, passed 6-16-2016; Ord. 2017-02, passed 2-16-2017; Ord. 2018-02, passed 5-17-2018; Ord. 2018-08, passed 8-16-2018; Ord. 2019-01, passed 5-16-2019; Ord. 2022-01, passed 4-21-2022; Am. Ord. 2022-03, passed 10-20-2022)

## SUBDIVISION REGULATIONS

### § 153.300 GENERAL; PURPOSE, APPLICABILITY, EXEMPTIONS.

(A) *Purpose.* The public health, safety, economy, good order, appearance, convenience, and general welfare require the harmonious, orderly, and progressive development of land within the town. In furtherance of this general intent, the subdivision regulations are authorized for the following purposes, among others:

- (1) To implement the goals, objective, and policies of the town's Comprehensive Plan;
- (2) To facilitate the adequate provision or availability of transportation, police and fire protection, water, sewage, schools, parks and other recreational facilities, affordable housing, disaster evacuation, and other public services and requirements;
- (3) To ensure the provisions of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, environmental, transportation, and other public purposes;
- (4) To ensure, in general, the wise and timely development of new areas and redevelopment of previously developed areas in harmony with the adopted or amended Comprehensive Plan for the town and any adopted or amended municipal comprehensive plan within or adjacent to the town;
- (5) To implement land use policies that will preserve agricultural uses of land and the rural character of the town;
- (6) To identify, protect, and preserve scenic, historic, and ecologically sensitive areas;
- (7) To prevent overcrowding of land, avoiding undue concentration of population and lessening congestion in the streets;
- (8) To regulate the density and distribution of populations and the uses of buildings, structures, and land for trade, industry, recreation, agriculture, forestry, conservation, airports and approaches thereto, water supply, sanitation, individual onsite wastewater systems or offsite sewer lateral connection provided to each lot, protection against floods, public activities, and other purposes; and
- (9) To ensure protection from fire, flood, and other dangers, and furthering the public welfare in any other regard specified by a local governing body.

(B) *Applicability.* Unless expressly exempted, no subdivision shall be made, platted, or recorded for any purpose nor shall parcels resulting from such subdivisions be sold, unless such subdivision meet all applicable standards of this chapter and has been approved in accordance with the procedures of this chapter.

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

(2) Parcels that were recorded by deed or plat prior to the adoption of the county's original subdivision regulations on January 1, 1955, will receive automatic approval under a grandfather clause, provided the parcel involved is still the same size and shape as when recorded prior to 1955 and is properly platted in accordance with present standards. The recorded information must be provided and attested to by the surveyor or attorney involved.

(3) Preliminary plats submitted for approval shall expire two years from the date of preliminary approval if all conditions for preliminary plat approval have not been met. The Zoning Administrator



shall be authorized to grant a one-time extension of this time frame if a written request is submitted by the applicant prior to the expiration date. The time period of the extension shall not exceed one year.

(4) Upon submission of a subdivision application, no additional subdivision applications shall be accepted for the subject property until the original application has been withdrawn or the decision-making body has rendered its final decision and all applicable time limits on refiling have expired.

(C) *Exemptions.*

(1) *Procedures.* The following shall be exempt from the subdivision plat procedures, if the Zoning Administrator determines that all engineering and survey standards of this chapter have been met:

(a) The combination or re-combination of portions of previously platted lots where the total number of lots is not increased. When the plat is finalized, it shall be submitted to the Zoning Administrator for recording. Deeds and plats shall be recorded simultaneously.

(b) The public acquisition of land for right-of-way or drainage easements or any lot or parcel created therein.

(c) Contiguous properties that are to be divided for the purpose of exchanging or trading parcels of land. When the plat is finalized, it shall be submitted to the Zoning Administrator for recording. Deed and plats shall be recorded simultaneously.

(d) A parcel of land that is proposed to be used as the site for a utility substation, power line easements or right-of-way, pumping station, pressure regulating station, electricity regulating substation, gas pressure control station, or similar facilities.

(e) The combination or re-combination of entire lots of record when no new street or change in existing streets is involved.

(f) The division of land into parcels of five acres or more, where no new street or easement is involved. Plats of these exceptions must be received as information by the Zoning Administrator, which fact shall be indicated on the plats.

(2) *Standards.* Lots created and recorded prior to August 15, 1971 shall be exempt from compliance with the standards of this chapter, provided that the subject property:

(a) Was or is surveyed and platted in accordance with prescribed standards;

(b) Has the approval of the State Department of Health and Environmental Control (DHEC); and/or the Public Service District.

(c) Contains no drainage ways or easements needed to drain surrounding properties, as determined by the Public Works Director.

(D) *Town road construction standards.*

(1) The regulations and standards of this chapter are intended to supplement the town's road construction standards, as amended, in Appendix A of the chapter, which shall be considered the minimum design standards for roads and drainage systems in the town.

(2) Note: C Funds cannot be used to construct a ROW or drainage easement. Approved constructed ROW or constructed easements can be maintained by C Funds.

(E) *Relationship to development review procedures of §§ 153.040 through 153.055.* The "general" procedural requirements and standards of § 153.040 of this code shall apply to the subdivision plat procedures of this subchapter.

(F) *Survey compliance.* All land surveys in the town shall be in accord with the land use designated for the proposed subdivision of property and the criteria specified in urban land surveys as

promulgated by the S.C. Code of Regulations, 1991, Chapter 49, Article 3, R. 400-490, as amended, and described as the "Minimum Standards Manual for the Practice of Land Surveying in South Carolina."

(Ord. 2012-06, § 8.1, passed 10-18-2012; Ord. 2013-06, passed 10-17-2013)

### **§ 153.301 PRE-APPLICATION INFORMATION; CONFERENCE.**

Pre-application conferences offer an opportunity for Planning, Public Works, and other affected agencies to familiarize applicants with applicable procedure, submittal requirements, development standards, and other pertinent matters before finalizing the development proposal or laying out the proposed subdivision. Applicants requesting minor subdivisions are suggested to schedule a pre-application process before submittal of an application. Applicants for a major subdivision are required to have a pre-application conference before submittal of an application. Applicants shall be responsible for scheduling pre-application conferences with the Zoning Administrator who shall be responsible for contacting the Public Works Director and other affected agencies.

(Ord. 2012-06, § 8.2, passed 10-18-2012; Ord. 2013-06, passed 10-17-2013)

### **§ 153.302 MINOR SUBDIVISIONS.**

(A) *Minor subdivision; general.* A **MINOR SUBDIVISION** is a division of any tract of land into three or fewer lots, provided that:

(1) No public street right-of-way dedications are involved;

(2) The Public Works Director does not require a preliminary plat for a drainage easement;

(3) The lots meet State Department of Health and Environmental Control (DHEC) requirements for an acceptable sewage disposal system, including systems deemed to be properly functioning by DHEC and those grandfathered by DHEC regulations; off-site sewage disposal systems must be approved by DHEC and an off-site utility easement must be shown along with the lots served by the off-site system; and/or the town PSD;

(4) Off-site sewerage disposal systems must be approved by DHEC and/or the public provider and an off-site utility easement must be shown along with all lots served by the off-site system if public sewer is (accessible and is provided to each lot) provided, then sewer lateral connection will be provided to each lot; and

(5) No new or residual parcels will be created that do not comply with all applicable requirements of this chapter.

(B) *Minor subdivision process.* Applications for minor subdivisions shall be submitted to the Zoning Administrator on forms available in the Planning/Zoning Department. There is one required step in the minor subdivision process which is final plat review and approval. Generally, minor subdivisions are reviewed in the Planning/Zoning Department and approved by the Zoning Administrator. However, the Zoning Administrator may send minor subdivisions applications to the Planning Commission for approval in order to determine whether or not the proposed subdivision is consistent with the goals and objective of the Comprehensive Plan. Applicants for minor subdivisions are strongly encouraged to schedule and attend a pre-application conference prior to filing a minor subdivision.

(Ord. 2012-06, §§ 8.3.1 and 8.3.2, passed 10-18-2012; Ord. 2013-06, passed 10-17-2013)

### **§ 153.303 MAJOR SUBDIVISIONS.**

(A) *Major subdivision; general.* Any land divisions that are not a minor subdivision shall be processed as major subdivisions.

(1) *Conference*. All major subdivisions applicants are required to attend a pre-application conference.

(2) *Subdivision roads and utilities*. A zoning permit is required for grading, drainage, or the construction of roads and utilities in a subdivision, provided a subdivision plat has been approved. The permit shall be posted on the site prior to commencing work.

(B) *Major subdivision process*.

(1) Applicants for major subdivisions are required to schedule and attend a pre-application conference prior to filing a major subdivisions application.

(2) After the pre-application conference, there are three required steps in the process:

(a) Preliminary plat review and approval;

(b) Letters of coordination; and

(c) Final plat review and approval.

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

(4) Applications for major subdivisions shall be submitted to the Zoning Administrator and shall include a completed application form (available from the Planning/Zoning Department). Additional components for consideration of a major subdivision that are necessary at the pre-application conference are:

(a) A plat or survey of the subject property, if available, or a tax map that identifies the subject property; and

(b) A concept plan that includes the following information:

1. The proposed means of access to a public road;

2. Surrounding land uses;

3. All adjacent roads;

4. A preliminary map and analysis of natural resources present on the subject property and surrounding property; and

5. A conceptual layout of the proposed subdivisions, which shall be overlaid on the preliminary site analysis and which shall show streets, drainage, lots, parks, and other facilities located to protect natural resource areas.

**COMMENTARY:**

Approval from other local, state, or federal agencies may be necessary in the development of land in the town, particularly in regard to environmental concerns. Pre-application conferences should be held with these agencies, including the State Department of Health and Environmental Control, Ocean and Coastal Resource Management, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service. Traffic studies may be requested to determine the post development effect the increased density may have on existing or planned streets and highways.

(Ord. 2012-06, §§ 8.3.3 and 8.3.4, passed 10-18-2012; Ord. 2013-06, passed 10-17-2013)

**§ 153.304 LETTERS OF COORDINATION FOR MAJOR AND MINOR SUBDIVISIONS.**

Letters of coordination are required that acknowledge that the town and other agencies will be able to provide necessary public services, facilities, and programs to service the development proposed, at the time the subdivision plat is processed.

(Ord. 2012-06, § 8.3.5, passed 10-18-2012; Ord. 2013-06, passed 10-17-2013)

### **§ 153.305 PRELIMINARY PLAT.**

(A) *Applicability.* Preliminary plats shall be required for all major subdivisions.

(B) *Application; requirements.* The following shall be submitted.

(1) *Submission.* Completed applications for preliminary plat approval shall be submitted to the Zoning Administrator on forms available in the Planning/Zoning Department. Ten copies of the Preliminary Plat shall be filed with the application.

(2) *Scale.* Preliminary plats shall be drawn to engineer's scale no smaller than one inch equals 200 feet. Where large areas are being platted, they may be drawn on one or more sheets, 22 inches by 34 inches in size. For small areas being platted, a scale of one inch equals 100 feet shall be used.

(3) *Layout.* Even if the applicant intends to subdivide only a portion of a parcel or tract of land initially, the preliminary plat shall show a proposed street and lot layout, drainage plan, and other requirements for the entire parcel or tract of land in which such portion is contained; except that the Zoning Administrator, with the recommendation of the Public Works Director, may waive this requirement on a finding that such a complete layout is not necessary to carry out the purposes of these regulations.

(4) *Required information.* The following information shall be required on each plat.

(a) The courses and distances of the perimeter of the land involved shall be indicated on the plat shown with all courses marked to show which actual field observations are and which are computed.

(b) References to a known point or points such as street intersections and railroad crossings shall be shown.

(c) The total acreage of the land involved in the subdivision and the acreage of high land above the Office of Ocean and Coastal Resource Management critical line. Date of critical line certification shall be indicated. (Aerial photography may not be used to determine OCRM critical line location.)

(d) The names of adjacent landowners and streets where known or available shall be given (with the tax parcel numbers), and all intersecting boundaries or property lines shall be shown.

(e) Proposed divisions to be created shall be shown, including building envelopes for each lot, right-of-way widths, roadway widths, road surface types, sidewalks (if applicable), proposed drainage easements and names of streets; the locations of proposed utility installations and utility easements; lot lines, dimensions, and angles; sites reserved or dedicated for public uses and sites for apartments, civic/institutional, commercial, and industrial uses. The status of the existing lot access and the concept of the type of road construction being proposed shall be indicated (e.g., ingress/egress easement, private road constructed or unconstructed, public secondary or primary rural road, public secondary or primary town road, and other details as appropriate; i.e., curb and gutter, asphalt swales, inverted crown, roadside open ditch, and the like).

(f) The title, scale (including graphic scale), north arrow (magnetic, grid, or true), date, name of applicant, and the name and seal of the engineer or surveyor with state registration number shall be shown.

(g) All existing structures and physical features of the land, including contours (contours not required on proposed private subdivisions and only within the rights-of-way of proposed rural public



streets), drainage ditches, roads, and wooded areas shall be shown. The contour interval shall be one foot unless otherwise approved in advance of submission by the Public Works Director. All contour information shall be based on mean sea level datum and shall be accurate within one-half foot. The benchmark, with its description and the data used for the survey, shall be clearly noted on the plat.

(h) General drainage features, including proposed drainage easements and detention/ retention basins. Also the proposed direction of drainage on each street, ditch, and lot shall be indicated by the use of arrows and proposed street names.

(i) The location of required landscape buffers as specified in §§ 153.330 through 153.341 of this code, which shall not be located within drainage easements unless expressly approved by the Public Works Director.

(j) U.S. Army Corps of Engineers jurisdictional wetlands must be delineated with the date of certification, on lots of five acres or less in size and within all publicly dedicated rights-of-way and easements. Include Army Corps of Engineers SAC number.

(k) A notation shall be made on the plat clearly indicating the applicable OCRM critical line buffers and setbacks.

(l) Tree surveys on lots of one acre or less are to include grand trees on the entire lot. Tree surveys of grand trees may be requested upon site inspection if lots greater than one acre appear to be unbuildable due to the presence of grand trees.

(m) Tree surveys of all grand trees are required within access easements, drainage easements, and rights-of-way.

(n) A signature block on the plat signed by the owner(s) of the property and notarized indicating that the proposed preliminary plat being put forth is an action of the owner(s), heirs thereto, or assigns.

(o) A vacant block shall be provided on each page of the plat that is three inches by eight inches in dimension for town approval stamps and notation.

(p) A statement that any easements for utilities or other encroachments in the area to be dedicated for streets, highways, drainage, or other public or private use are subject to binding provision that the costs of future relocation of any such encroachments due to the construction or maintenance of public improvements shall be borne by the holder of the easement and/or utility company.

(5) *Accompanying data.*

(a) The preliminary plat shall be accompanied by a statement as to the availability of and specific indication of the distance to and location of the nearest public water supply and public sanitary sewers.

(b) The preliminary plat shall be accompanied by a statement indicating what provisions are to be made for water supply and sewage disposal.

(c) Proposed subdivisions encom passing 100 or more acres of land area shall provide a master plan showing the general layout of future development of the entire tract and on adjacent lands that are under common ownership or control. This master plan shall provide a generalized description and plan that addresses the following future development considerations: traffic circulation, drainage, environmental preservation, utility placement, land use, density, and any areas that are to remain undeveloped.

(d) The engineer and/or surveyor who prepared the preliminary plat shall affix their seal(s), name(s) and state registration number(s). Only engineers or surveyors registered in the State of South Carolina shall attest and fix their seal on the preliminary plat.

**COMMENTARY:**

For the purpose of preliminary plat applications, a complete application means one that includes all required information and fees and that addresses the findings of the inspection report and has received all approvals from other agencies that are a prerequisite to preliminary plat approval.

(C) *Zoning Administrator; review and report.* Upon receipt of a complete application for preliminary plat approval, the Zoning Administrator shall have 30 calendar days to:

- (1) Review the proposed preliminary plat;
- (2) Compile a staff report on the proposed plat, which includes the comments and recommendations of the Public Works Director and other affected agencies; and
- (3) Forward the report and any recommendations to the Planning Commission.

(D) *Planning Commission; review and report.* Within 30 calendar days of receipt of a report from the Zoning Administrator, the Planning Commission shall review the proposed preliminary plat and act to approve, approve with conditions or deny the preliminary plat based on whether it complies with all applicable requirements of this chapter and the adopted Town Comprehensive Plan.

(E) *Effect of preliminary plat approval.* Approval of a preliminary plat shall constitute general acceptance of the overall planning concepts for the proposed subdivision and is a prerequisite for the filing of a final plat application.

**COMMENTARY:**

Appeals of Zoning Administrator and other subdivisions-related administrative decisions, including decisions to reject applications as incomplete, shall be processed in accordance with § 153.053 described in this chapter.

(F) *Lapse of preliminary plat approval.* An approved preliminary plat shall lapse and be of no further force and effect if a final plat for the subdivision (or a phase of the subdivision) has not been approved within two years of the date of approval of the preliminary plat. If the subdivision is to be developed in phases, a phasing plan, including a timetable for development of the entire subdivisions, shall be approved as part of the preliminary plat approval. No final plats shall be accepted and no construction shall be allowed for any phase not approved as part of the preliminary plat.

(G) *Appeals of Zoning Administrator's preliminary plat decision.* Any party in interest in a preliminary plat decision of the Zoning Administrator regarding a complete or incomplete application may appeal the decision of the Planning Commission by filing an appeal with the Zoning Administrator within 30 calendar days of the date of the decision.

(1) *Appeal powers.* In exercising its appeal power, the Planning Commission may reverse or affirm, wholly or partly, or may modify the decision on appeal. In acting upon the appeal, the Planning Commission shall be authorized only to determine whether the decision of the Zoning Administrator was made in error. The Planning Commission shall not be authorized to approve modifications or waivers of chapter standards through the appeal process. If the Planning Commission determines that it is necessary to obtain additional evidence in order to resolve the matter, it may remand the matter to the Zoning Administrator with directions to obtain such evidence and to reconsider the decision in light of such evidence.

(2) *Consideration of evidence.* The decision of the Planning Commission shall be a matter of record; it shall consider only the same application, plans, and related project materials that were the subject of the original decision and only the issues raised by the appeal.

(3) *Burden of persuasion of error.* In acting on the appeal, the Planning Commission shall grant to the decision of the Zoning Administrator a presumption of correctness, placing the burden of persuasion of error on the appellant.

(4) *Approval criteria.* An appeal shall be sustained only if the Planning Commission finds that the decision of the Zoning Administrator was in error.

(5) *Vote required.* A quorum of the Planning Commission shall be achieved when the number of members in attendance equals more than one-half of its total membership. At least two-thirds of the members present and voting shall be required to reverse a final plat decision of the Zoning Administrator.

(H) *Appeals of Planning Commission preliminary plat decision.* Any party in interest in a preliminary plat decision of the Planning Commission or any officer, board, or bureau of the town may appeal the Planning Commission decision to the Circuit Court. Appellants shall file with the Court Clerk a written petition plainly and fully setting forth how such decision is contrary to law. Such appeal shall be filed within 30 calendar days after actual written notice of the Planning Commission's decision.

(I) *Construction plans.* After approval of a preliminary plat and before commencing any work within the proposed subdivision, including land clearing and grading, road and drainage plans prepared by an engineer registered in the state shall be submitted to the Public Works Director for review and approval in accordance with the town road construction standards in Appendix A of Ordinance 2012-06, as amended.

(J) *Inspections.*

(1) Subdivision plats that are submitted for review are field inspected by Planning and Public Works staff to ensure compliance with any applicable ordinance requirements and town standards.

(2) Prior to submitting a preliminary plat where no public sewer is provided to any proposed lot, the applicant shall contact a representative of the State Department of Health and Environmental Control (DHEC) and arrange for a test of the soil on any proposed lot. DHEC staff will inspect the proposed lot(s) in order to identify areas that meet minimum septic system requirements required by the state. The results of this test shall be submitted by the applicant at the same time of the preliminary plat application.

(3) Where subdivision streets and/or drainageways are being constructed, the Public Works Director or the authorized representative will make periodic visits to the site as indicated in the town road construction standards, Appendix A of Ordinance 2012-06, as amended, to ensure construction compliance with the town-approved road and drainage plans. The Public Works Director's or the authorized representative's certification that all roads and drainage systems have been constructed in compliance with the plans is required prior to final approval of the development. This approval is only necessary for public subdivisions.

(Ord. 2012-06, § 8.4, passed 10-18-2012; Ord. 2013-06, passed 10-17-2013)

## **§ 153.306 FINAL PLAT.**

(A) *Applicability.* Final plats shall be required for all subdivisions.

(B) *Application.*

(1) *Final plat application requirements.*

(a) Applications for final plat approval shall be submitted to the Zoning Administrator on forms available in the Planning/Zoning Department. Ten copies of the final plat shall be filed with the application.

(b) Written certification from the design engineer that the subdivision's road and drainage infrastructure and any other required improvements have been constructed in accordance with the approved plans.

(c) The final plat shall be drawn in ink on a material specified by the Register of Mesne Conveyance for recording on sheets 22 inches by 34 inches in size and at an engineer's scale of one inch equals 100 feet or larger. Where necessary the plat may be on several sheets accompanied by an index sheet or key map insert showing the entire subdivision.

(2) *Information.* The final plat shall show the following:

(a) All proposed divisions of land shall be shown, including each lot showing lot lines with bearings and distances; all rights-of-way; all drainage easements; names of all streets; the locations of all utility rights-of-way and utility easements; all structures; and all sites reserved or dedicated for public uses;

(b) The title, scale (including graphic scale), north arrow (magnetic, grid or true), date, name of applicant, and the name of the engineer or surveyor with state registration number shall be shown;

(c) Block and lot numbers suitably arranged by simple system;

(d) The names of adjacent landowners and streets, where known or available, shall be given (with the tax parcel numbers), and all intersecting boundaries or property lines shall be shown;

(e) Certificates:

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

2. A statement of dedication by the property owner of streets, rights-of-way, easements, and any other sites for public or private use and warranty of title of property offered for dedication. If any change in ownership is made subsequent to the submission of the plat and prior to the granting of final approval, the statement of dedication shall be corrected accordingly;

3. For any public dedication, a warranty deed for the transfer of the right(s)-of-way(s), easement(s), or other sites for public use to the town on legal documents of the form suitable to the town must be provided; and

4. A statement that any easements for utilities or other encroachments in the area to be dedicated for streets, highways, drainage, or other public or private use are subject to a binding provision that the costs of future relocation of any such encroachments due to the construction or maintenance of public improvements shall be borne by the holder of the easement and/or utility company;

(f) All easements shall include their location, width, and center line;

(g) The approved Office of Ocean and Coastal Resource Management (OCRM) critical line with signed approval statement on the final plat;

(h) At the Zoning Administrator's discretion, the applicant/surveyor may be required to show buffers and setbacks on lots less than one acre in size or on newly created lots that may appear to have encroachment or structures into a buffer or setback;

(i) U.S. Army Corps of Engineers jurisdictional wetlands must be delineated with date of certification, on lots of five acres or less in size and within all publicly dedicated rights-of-way and



easements. Include Army Corps of Engineers SAC number;

(j) High land acreage and low land acreage (freshwater wetlands or acreage below the Office of Ocean and Coastal Resource Management critical line);

(k) Tree surveys on lots of one acre or less are to include grand trees on the entire lot. Tree surveys of grand trees may be requested upon site inspection if lots greater than one acre appear to be unbuildable due to the presence of grand trees;

(l) Tree surveys of all grand trees are required within access easements, drainage easements, and rights-of-way;

(m) Ownership and maintenance status of the lot access shall be indicated for any newly created lots; and

(n) A vacant block shall be provided on each page of the plat that is three inches by eight inches in dimension for town approval stamps and notations.

(3) *Accompanying data.*

(a) A certificate of title or a sworn affidavit establishing the ownership of the land to be recorded. If any change in ownership occurs subsequent to the date of the certificate of title or affidavit and prior to the granting of final approval, a new certificate of title or sworn affidavit establishing the ownership of the land shall be submitted to the Zoning Administrator.

(b) In subdivision where existing public water and public sewer systems have been extended and/or a new system installed, a certification of inspection and associated operating permits from the State Department of Health and Environmental Control (DHEC) shall be submitted.

(c) Restrictive covenants affidavit(s) signed by the applicant or current property owner(s) in compliance with state law.

(d) Should the landowner/developer decide to utilize Article A.2, Private road standards, of Appendix A of Ordinance 2012-06, as amended, the following five notes shall be placed on the plat.

1. Any future subdivision of this parcel, or road construction or extension of the existing roads shown hereon shall require compliance with the town ordinances. Before the town will consider acceptance of any dedication of roads into the town road system, the property owner(s) shall construct the roads to town road construction standards.

2. It is hereby expressly understood by the property owner, developer, or any subsequent purchaser of any lots shown on the plat that the town is not responsible for the maintenance of the streets, roads, common areas, drainage systems, and any other municipal services which include, but are not limited to, garbage disposal, public sewage, fire protection, or emergency medical service.

3. Be aware that the town is not responsible for drainage and flooding problems relevant to the real property, and that emergency vehicles may have difficulty accessing the property.

4. No public funds shall be used for the maintenance of the roads shown on the plat.

5. This approval in no way obligates the town to maintain the 50-foot right-of-way until it has been constructed to town standards and accepted for maintenance by Town Council.

(e) Letters of coordination are required which acknowledge that the County and other agencies will be able to provide necessary public services, facilities, and programs to service the development proposed, at the time the subdivision plat is processed.

(4) *Certification of approval.* When the Zoning Administrator has approved the plat, a certificate noting such approval and carrying the signature of the Zoning Administrator shall be placed on the original drawing of said plat.

(C) *Zoning Administrator; review and decision.* Within 45 days of receipt of a complete final plat application, the Zoning Administrator shall review the proposed final plat and the reports from the Public Works Director and other affected agencies and act to approve, approve with conditions or deny the final plat, based on whether it complies with the approved preliminary plat, all applicable requirements of this chapter, and the purposes and intent of § 153.005.

(D) *Acceptance of dedications.*

(1) Approval of a Final Plat shall not constitute acceptance of any public improvements. Such acceptance will require Town Council acceptance of dedication.

(2) Documents or instruments granting easements within the area to be dedicated must provide that:

(a) Future relocation or replacement costs of any encroachments, including but not limited to utilities, due to maintenance or construction of public improvements, is to be borne solely by the easement holder/utility company; and

(b) The town will not be responsible for costs relating to future relocation or replacement of utilities or other encroachments made necessary by maintenance and/or construction of public improvements;

(c) All expenses pertaining to said relocation shall be paid for by the easement holder/utility company; and

(d) Relocation shall be completed within 90 days from receipt of written request by the town or as otherwise agreed to by the town.

(E) *Recording.* Approved final plats shall be recorded by the Zoning Administrator with the Register of Mesne Conveyance within 30 days of final approval. Notice to the applicant shall be sent within a reasonable time following the date of the recording with the Register of Mesne Conveyance.

(F) *Appeals of Zoning Administrator's final plat decision.* Any person with a substantial interest in a final plat decision of the Zoning Administrator may appeal the decision to the Planning Commission by filing an appeal with the Zoning Administrator within 30 calendar days after the actual notice of the decision.

(1) *Appeal powers.* In exercising the appeal power, the Planning Commission may reverse or affirm, wholly or partly, or may modify the decision being appealed. In acting upon the appeal, the Planning Commission shall be authorized only to determine whether the decision of the Zoning Administrator was made in error. The Planning Commission shall not be authorized to approve modifications or waivers of chapter standards through the appeal process. If the Planning Commission determines that it is necessary to obtain additional evidence in order to resolve the matter, it may remand the matter to the Zoning Administrator, with directions to obtain such evidence and to reconsider the decisions in light of such evidence.

(2) *Consideration of evidence.* The Planning Commission's decision shall be on the record; it shall consider only the same application, plans, and related project materials that were the subject of the original decision and only the issues raised by the appeal.

(3) *Burden of persuasion or error.* In acting on the appeal, the Planning Commission shall grant to the Zoning Administrator's decision a presumption of correctness, placing the burden of persuasion of error on the appellant.

(4) *Approval criteria.* An appeal shall be sustained only if the Planning Commission finds that the Zoning Administrator erred.

(5) *Vote required.* A quorum of the Planning Commission shall be achieved when the number of members in attendance equals more than one-half of the total membership of the Planning

Commission. At least two-thirds of the members present and voting shall be required to reverse a final plat decision of the Zoning Administrator.

**COMMENTARY:**

Appeals of Zoning Administrator and other subdivision decisions [including decisions to reject applications as incomplete], shall be processed in accordance with § 153.053 described in this chapter.

*(G) Appeals of Planning Commission's decision.*

(1) Any person with a substantial interest in a final plat (appeal) decision of the Planning Commission may appeal the Planning Commission decision at the Circuit Court. Appellants shall file with the Court Clerk a written petition plainly and fully setting forth how such decision is contrary to law. Such appeal shall be filed within 30 calendar days after actual notice of the Planning Commission's decision.

(2) At any time prior to appeal of a Planning Commission decision on a final plat (appeal) decision, the appellant may request that the Planning Commission enter mediation. When mediation is requested, the Planning Commission shall assign one of its members as a representative in mediation proceedings. A vote of the Planning Commission in a public meeting shall be required to accept any mediated settlement. An accepted mediated settlement

cannot waive the standards of this chapter. Prior to beginning talks, applicable time limits for review and action on complete applications must be extended by mutual agreement of the applicant and Planning Commission.

(Ord. 2012-06, § 8.5, passed 10-18-2012; Ord. 2013-06, passed 10-17-2013)

**§ 153.307 MARKERS.**

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

(B) *Timing.* Markers shall be installed prior to the submission of and approval of the final plat.

(Ord. 2012-06, § 8.6, passed 10-18-2012; Ord. 2013-06, passed 10-17-2013)

**§ 153.308 LOTS; LAYOUT AND DESIGN.**

(A) *Layout and design generally.* Lots shall be laid out and designed to provide buildable area on each lot, while complying with all other standards and requirements of this chapter.

(B) *Size.*

(1) Lots shall comply with the lot area standards of the underlying zoning district and all other applicable standards of this chapter.

(2) Depth of residential lots shall not exceed five times the width of the lot (a 1:5 ratio).

(3) The Zoning Administrator may allow the lot width to depth ratio of 1:5 to be exceeded when any of the following conditions occur:

(a) When attached dwellings are proposed;

(b) Where additional depth is provided for marsh frontage lots when the lot width depth ratio is met and the property line is extended into the marsh or the property is bisected by or fronts on freshwater wetlands; or

(c) A minor subdivision of a parent tract, provided the following requirements are met:

1. The minimum lot frontage for each lot is not less than 250 feet;
2. In no case shall the average lot width be less than 250 feet with the minimum lot width at any one point less than 200 feet;
3. The property to be subdivided is located in an NRM or agricultural zoning district; and
4. Prescribed lot width requirements shall be for at least two-thirds of the depth of the lot.

(C) *Access.*

(1) Double-frontage lots shall be avoided except where essential to provide separation of residential development from major roadways or to overcome specific disadvantages of topography and orientation. An easement with a minimum width of ten feet may be required to restrict access from the major street or other area.

(2) All lots shall be provided with a means of access in conformance with the standards and specifications of this chapter.

(3) The minimum frontage of any flag lot or cul-de-sac lot access shall be 20 feet.

(4) All lots, all flag lots, cul-de-sac lots, and privately accessed lots shall comply with the International Fire Code, as adopted by Town Council (20 feet in width, 13 feet six inches in height unobstructed).

(D) *Flag lots.* The Zoning Administrator shall be authorized to allow the use of flag lots only when the Zoning Administrator determines that such lot configurations are necessary to address development constraints that are present on the site, e.g., lot width or wetland issues.

(1) *Permitted use of flag lots.* Flag lots may be authorized when the Zoning Administrator determines that they will:

(a) Facilitate subdivision of a long narrow parcel that has sufficient area but insufficient width to be otherwise subdivided;

(b) Eliminate multiple access points to collector or arterial roads; and/or

(c) Allow reasonable development when the buildable area of a parcel is restricted due to the presence of a natural resource or the irregular shape of a parcel.

(2) *Prohibited use of flag lots.*

(a) Flag lots shall not be used to avoid the development of streets otherwise required by this chapter when the effect of such flag lots would be to increase the number of access points (driveways) on a publicly dedicated road right-of-way.

(b) Flag lots may be denied when an adjoining parcel also has sufficient area but insufficient width to otherwise be subdivided. In such cases, platting can be accomplished by landowners of adjoining parcels joining together to provide a full width right-of-way and road section.

(3) *Standards for flag lots.*

(a) Flag lots shall take direct access to streets that comply with this chapter.



(b) The area within the flagpole portion of a flag lot shall not be counted as lot area for the purpose of meeting the minimum lot area requirements of this chapter.

(c) The flagpole portion of a flag lot shall have a minimum width of 20 feet for its entire depth, and the depth or length of the flagpole shall not exceed 450 feet.

(d) As a condition of approval for a flag lot, an encroachment permit must be obtained from the appropriate agency governing access, and an access easement agreement for shared access between the owner of the flag lot and the lot from which the flag lot was created is recorded in the Office of the County Register of Mesne Conveyance.

(e) Dwelling groups on flag lots shall meet the requirements of this chapter.

(Ord. 2012-06, § 8.7, passed 10-18-2012; Ord. 2013-06, passed 10-17-2013)

### **§ 153.309 TREE PRESERVATION; GRAND TREES.**

(A) *Definition.* For this and all sections regarding the protection of **GRAND TREES**, the meaning shall be for all trees except pine and sweet gum having a diameter at breast height of 24 inches or greater.

(B) *Tree surveys.* Tree surveys shall comply with the following.

(1) Lots within subdivisions shall be laid out and designed to provide a buildable area on each lot that does not require the removal of grand tree.

(2) Tree protection standards are described in §§ 153.330 through 153.341 of this code.

(3) Tree surveys on lots of one acre or less are to include grand trees on the entire lot. Tree surveys of grand trees may be requested upon site inspection if lots greater than one acre appear to be unbuildable due to the presence of grand trees.

(4) Tree surveys of all grand trees are required within access easements, drainage easements, and rights-of-way.

(Ord. 2012-06, § 8.8, passed 10-18-2012; Ord. 2013-06, passed 10-17-2013)

### **§ 153.310 TREES AND SHRUBS; SETBACK FROM PAVEMENT.**

(A) *Minimum offset of trees and shrubs from road pavement.* Trees and shrubs shall be set back from street and road pavement in accordance with the following minimum requirements:

		<b>Offset from Edge of Pavement (feet)</b>	
<b>Roadside Feature</b>	<b>Speed (mph)</b>	<b>Canopy Trees</b>	<b>Understory Trees/Shrubs Behind Guard Rail</b>
		<b>Offset from Edge of Pavement (feet)</b>	
<b>Roadside Feature</b>	<b>Speed (mph)</b>	<b>Canopy Trees</b>	<b>Understory Trees/Shrubs Behind Guard Rail</b>
All curbs	40 and less	5*	3*
	45 to 50	8*	5*
	55 and greater	12*	5*

Guide rail	All	5*	3*
Open shoulder	40 and less	10	5
	45 to 50	15	7
	55 and greater	20	10
*Tree limbs hanging below 15 feet in height shall be trimmed so that they do not encroach beyond the back of the curb. Provided approval by the town and a permit is obtained.			
Minimum overhead clearance of 14 feet should be maintained for safe passage. When a barrier curb or guide rail exists, off set is measured from the face of the curb or guide rail to the face of the tree at ground level.			

(B) *Understory trees.* Understory trees may be located five feet from the edge of pavement with the approval of the Zoning Administrator and Public Works Director.

(Ord. 2012-06, § 8.9, passed 10-18-2012; Ord. 2013-06, passed 10-17-2013)

### **§ 153.311 PEDESTRIAN WAYS.**

(A) *Where required.* Pedestrian ways shall be provided in all major subdivisions within the urban and suburban area of the town. If development characteristics warrant, the Zoning Administrator may waive this requirement for any portion of the proposed subdivision. Requests for such waivers shall be submitted along with written justification to the Zoning Administrator for approval.

(B) *Placement.* Paved pedestrian ways within publicly dedicated rights-of-way shall conform to the construction details for paved sidewalks contained in the town's road construction standards, Appendix A of Ordinance 2012-06, as amended. Unpaved, alternative surface walkways that are not within a right-of-way or drainage easement and bike trails or walking trails that are designed to connect neighborhoods and provide access to common areas may be provided when approved by the Zoning Administrator.

(Ord. 2012-06, § 8.10, passed 10-18-2012; Ord. 2013-06, passed 10-17-2013)

### **§ 153.312 STREET NAMES; STREET NAME SIGNS; ADDRESSES.**

(A) *Street names.* No street names shall be used that will duplicate or be confused with the names of existing streets. Street names proposed by the applicant shall be approved by the Zoning Administrator.

(B) *Street name signs.* Street name signs shall be installed by the development in accordance with the town's road construction standards in Appendix A of Ordinance 2012-06, as amended.

(C) *Effect of subdivision on existing addresses and/or street names.* The process of subdividing property and/or creating access to a lot(s) may affect the addresses on the subject property and/or adjacent properties and may affect the names of roads and/or easements. It is the responsibility of the applicant to ascertain from the Planning/Zoning Department and County Consolidated Dispatch Center (CDC) if the proposed subdivision will impact addresses or road/easement names and comply the following requirements prior to final plat approval.

(1) If the proposed subdivision will affect addresses on the subject property and/or adjacent properties, the applicant must submit affidavits signed by all owners of all affected properties stating they are aware of the pending address changes and understand that their addresses will be changed by the CDC following approval and recording of the proposed subdivision.

(2) If the proposed subdivision requires roads or easements to be named or renamed, the applicant must work with affected property owners to file a road name/name change petition, along

with a plat showing the proposed location of the road/easement to be named/renamed, with the CDC for review/approval. Upon approval of a name by the CDC, the applicant shall submit to the Planning/Zoning Department a revised plat showing the road/easement name in the location along with the road name/name change petition and CDC approval documentation. If such road naming/renaming results in the changing of address changes, the requirements of division (C)(1) above shall apply.

(Ord. 2012-06, § 8.11, passed 10-18-2012; Ord. 2013-06, passed 10-17-2013)

### **§ 153.313 UNDERGROUND UTILITIES AND SERVICES.**

All electrical, telephone, cable television, and similar distribution lines providing service to a development site should be installed underground.

(Ord. 2012-06, § 8.12, passed 10-18-2012; Ord. 2013-06, passed 10-17-2013)

### **§ 153.314 WATER SUPPLY AND SEWAGE DISPOSAL.**

In accordance with State Department of Health and Environmental Control (DHEC) regulations, all subdivisions shall be served by approved public water and sewer systems, (if accessible for connection), public water and sewer lateral connection are provided to each lot, or if in the opinion of DHEC, the public's health and the environment would best be protected by the installation of such systems. Where public sewer is not available, all new lots must meet minimum soil requirements established by DHEC for the installation of an individual on-site wastewater system. This provision shall not be interpreted to require that subdivisions be annexed in order to obtain public water or sewer service. All new lots created are to have a means of wastewater disposal, either by individual wastewater systems or physical sewer lateral connection to each lot.

(Ord. 2012-06, § 8.13, passed 10-18-2012; Ord. 2013-06, passed 10-17-2013)

### **§ 153.315 MAINTENANCE GUARANTEES.**

Street and storm water management/drainage systems that are to be dedicated to the town for public maintenance shall be under warranty for all defects and failures for a period of two years. Prior to final plat approval, the developer shall provide written verification of financial responsibility for the correction of any defects and/or failures in those related improvements that will be dedicated to the town. The warranty (minimum 10% of the construction costs) shall be in an amount satisfactory to the Public Works Director and effective for a period of two years from the date of acceptance by the Town Council. The financial warranty shall be in the form of a no-contest, irrevocable bank letter of credit, a performance and payment bond, underwritten by an acceptable state licensed corporate surety, or a cashier's check. Payment is subject to Town Attorney approval of the guarantee to determine that the interests of the town are fully protected, except when a cashier's check is utilized, opinion of counsel may be waived. The Public Works Director shall identify defects not considered to be a public safety issue and notify the developer of such defects. The developer shall then have 30 days to prepare a schedule of corrective actions and begin such corrective actions. If not completed within the approved schedule, the Public Works Director shall make the repairs and bill the bonding company. Public safety defects shall be addressed immediately by the Public Works Director, with reimbursement from the bonding company. The town is not required to accept for maintenance any road, street, or drainage element.

(Ord. 2012-06, § 8.14, passed 10-18-2012; Ord. 2013-06, passed 10-17-2013)

## DEVELOPMENT STANDARDS

### § 153.330 PURPOSE AND INTENT.

(A) The purpose of the regulations contained in this subchapter is to protect the public health, safety, and general welfare; to promote harmonious and orderly development and to foster civic beauty by improving the appearance, character, and economic value of civic, commercial, and industrial development within the town.

(B) The development standards are authorized for the following purposes, among others:

- (1) Implement the goals, objectives, and policies of the Town Comprehensive Plan;
- (2) Facilitate safe transportation, access, vehicular circulation, and parking;
- (3) Ensure the protection and preservation of natural resources, such as trees and wetlands;
- (4) Implement the use of vegetated buffers in order to mitigate the effects of incompatible adjacent uses, to provide transition between neighboring properties and streets, to moderate climatic effects, and to minimize noise and glare;
- (5) Implement basic architectural standards, right-of-way buffer standards, and sign standards that will promote attractive, well-designed development, foster balanced streetscapes, and reduce visual clutter along major roadways, thus enhancing safe traffic flow; and
- (6) Ensure protection from fire, flood, and other dangers, and furthering the public welfare in any regard specified by a local governing body.

(Ord. 2012-06, § 9.1, passed 10-18-2012; Ord. 2013-07, passed 10-17-2013)

### § 153.331 APPLICABILITY.

Unless expressly stated, the sections in this subchapter apply to development occurring on property within the town.

(Ord. 2012-06, § 9.2, passed 10-18-2012; Ord. 2013-07, passed 10-17-2013)

### § 153.332 OFF-STREET PARKING AND LOADING.

(A) *General.*

(1) *Applicability.*

(a) *New development.* The off-street parking and loading standards of this section apply to any new building constructed and to any new use established.

(b) *Expansions and alterations.* The off-street parking and loading standards of this section apply when an existing structure or use is expanded or enlarged. Additional off-street parking and loading spaces will be required only to serve the enlarged or expanded area, not the entire building or use, provided that, in all cases, the number of off-street parking and loading spaces provided for the entire use (pre-existing + expansion) must equal at least 75% of minimum ratio established in Off-Street Parking Schedule A in this section.

(2) *Timing of installation.* Required parking spaces and drives shall be ready for use and approved by the Zoning Administrator prior to issuance of a certificate of occupancy.

(3) *Reduction below minimums.*



(a) The Zoning Administrator shall be authorized to reduce the number of required parking spaces by no more than 10% when more than ten spaces are required with the following conditions:

1. The site can support the minimum required number of parking spaces and meet all development standards in this chapter including buffers and landscaping requirements; or
2. The reduction is necessary to meet the tree protection and preservation regulations contained in § 153.334 of this code.

(b) This allowable reduction excludes medical offices and restaurant uses. Any change in use that increases applicable off-street parking or loading requirements will be deemed a violation of this chapter unless parking and loading spaces are provided in accordance with the provisions of this section.

(B) *Off-Street Parking Schedule A*. Unless otherwise expressly allowed, off-street parking spaces shall be provided in accordance with the following table:

<b>Use Table</b>	<b>Number of Off-Street Parking Spaces Required (Minimum)</b>
<b>Use Table</b>	<b>Number of Off-Street Parking Spaces Required (Minimum)</b>
<b>RESIDENTIAL</b>	
Adult/child group home or residential care facility	1 per 3 beds, plus 1 per employee in single shift
Congregate living	1 per 3 beds
Farm labor housing (dormitory)	0.5 per bed
Multi-family	1.5 per 1-bedroom unit; 2 per 2-bedroom unit; 2.5 per 3-bedroom and larger units
Retirement housing	0.75 per 1-bedroom unit; 1 per 2-bedroom unit; 1.5 per 3-bedroom and larger units
Single-family: Detached and attached, including dwelling groups, duplexes, and manufactured housing units	2 per dwelling unit
<b>CIVIC/INSTITUTIONAL</b>	
Adult or child day care facilities	1 per employee plus 1 per 5 children/adults
Archives or museums	1 per 500 square feet of display area
Cemetery	1 per full time employee
College or university facility	1 per 100 square feet classroom plus 1 per 300 square feet office/administrative plus 1 per 3 beds
Community recreation	1 per 250 square feet of gross floor area
Convalescent services	1 per 5 beds
Counseling service	1 per 150 square feet
Court of law	1 per employee plus 1 per every 3 seats of seating available to the public in the courtroom
Health care related services:	1 per 200 square feet of gross floor area with a minimum of 4 spaces

Including home health agency, laboratory, outpatient services and rehabilitation facilities	
Historical sites, libraries	1 per 300 square feet
Hospital	1 per 2 beds plus 1 per 300 square feet of floor area of administrative and medical offices
Intermediate care facility for the mentally handicapped	1 per bed plus 1 per employee in single shift
Nature exhibition or botanical gardens	1 per employee in single shift plus 2 spaces per acre
Parks and recreation	1 per 5,000 square feet of land area plus outdoor recreation requirements
Personal improvement education	1 per every 3 students plus 1 per employee
Postal Service, United States	1 per 150 square feet of floor area
Pre-school or educational nursery	1 per employee in single shift plus 1 per 1,000 sf of classroom area
Public assembly:  Including conference centers, concert halls, religious assemblies, professional, labor or political organizations and social clubs or lodges	1 per 5 fixed seats or 1 per every 3 persons in structures with non-fixed seating of the maximum occupancy load as established by building code. The number of spaces required may be reduced a maximum of 50% if the assembly area is located within 500 feet of any public or commercial parking lot where sufficient spaces are available by parking agreement.
Railroad freight depot	1 per 2,400 square feet
Recycling collection, drop-off	1 per recycle collection container
Safety services	1 per 2 employees
School, primary	1 space for each vehicle owned and operated by the school plus two per employee (including faculty, administrative, and the like)
School, secondary	1 space for each vehicle owned and operated by the school plus two per employee (including faculty, administrative, and the like) plus 1 per 8 students
Utility service, major	1 space per employee plus 1 per stored vehicle
Utility service, minor	None
Zoo	10 plus 1 per employee in single shift
COMMERCIAL	
Agricultural sales/service	1 per 500 square feet of floor area plus 4 per acre outdoor sales/display/storage area
Banks and financial services	1 per 300 square feet of floor area, also see drive-through requirements
Bar or lounge	1 per 75 square feet indoor seating area plus 1 per 200 square feet outdoor seating area
Bed and breakfast	1 per guest room

Boat yard	1 per employee
Building materials or garden equipment and supplies retailers	1 per 200 square feet of floor area not including storage plus 1 per employee
Business or trade school	1 per 100 square feet classroom plus 1 per 300 square feet business/administrative office
Catering service	1 per 400 square feet of floor area
Charter boat or other recreational watercraft rental services	1 per rental boat or watercraft plus 1 per employee
Communication: Including data processing and publishing services	1 per 300 square feet of floor area
Construction tools, commercial or industrial equipment rental	1 per 250 square feet of floor area not including storage areas
Convenience store	1 per 200 square feet of floor area
Convention center or visitors bureau	4 per 1,000 square feet of floor area
Fishing or hunting guide service	5 per employee
Fishing or hunting lodge (commercial)	1 per visitor plus 1 per 5 members
Food sales and grocery stores	1 per 175 square feet
Funeral services	1 per 4 seats or 1 per employee, whichever is greater
Gasoline service station	1 per 200 square feet of gross floor area plus vehicle stacking spaces per division (H) of this section
Golf courses or country clubs	1 per employee plus 4 per golf green, plus 1 per 4 seats for accessory restaurant or bar use
Hair, nail, or skin care service	2 per employee or work station, whichever is greater
Heavy construction service, general contractor, or special trade contractors	1 per 400 square feet indoor floor area plus 4 spaces per acre outdoor storage/display/sales area
Heavy duty truck or commercial vehicle rental or leasing	1 per rental vehicle plus 1 per employee in single shift
Hotel-motel	1 per room plus spaces as required for associated restaurants, bars, and offices
Kennel	1 plus 1 per employee
Liquor sales, beer or wine sales	1 per 200 square feet of floor area
Marina	1 space per 200 square feet of office area plus 1 per 3 wet slips and 1 per 5 dry stack storage
Nonstore retailers	1 per employee plus 2 spaces for deliveries
Office, business/professional/administrative	1 per 300 square feet of floor area
Office, medical	1 per 150 square feet of floor area
Office, parole or probation	1 per employee plus 1 per 200 square feet of floor area
Office, resort real estate	1 per 200 square feet of floor area

Office/warehouse complex	1 per employee in shift plus 1 per 2000 square feet of office space
Outpatient clinic	1 per 200 square feet of floor area with a minimum of 4 spaces
Parking, lot or garage	1 per employee
Pawn shop	1 per 200 square feet of floor area
Personal improvement service	1 per 200 square feet of floor area
Pet stores, grooming salons, or small animal boarding	1 per 300 square feet of floor area
Recreational vehicle park or campground	1 per employee plus 1 per recreational vehicle and camp site
Recreation and entertainment, indoor	1 per 3 seats or 1 per 200 square feet of floor area, whichever is greater
Recreation and entertainment, outdoor	1 per 200 square feet of public activity area, plus:
	Athletic field: 15 spaces per diamond or field
	Basketball: 5 spaces per court
	Swimming pool: 1 per 200 square feet of water surface area
	Tennis: 2 spaces per court
Recreation or vacation camp	1 per employee plus 1 per camp vehicle or camp site
Repair service, consumer	1 per 300 square feet of floor area
Restaurant, fast-food	1 per 75 square feet indoor seating area plus 1 per 200 square feet outdoor seating area plus vehicle stacking spaces per division (H) of this section
Restaurant, fast-food (no inside seating)	1 per employee plus 1 per 200 square feet outdoor seating area plus vehicle stacking spaces per division (H) of this section
Restaurant, general	1 per 75 square feet indoor seating area plus 1 per 200 square feet outdoor seating area
Retail sales and service, general	1 per 300 square feet indoor floor area plus 5 spaces per acre outdoor storage/display/sales area
Rooming or boarding house	1 per guest room
Scrap and salvage service	1 per employee plus 2 per acre
Self-service storage/mini warehouse	3 spaces plus 1 space per employee and 1 space per 100 units
Services to buildings and dwellings	1 per employee plus 1 space for deliveries
Shopping center (mixed retail, office, food sales, restaurant)	1 space per 200 square feet
Stable (boarding or commercial for hire)	1 per 2 stalls
Truck stop	1 per employee plus truck space parking plus any parking required in this table when



	restaurant or motel is included
Vehicle parts, accessories, or tire stores	1 per 300 square feet of floor area (10 space minimum)
Vehicle repair, consumer	2 per employee or service bay
Vehicle sales or vehicle rental or leasing	1 per 2,500 square feet of display, 1 per 250 square feet indoor enclosed floor space
Vehicle storage	1 per 2 employees
Veterinary services	3 spaces per each veterinarian or allied professional
INDUSTRIAL	
Dry cleaning plant, carpet cleaning plant, or commercial laundry	1 per employee plus 1 per 3 washing/drying machines if provided for customer use
Manufacturing and production	1 per 400 square feet of office area plus 1 per 2 employees
Photo finishing laboratory	1 per 200 square feet of floor area
Repair service, commercial	1 per 400 square feet office area plus 1 per 2 employees
Warehouse and distribution facilities	1 per 300 square feet office area plus 1 per 600 square feet for first 12,000 square feet warehouse/storage area plus 1 per 900 square feet for remaining warehouse/storage area (over 12,000 square feet)
Wholesale sales	1 per 600 square feet for first 12,000 square feet plus 1 per 900 square feet for remaining area (over 12,000 square feet)
AGRICULTURAL AND OTHER USES	
Agricultural processing	1 per employee
Animal production	None
Aviation	1 space per 5 aircraft tie down or storage plus 1 space per 4 seats in waiting room areas
Commercial timber operations	None
Communications towers	None
Crop production	None
Horticulture, greenhouse or hydroponics production	1 per employee
Lumber mills, planing or saw mills	1 per employee plus 1 per commercial vehicle plus 1 per 400 square feet of floor area
Recycling center or waste related use	1 per employee
Resource extraction	1 per 2 employees
Roadside stands	3 per stand
Sightseeing transportation, land or water	1 per 2 seats of sightseeing vehicle
Taxi or limousine service	1 per employee plus one per vehicle that provides service
Urban transit service	1 per 100 square feet of public waiting area plus 1 per two employees and 1 per transit

	vehicle
Water transportation	1 per two seats of transportation vehicle plus 1 per employee

(C) *Rules for computing parking and loading requirements.* The following rules apply when computing off-street parking and loading requirements.

(1) *Multiple uses.* Lots containing more than one use must provide parking and loading in an amount equal to the total of the requirement for all use.

(2) *Fractions.* When measurements of the number of required spaces result in a fractional number, any fraction of one-half or less will be rounded down to the next lower whole number and any fraction of more than one-half will be rounded up to the next higher whole number.

(3) *Area measurements.* Unless otherwise expressly stated, all square-footage-based parking and loading standards must be computed on the basis of gross floor area. Storage areas or common areas incidental to the principal use shall be exempt from this measurement when the following conditions are met.

(a) The storage area or common area is a minimum of 250 square feet.

(b) The applicant has provided documentation that such areas will not be used as space for employees, customers, or residents.

(4) *Occupancy-based standards.* For the purpose of computing parking requirements based on employees, students, residents, or occupants, calculations shall be based on the largest number of persons working on any single shift, the maximum enrollment, or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.

(5) *Unlisted uses.* Upon receiving a development application for a use not specifically listed in an off-street parking schedule, the Zoning Administrator shall apply the off-street parking standard specified for the listed use that is deemed most similar to the proposed use or require parking spaced in accordance with a parking study prepared by the applicant.

(D) *Location of required parking.*

(1) *On-site parking.*

(a) Except as expressly stated in this division (D), all required off-street parking spaces must be located on the same lot as the principal use and shall be arranged and laid out so as to ensure that no parked or maneuvering vehicle will encroach upon a sidewalk, public right-of-way, or property line.

(b) Parking lots in office (O) and commercial (C) districts containing more than ten parking spaces shall be located to the side or rear of the principal structure's front facade or within a courtyard surrounded by a structure on at least three sides.

(2) *Off-site parking.*

(a) **OFF-SITE PARKING** is defined as the required parking not located on the parcel which the principal use is located. **SHARED PARKING** is parking for uses with different operating hours or peak business periods that share required off-street parking spaces. Shared parking may or may not be off-site parking. Off-site and shared parking are allowed provided they meet the following standards. If any one of the following applicable standards cannot be met, special exception approval shall be required.

(b) A maximum of 50% of the required parking spaces may be off-site, except for Civic/Institutional Uses that may have a maximum of 75% of the required parking spaces off-site;

however, off-site parking may not be used to satisfy the off-street parking standards for residential uses (except for guest parking), restaurants, convenience stores, or other convenience-oriented uses unless approved as part of a mixed use development. Required parking spaces reserved for persons with disabilities shall not be located off site.

1. Shared or off-site parking must be located within 600 feet from the primary entrance of the use served, unless shuttle bus service is provided to the remote parking area. Shared or off-site parking spaces may not be separated from the use that it serves they serve by a street right-of-way with a width of more than 80 feet, unless a grade-separated pedestrian walkway is provided, or other traffic control or shuttle bus service is provided to the remote parking area.

2. An applicant requesting shared parking shall submit a shared parking analysis to the Zoning Administrator that clearly demonstrates the feasibility of shared parking. The shared parking analysis must be approved by the Zoning Administrator and made available to the public. It must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces. Approvals will only pertain to the specific uses addressed in the analysis and any change in use(s) will require a new shared parking analysis.

3. Off-site parking areas serving uses located in nonresidential zoning districts must be located in nonresidential zoning districts. Off-site parking areas serving uses located in residential or agricultural zoning districts may be located in residential, agricultural, or nonresidential zoning districts.

4. In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement will be required. An attested copy of the agreement between the owners of record must be submitted to the Zoning Administrator for recording on forms made available in the Planning/Zoning Department. Recording of the agreement with the Register of Mesne Conveyance must take place before issuance of a zoning permit, building permit, or certificate of occupancy for any use to be served by the off-site parking area. An off-site parking agreement may be revoked only if all required off-site parking spaces will be provided in accordance with this section.

5. Shared parking areas must be connected by a continuous network of sidewalks and pedestrian crosswalks.

(E) *Accessible parking for physically disabled persons.* The parking standards of this section are intended to ensure compliance with the Americans with Disabilities Act (ADA), being 42 U.S.C. §§ 1201 et seq. A portion of the total number of required off-street parking spaces in each off-street parking area shall be specifically designated, located, and reserved for use by persons with physical disabilities.

(1) *Number of spaces.* The minimum number of accessible spaces to be provided shall be a portion of the total number of off-street parking spaces required, as determined by the following schedule. Parking spaces reserved for persons with disabilities shall be counted toward fulfilling off-street parking standards.

<b>Total Parking Spaces Provided</b>	<b>Minimum Number of Accessible Spaces</b>	<b>Minimum Number of Van-Accessible Spaces</b>	<b>Minimum Number of Car-Accessible Spaces</b>
<b>Total Parking Spaces Provided</b>	<b>Minimum Number of Accessible Spaces</b>	<b>Minimum Number of Van-Accessible Spaces</b>	<b>Minimum Number of Car-Accessible Spaces</b>
1 – 25	1	1	0
26 – 50	2	1	1

51 – 75	3	1	2
76 – 100	4	1	3
101 – 150	5	1	4
151 – 200	6	1	5
201 – 300	7	1	6
301 – 400	8	1	7
401 – 500	9	2	7
501 – 1,000	2% of total spaces	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces
Over 1,000	20 + 1 per each 100 spaces over 1,000		

(2) *Minimum dimensions.* All parking spaces reserved for persons with disabilities shall comply with the parking space dimension standards of this section, provided that access aisles shall be provided immediately abutting such spaces as follows:

(a) Car-accessible spaces shall have at least a five-foot wide access aisle located abutting the designated parking space; and

(b) Van-accessible spaces shall have at least an eight-foot wide access aisle located abutting the designated parking space.

(F) *Parking space and parking lot design.*

(1) *Parking lot design.* Dead end type of parking layouts that cause or contribute to poor vehicular circulation will not be allowed unless all other site configurations and parking options of the required number of parking spaces have been exhausted.

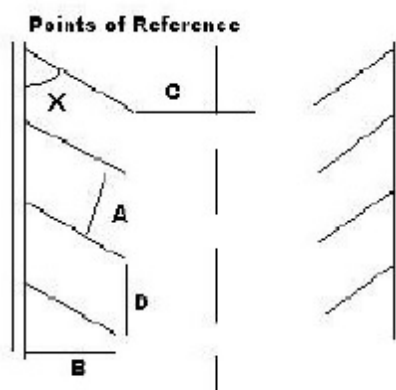
(2) *Aisle widths and parking space dimensions.* Drive aisle widths adjoining off-street parking spaces shall comply with the standards in the following table. Twenty percent of the minimum number of required parking for a development may utilize compact and sub-compact vehicle parking dimensions. These dimensions shall be a minimum of seven feet, six inches by 15 feet and clearly marked for compact vehicles only.

<b>X</b>	<b>Stall Width A</b>	<b>Stall Depth B</b>	<b>Aisle Width C</b>	<b>Skew Width D</b>
<b>X</b>	<b>Stall Width A</b>	<b>Stall Depth B</b>	<b>Aisle Width C</b>	<b>Skew Width D</b>
60 degrees	8 ft. 0 in.	19 ft. 7 in.	19 ft. 0 in.	9 ft. 3 in.
	8 ft. 6 in.	18 ft. 0 in.	18 ft. 0 in.	9 ft. 10 in.
	9 ft. 0 in.	17 ft. 0 in.	17 ft. 0 in.	10 ft. 5 in.
			One way	
45 degrees	8 ft. 0 in.	18 ft. 5 in.	12 ft. 0 in.	11 ft. 4 in.
	8 ft. 6 in.	18 ft. 8 in.	11 ft. 0 in.	12 ft. 0 in.
	9 ft. 0 in.	19 ft. 1 in.	11 ft. 0 in.	12 ft. 9 in.
			One way	
30 degrees	8 ft. 0 in.	15 ft. 11 in.	11 ft. 0 in.	16 ft. 0 in.
	8 ft. 6 in.	16 ft. 5 in.	10 ft. 0 in.	17 ft. 0 in.



	9 ft. 0 in.	16 ft. 10 in.	9 ft. 0 in.	18 ft. 0 in.
			One way	
0 degrees	8 ft. 0 in.	22 ft. 0 in.	11 ft. 0 in.	N/A
	8 ft. 6 in.	22 ft. 0 in.	11 ft. 6 in.	(Parallel)
	9 ft. 0 in.	23 ft. 0 in.	12 ft. 0 in.	
			One way	
90 degrees	8 ft. 0 in.	18 ft. 0 in.	23 ft. to 32 ft.	N/A
	8 ft. 6 in.	18 ft. 0 in.	25 ft. to 29 ft.	
	9 ft. 0 in.	18 ft. 0 in.	23 ft. to 22 ft.	
			Two way	

Note: Two-way drive aisles shall always require a minimum width of 23 feet.



(3) *Parking lot landscaping.* See § 153.335 of this code.

(4) *Markings.*

(a) In paved parking areas, each off-street parking space shall be identified by surface markings at least four inches in width. Markings shall be visible at all times. Such markings shall be arranged to provide for orderly and safe loading, unloading, parking, and storage of vehicles. In unpaved parking lots, all parking spaces must have a curb stop (minimum height of four inches) to delineate the location of the space and to prevent the encroachment of parking onto adjoining properties, rights-of-way, or landscaped areas.

(b) One-way and two-way accesses into required parking facilities shall be identified by directional arrows.

(c) Unpaved parking lots must have an all-weather surface, such as gravel, slag, or other pervious surface, not including asphalt shingles. Entrance and exit drives serving unpaved parking lots accessed from a paved street must be paved from the edge of the street pavement to a distance of 20 feet into the property. No more than 120% of the required number of off-street parking spaces may be paved and no more than 70% of all developable land within parcels may be paved, unless approved by the Zoning Administrator.

(5) *Access.*

(a) Required parking spaces shall not have direct access to a street or highway. Access to required parking spaces shall be provided by on-site driveways. Off-street parking spaces shall be accessible without backing into or otherwise re-entering a public right-of-way.

(b) Parking lot entrance and exit drive curb cuts will not be more than 30 feet in width. Entrances or exits which include a median strip to separate traffic flow in opposite directions may be expanded to 60 feet. Curb cuts shall be allowed in accordance with the following table:

<b><i>Length of Frontage</i></b>	<b><i>Maximum Number of Driveways</i></b>
250 feet or less	1 *
251 feet to 1,500 feet	2
1,500 feet or more	3
*On frontages of 250 feet or less, a pair of one-way driveways may be substituted only if the internal circulation on the site is compatible with the one-way driveways and wrong-way movements on the driveways are rendered impossible or extremely difficult for motorists. Refer to the State Department of Transportation's Access and Roadside Management Standards Manual for recommended spacing of driveways based on speed of traffic.	

(c) Entrance and exit drives shall be located at least 100 feet from the edge of the right-of-way of any street intersection. If the subject lot has less than 100 feet of frontage, the Zoning Administrator shall be authorized to alter these requirements. Suitable provisions will be made to prevent ingress or egress at other than designated entrance or exit drives.

(d) The Zoning Administrator shall be authorized to require that driveways providing access to dwelling units provide a minimum vertical clearance of up to 13-1/2 feet when deemed necessary to ensure emergency vehicle access.

(e) Shared access between parcels may be allowed with written agreement among all owners of record. An attested copy of the access agreement between the owners of record must be submitted to the Zoning Administrator for recording on forms made available in the Planning/Zoning Department. Recording of the agreement with the Register of Mesne Conveyance must take place before issuance of a zoning permit or certificate of occupancy for any use to be served by shared access. Any shared access must meet all dimensional requirements of this chapter and any applicable SCDOT requirements.

(G) *Use of required parking spaces.* Required off-street parking areas shall be used solely for the parking of licensed motor vehicles in operating condition. Required spaces may not be used for the display of goods for sale or lease, for motor vehicle repair or service work of any kind, or for long-term storage of vehicles, boats, motor homes, campers, manufactured housing units, or building materials.

(H) *Vehicle stacking areas.*

(1) *Minimum number of spaces.* Off-street stacking spaces shall be provided as follows:

<b><i>Activity Type</i></b>	<b><i>Minimum Spaces</i></b>	<b><i>Measured From</i></b>
<b><i>Activity Type</i></b>	<b><i>Minimum Spaces</i></b>	<b><i>Measured From</i></b>
Automated teller machine	3	Teller
Bank teller lane	4	Teller or window

Carwash stall, automatic	6	Entrance
Carwash stall, self-service	3	Entrance
Gasoline pump island	2	Pump island
Restaurant drive-through	6	Order box
Restaurant drive-through	4	Order box to pickup window
Other	Determined by Zoning Administrator	

(2) *Parking area design and layout.* Required stacking spaces are subject to the following design and layout standards.

(a) Stacking spaces must be a minimum of eight feet by 20 feet in size.

(b) Stacking spaces may not impede on or off-site traffic movements or movements into or out of off-street parking spaces.

(c) Stacking spaces must be separated from other internal driveways by raised medians if deemed necessary by the Public Works Director for traffic movement and safety.

(d) The Zoning Administrator may require pick-up and drop-off loop drives with sufficient vehicle stacking lanes to prevent vehicle backups into internal travel lanes and parking lots for school uses, adult and child day care facility uses, public assembly uses, and conference facility uses.

(I) *Off-street loading.*

(1) *Spaces required.* For every retail sales, service, wholesaling, warehousing, or manufacturing establishment and each bus or truck terminal, there shall be provided sufficient space to accommodate the maximum number of trucks that will be loading, unloading, or standing at any one time.

(2) *Size of space.* Each off-street loading space shall be of a size commensurate with the building to be accommodated. In no case shall required off-street loading space encroach upon off-street parking space required under this section.

(3) *Location.* All required off-street loading spaces shall be located on the same lot as the building which they are intended to serve.

(4) *Entrances and exits.* Off-street loading entrance and exit drives shall be located at least 25 feet from any street intersection.

(5) *Loading spaces adjacent to sidewalks.* Where a loading space is adjacent to a public sidewalk or other public pedestrian way, it shall be so located, arranged, and improved with curbs or other barriers, as to provide adequate protection for pedestrians.

(6) *Maneuvering areas.* All off-street loading spaces shall be provided with adequate off-street maneuvering areas.

(7) *Landscaping, buffers, and screening.* See § 153.335 of this code.

(J) *Bicycle parking.*

(1) *Purpose.* Bicycle parking encourages customers, employees, and other visitors to use bicycles by providing a convenient, safe and readily accessible place to park bicycles. Bicycle parking should serve the main entrance of a building and should be visible to pedestrians and bicyclists.

(2) *Rate of provision.* One bicycle parking space shall be required per every ten off-street required parking spaces, rounding bicycle parking spaces up when the number is not a multiple of

ten. (Six automobile parking spots required = one bicycle parking space: 12 automobile parking spots required = two bicycle parking spaces.)

(3) Standards. Required bicycle parking must meet the following standards:

(a) Location. Bicycle parking must be:

1. Outside a building; and within 50 feet of the main entrance to the building as measured along the most direct pedestrian access route, or no further from the building's main entrance than the closest automobile parking space, whichever is closer;
2. At the same grade as the sidewalk or at a location that can be reached by an accessible route; and
3. If required bicycle parking is not visible from the street or main building entrance, a sign must be posted at the main building entrance or in a highly visible and used location indicating the location of the parking.

(b) Design. Bicycle parking must meet the following standards:

1. Bicycle lockers. Where required bicycle parking is provided in lockers, the lockers must be securely anchored.
2. Required bicycle parking may be provided in floor, wall, or ceiling racks. Where required bicycle parking is provided in racks the racks must meet the following standards:
  - A. The bicycle frame and one wheel can be locked to the rack with a high security, U-shaped shackle lock if both wheels are left on the bicycle;
  - B. A space two feet by six feet must be provided for each required bicycle parking space, so that a bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components; and
  - C. The rack must be securely anchored and coated in a material that will not damage the bicycle.
3. Parking and maneuvering areas.
  - A. Each required bicycle parking space must be accessible without moving another bicycle;
  - B. There must be an aisle at least five feet wide in front and behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way; and
  - C. The area devoted to bicycle parking must be permeable hard surface.
4. Covered bicycle parking. Covered bicycle parking, as required by this section, can be provided inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures. Where required covered bicycle parking is not within a building or locker, the cover must be:
  - A. Permanent;
  - B. Designed to protect the bicycle from rainfall; and
  - C. At least seven feet above the floor or ground.
5. Lighting shall be provided for bicycle parking facilities so that the bicycle parking area is thoroughly visible and illuminated.



(Ord. 2012-06, §§ 9.3.1 through 9.3.9, passed 10-18-2012; Ord. 2013-07, passed 10-17-2013; Ord. 2020-01, passed 3-19-2020; Ord. 2022-03, passed 10-20-2022)

### **§ 153.333 PEDESTRIAN WAYS.**

#### **(A) *Where required.***

(1) Paved pedestrian ways shall be provided in all nonresidential development within the urban and suburban areas of the town; and

(2) Paved pedestrian ways shall link surrounding roadways with the front entrance and shall provide pedestrian linkages between the proposed development and uses on adjoining lots.

(B) *Placement.* Paved pedestrian ways within publicly dedicated rights-of-way shall conform to the construction details for paved sidewalks contained in Appendix A of Ordinance 2012-06, as amended. Alternative surface walkways may be used outside of rights-of-way when deemed appropriate to surrounding development characteristics by the Zoning Administrator.

(Ord. 2012-06, § 9.3.10, passed 10-18-2012; Ord. 2013-07, passed 10-17-2013)

### **§ 153.334 TREE PROTECTION AND PRESERVATION.**

#### **(A) *General.***

(1) *Findings.* Trees are an essential natural resource, an invaluable economic resource, and a priceless aesthetic resource. Trees play a critical role in purifying air and water, providing wildlife habitat, and enhancing natural drainage of storm water and sediment control. They also help conserve energy by providing shade and shield against noise and glare. Trees promote commerce and tourism by buffering different land uses and beautifying the landscape. The tree protection and preservation regulations of this section are intended to enhance the health, safety, and welfare of the citizens of the town.

#### **(2) *Applicability and exemptions.***

(a) *Applicability.* The provisions of this section in their entirety shall apply to all real property in the town, except as expressly exempted.

#### **(b) *Exemptions.***

1. Single-family detached residential lots of record shall be exempt from all provisions in this section except for the grand tree documentation, protection, and replacement provisions. This exemption does not include protected trees in major subdivisions or applications for major or minor subdivisions for which landscape buffers may be required per § 153.335(D).

2. The Zoning Administrator shall be authorized to modify or reduce the standards of this section for commercial nursery operations.

3. This section shall not restrict public utilities and electric suppliers from maintaining safe clearance around existing utility lines and existing easements in accordance with applicable state laws. Siting and construction of future and existing gas, telephone, communications, electrical line, or other easements shall not be exempt from any provisions of this section.

4. Removal of trees for the purpose of conducting bona fide forestry operations shall be exempt from the provisions of this section except for removal of live oak species of grand trees.

5. Removal of trees for the purpose of establishing bona fide agricultural uses, as specified in § 153.047(B)(1) of this code, shall be exempt from the provisions of this section except for the grand tree documentation, protection, and replacement provisions.

6. Removal of trees for the purposes of maintaining safe clearance for aircraft as required by federal law or the establishment of facilities exclusively dedicated to aviation operations on property owned or leased and in use by the County Aviation Authority will be exempt from the provisions of this section.

7. All invasive tree species as referred by Clemson Extension and the South Carolina Exotic Pest Plant Council shall be exempt from all provisions of this section.

(3) *Definition of tree removal.* For the purpose of this section, the term **TREE REMOVAL** shall include, but not be limited to, damage inflicted to the root system by machinery, girding, storage of materials and soil compaction, changing the natural grade above or below the root system or around the trunk; damage inflicted on the tree permitting fungus infection or pest infestation; excessive pruning; excessive thinning; paving with concrete, asphalt, or other impervious material within such proximity as to be harmful to the tree; or any act of malicious damage to a tree. Excessive pruning or thinning shall be pruning or thinning that exceeds more than 25% of the leaf surface on both the lateral branch and the overall foliage of a mature tree that is pruned within a growing season. Additionally, one-half of the foliage of a mature tree is to remain evenly distributed in the lower two-thirds of the crown and individual limbs upon completion of any pruning.

(4) *Measurements and definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CALIPER.** The diameter of a tree trunk measured six inches above the ground on trees with calipers of four inches or less. For trees between four inches and 12 inches caliper, the trunk is measured 12 inches above the ground.

**DIAMETER BREAST HEIGHT (DBH).** The **DIAMETER BREAST HEIGHT (DBH)** of a tree is the total diameter, in inches, of a tree trunk or trunks measured four and one-half feet above existing grade (at the base of the tree). In measuring **DBH**, the circumference of the tree shall be measured with a standard diameter meter, and the circumference shall be divided by 3.14. If a tree trunk splits at ground level and does not share a common base (separated by earth at natural base), then each trunk shall be measured as a separate tree. If a multi-trunk tree splits below the four and one-half foot mark, all trunks shall be measured separately added together and count as one tree. Any trunk measuring less than eight inches DBH is not included in the calculation.

**GRAND TREE.** Any species of tree measuring 24 inches or greater diameter breast height (DBH) except pine and sweet gum. All **GRAND TREES** are prohibited from removal unless a grand tree removal permit is issued.

**PROTECTED TREES.** Any tree on a parcel with a diameter breast height of eight inches or greater prior to development and all trees within required buffers or required landscape areas. Limited removal is allowed only when specified by the provisions of this chapter.

(B) *Administration.*

(1) *Zoning permit required.*

(a) *Tree removal.* Removal of required trees is prohibited prior to the issuance of a zoning permit by the Zoning Administrator. Zoning permits will be issued only after a tree plan is approved by the Zoning Administrator as outlined below.

(b) *Excess canopy (limb) removal.*

1. Removal of three or more limbs with an individual diameter of six inches or greater shall require a zoning permit.

2. Removal of any size limbs which contribute to more than 100 continuous linear feet of canopy over public roadways shall require variance approval from the Board of Zoning Appeals. This

requirement shall not preclude the SCDOT, CCPW, or other entities from maintaining height clearances of 14 feet or less and width clearances within designated travel ways and from removing unprotected trees along rights-of-way for road widening projects.

(2) *Documentation.* Tree plans, prepared by licensed registered surveyor, civil engineer, or landscape architect, shall be required on all non-exempt parcels before any permits are issued.

(C) *Tree plans and surveys.*

(1) *General.* Tree plans of the same scale as, and superimposed on, a development plan or preliminary plat shall include location, number, size (DBH or caliper), and species with a scaled graphic representation of each grand tree, canopy size and shape, and the trunk location. All required tree surveys shall include the name, address, signature, and seal of a licensed surveyor, landscape architect, or civil engineer registered in the state. The survey shall include all trees to be protected or preserved and those scheduled to be removed, including dead and damaged trees. In cases where a landscape architect, civil engineer, forester, or surveyor utilizes previously approved recorded plats prepared by surveyors for the purpose of showing a tree plan, the name, address, signature, and seal of the licensed landscape architect, civil engineer, forester, or surveyor registered in the state, who shall be responsible for the accuracy of the information provided, shall be included on the tree survey. A scaled infrared or high resolution black and white aerial photograph or print of equal quality may be substituted in cases where the Zoning Administrator determines that it would provide the same information as a tree plan. However, all grand trees within 40 feet of proposed construction and land disturbance areas and trees within required buffers must be surveyed and mapped.

(2) *Major and minor subdivisions preliminary plats.* Refer to § 153.305(B)(4), Preliminary plat application, in the subdivision regulations of this chapter.

(3) *Commercial, industrial, multi-family and major subdivisions.* All tree surveys must show the location, number, size, and species of all trees eight inches or greater DBH (diameter breast height), including those scheduled to be removed. When there are no trees eight inches or greater DBH, documentation of this fact shall be provided from a registered surveyor, engineer, or landscape architect.

COMMENTARY:

Assistance in tree identification and condition should be provided by a forester or qualified arborist.

(4) *Single-family detached residential parcels.* Single-family detached residential parcels shall show all grand trees within the area of construction and land disturbance and in conjunction with the subdivision regulations of this chapter at the time a zoning or building permit application is made.

(D) *Required tree protection.*

(1) *General.*

(a) All grand trees and any other trees required to remain on a site as outlined in this chapter must be protected during construction and development of the parcel. Tree protection must be shown on all development plans prior to site plan approval. A site inspection of the tree barricades must be scheduled by the applicant with the Planning/Zoning Department for approval prior to the issuance of permits or the start of development activities.

(b) Prior to commencement of development activities, a pre-construction planning conference for tree preservation shall be held on-site with the Zoning Administrator's representative, the applicants, and any parties deemed appropriate for the purpose of determining if there is a need for

additional tree protection techniques and for designating placement of tree barricades, construction employee parking, temporary construction office, and dumpster.

(2) *Tree protection during development and construction.* Protective barricades shall be placed around all required trees in or near development areas on all zoning parcels, including residential, as approved by the Zoning Administrator, prior to the start of development activities. These barricades, constructed of wood or plastic fencing or other approved materials, shall be erected in accordance with standards provided by the Zoning Administrator and placed beneath the canopy drip-line or 1.5 feet times the DBH of the tree. Other protective devices or construction techniques may be used as approved by the Zoning Administrator. The barricades shall remain in place until development activities are complete. The area within the protective barricade shall remain free of all building materials, dirt, fill, or other construction debris, vehicles, and development activities. All required trees are also subject to the provisions of § 153.335(F) of this code and subject to the enforcement criteria of § 153.375 through 153.383 and 153.999.

(3) *Partial exception for limited clearing.* Limited clearing and grubbing may be authorized by the Zoning Administrator prior to the installation of protective tree barricades on sites that exhibit unusually heavy undergrowth where access to the interior of the site and its protected trees would be otherwise highly impractical; if permitted, this clearing shall be done by hand with hand tools or gas powered push type or walk behind equipment designed for brush and undergrowth clearing. Under no circumstances will metal tracked bulldozers, loaders, or similar rider/operator types of equipment be allowed on the site until the protective barricades are erected and a zoning permit is issued.

(4) *Separation of trees from pavement, grading, and structures.* Paved areas shall be separated from trees by a minimum distance of the drip-line or one and one-half times the DBH or as modified by the Zoning Administrator as deemed necessary to protect the root system of the tree. Paved areas shall not constitute more than 25% of the protected area beneath a tree. Any paving, grading, trenching, or filling within the remaining 75% of the protected area must be approved by the Zoning Administrator and may require specific construction techniques be used in order to preserve the health of the tree. Refer to § 153.343 for examples. When grading and construction within the protected area of a tree has been approved, all damaged roots shall be severed clean and inspected by the Town Landscape Architect or Inspector prior to the receipt of a zoning permit.

(5) *Quantity and location of trees to be protected.*

(a) Before the issuance of a zoning permit for commercial, industrial, multi-family, civic/institutional uses and major subdivisions, the following number of trees with a diameter breast height of eight inches or greater shall be preserved and protected in accordance with the provisions of division (D)(2) above. All trees located within required buffers as outlined in § 153.335.

1. Twenty trees per acre; or
2. Any number of trees with a combined diameter breast height of at least 160 inches per acre.

(b) Required drainage improvements such as detention and retention ponds and wetlands may be subtracted from the area used to calculate tree preservation requirements.

(E) *Tree removal.*

(1) *Generally.* Permits for tree removal may be approved where one or more of the following conditions are deemed to exist by the Zoning Administrator:

- (a) Trees are not required to be retained by the provisions of this section;
- (b) Trees are diseased, dead, or dying (as determined by the Zoning Administrator or a qualified arborist);



(c) Trees pose a safety hazard to nearby buildings or pedestrian or vehicular traffic (as determined by the Zoning Administrator or a qualified arborist); and/or

(d) Removal of grand trees has been approved by the Board of Zoning Appeals.

(e) The location and configuration of protected trees required by this section create an unreasonable burden on the use of the parcel and protected trees removed will be replaced and/or mitigated according to a schedule determined by the Zoning Administrator.

(2) *Variances.* Grand trees that do not meet the above criteria may be removed only where approved by the Board of Zoning Appeals, and shall be replaced according to a schedule determined by the Zoning Administrator.

(3) *Emergency provisions.* In the event that a tree poses a serious and imminent threat to public safety due to death, disease, or damage resulting from emergencies including, but not limited to, fires, flooding, storms, and natural disasters, the Zoning Administrator may waive requirements of this section. Documentation must later be submitted for review outlining the threat to public safety which initiated the removal. Documentation must include any written findings by a qualified arborist and photographs supporting the tree removal emergency. The Zoning Administrator may require replacement of required trees that are removed where it is determined that death or disease resulted from negligence.

(4) *Violations and penalties.* Violations and penalties are specified in §§ 153.375 through 153.383 and 153.999 of this code.

(F) *Tree replacement.*

(1) *Generally.* Tree replacement shall be required accompanying development on all non-exempt properties in the manner described below.

(a) When replacement canopy trees are required in fulfillment on the requirements of this section, they shall be no smaller than two inches caliper.

(b) The Zoning Administrator is empowered to require trees of larger caliper as determined appropriate for site-specific conditions and the circumstances, lawful or illegal, under which removal occurred.

(2) *Protected trees removed in violation.* When trees of eight inches DBH or greater have been removed in violation of this chapter, the trees shall be replaced and/or mitigated according to a replacement schedule approved by the Zoning Administrator.

(3) *Sites with less than 160 inches per acre combined DBH.* When lots lack a sufficient number of trees to meet the requirement for DBH/number of trees per acre, all trees six inches DBH or greater shall be preserved and protected in accordance with division (D)(2) above during development and must equal no less than 40 inches per acre combined DBH. On lots with less than 40 inches per acre combined DBH, additional trees shall be planted on the lot equaling or exceeding 40 inches per acre combined DBH. Planting schedules shall be approved by the Zoning Administrator.

(4) *Previously cleared sites.* Where sites were completely cleared of trees prior to adoption of this section or have been cleared subsequently for activities exempted from this section, replacement trees shall be planted, the combined caliper of which equals or exceeds 40 inches per acre. Replacement schedules, including number, species, caliper, and placement shall be approved by the Zoning Administrator.

(5) *Tree Fund.* The Tree Fund is a fund established to receive monies exacted from tree removal violations fines to include, but not limited to, removal, damage, destruction, or as defined in division (A)(4) above, and as a form of mitigation when planting of the required trees is determined to be detrimental to the overall health of existing trees or impractical for the intended site design. The

Zoning Administrator shall impose a tree mitigation fee based on the current market retail value of two- to three-inch caliper trees installed to the American Association of Nurserymen Standards. If the applicant disagrees with the amount of the tree mitigation fee imposed, he or she may file appeal with the Board of Zoning Appeals in accordance with the provisions contained in this chapter. All tree mitigation fees collected shall be paid to the town and placed in an account established for public beautification through the planting and maintenance of trees on James Island.

(6) *Bankruptcy or abandonment of site.* When trees have been removed through an approved mitigation program and the project will not be completed for any reason, i.e., bankruptcy, abandonment, change in ownership, and the like, the owners of the subject property are responsible for the mitigation of the removed trees as outlined and agreed or subject to division (F)(5) above.

(Ord. 2012-06, § 9.4, passed 10-18-2012; Ord. 2013-07, passed 10-17-2013; Ord. 2014-08, passed 8-21-2014; Ord. 2014-12, passed 11-20-2014; Ord. 2016-01, passed 4-21-2016; Ord. 2016-06, passed 7-21-2016)

### **§ 153.335 LANDSCAPING, SCREENING, AND BUFFERS.**

(A) *Applicability.* Unless expressly exempted, the landscaping, screening, and buffering standards of this section shall apply to all nonresidential development and all new major roadways that serve residential major subdivisions (four or more lots). Minor subdivisions (those with fewer than ten lots) may be required to provide landscaping, screening, or buffering on major roadways when the Zoning Administrator determines that such landscaping, screening, or buffering is necessary to ensure that the purposes of this chapter are met. When modifications or additions are being made to an existing nonresidential building or site, the standards of this section shall apply to those portions of the subject parcel that are directly affected by the proposed improvements as determined by the Zoning Administrator, provided that when modifications or additions are proposed that would increase the number of parking spaces, the area of vehicular use areas or gross floor area of buildings by more than 25% (above existing), then the entire parcel shall be brought into compliance with all applicable standards of this section. Before calculating the percentage of area for re-development and improvement, any proposed demolition of structures and parking is subtracted from the existing gross floor area of buildings and number of parking spaces.

(B) *Exhibits.* Drawings included as exhibits § 153.343 are meant to compliment the language of the chapter. In the event of a conflict with the text of the chapter, the text shall apply.

(C) *Parking, loading, and vehicular use area landscaping.*

(1) *Parking, loading, and vehicular area perimeters.* Unless otherwise expressly stated, perimeter landscaping shall be required around the outer perimeter of all off-street, surface parking, loading, and vehicular use areas. Parking areas for the exclusive use of single-family or agricultural uses shall be exempt from these requirements. Any off-street parking, loading, or vehicular use area that will be entirely screened from view by an intervening building or structure or by a buffer provided to satisfy the standards of this subchapter shall also be exempt from these (parking, loading, and vehicular use area) perimeter landscaping requirements.

(a) A perimeter landscape area at least eight feet in depth shall be provided at the perimeter of all off-street parking, loading, and vehicular use areas, except when permitted driveway openings are to be provided. Where drainage or other utility easements exist along property lines, the perimeter landscape area shall be located adjacent to the easement.

(b) Required perimeter landscape areas shall be planted in accordance with the following minimum standards:

1. One canopy tree shall be provided for each 50 linear feet of parking, loading, or vehicular use area perimeter. These trees may be used to satisfy the interior parking lot landscaping requirements;

2. A hedge or other landscape material of at least three feet in height, at maturity, shall be planted within the perimeter landscape area to provide a continuous landscape element or a combination of trees, hedge, other durable landscape material or approved wall, fence, or earth berm may be used to form the continuous landscape element;

3. All portions of the perimeter landscape area not planted with shrubs or trees or covered by a wall or fence barrier shall be planted in grass or ground cover; and

4. Parked vehicles may overhang a landscaped area if curbing or wheel stops are installed to prevent any damage to plants within the required perimeter landscape area. Landscaping, walls, fences, and earth berms will be so located as to prevent their damage and/or destruction by overhanging vehicles.

(2) *Interior areas.* The following interior parking lot landscaping requirements shall apply to all parking lots except those exclusively serving single- family residential or agricultural uses:

(a) A minimum of one landscape island shall be provided for each ten parking spaces within an off-street parking area. Required landscape islands shall have a minimum of 325 square feet, variably dependent upon the species of the canopy tree proposed by the designer. Each parking lot bay must terminate with a tree island.

(b) Each required landscaping island shall contain at least one canopy tree and there shall be no more than ten parking spaces in a row between tree islands. Interior parking landscape islands that separate double loaded parking bays shall be a minimum of nine feet wide. Canopy trees planted in these islands must be planted in line with the parking stripes (between vehicles) and may be used to satisfy the parking lot tree requirements; however, all parking lot bays must terminate with a tree island. Example shown in § 153.343.

(c) Curbs, wheel stops, or other approved protective barriers shall be installed around all required landscape islands, as approved the Zoning Administrator.

(d) Landscaping provided to meet the right-of-way buffer standards of division (D) below may not be used to satisfy interior parking lot landscaping requirements. Canopy trees provided to meet perimeter adjacent use buffer landscaping requirements may be counted to satisfy interior parking lot landscaping requirements.

(D) *Landscape buffers.*

(1) *Right-of-way buffers.*

(a) *Applicability.* Right-of-way buffers shall be required adjacent to road rights-of-way for all uses except for the agricultural and existing residential uses. Minor subdivisions may not have to comply with the requirements of this section if the Zoning Administrator determines that compliance is not necessary to satisfy the purposes of this chapter.

(b) *Buffer reductions.* The Zoning Administrator shall be authorized to reduce the depth of a required right-of-way buffer as follows:

1. *General.* A required right-of- way buffer may be reduced by up to one-third its depth when the following circumstances exist:

a. The parcel is located on a corner lot with required right-of-way buffers of 35 feet or more; or

b. The area of all the required buffers, including land use buffers and tree protection area, exceeds 30% of the site.

2. *Folly Road.* A required right- of-way buffer not located within the Folly Road Overlay District may be reduced as follows.

a. When no parking or vehicular use area is located between the building and the right-of-way, the required buffer may be reduced to no less than eight feet (type A land use buffer) provided there is a direct connection with the street and the front entrance with a pedestrian way.

b. When no more than ten parking spaces are located between the building and the right-of-way, the required buffer may be reduced to no less than 15 feet (S2 buffer) provided there is a direct connection with the street and the front entrance with a pedestrian way.

c. Buffers required on parcels that are part of redevelopment that preserves existing structures may be reduced up to a depth no less than ten feet (type A land use buffer) in order to meet the parking and tree preservation requirements of this chapter.

(c) *Buffer types by roadway.* Landscape buffers shall be required along roadways in accordance with the following table. Streets and roads not indicated in the table shall comply with the S2 buffer requirements. This division (D) describes buffer types and planting requirements.

(d) *Development within buffer areas.*

1. No development may occur within required buffer areas; with the exception of sidewalks, bus stops, and permitted drives and signs;

2. All buffer areas shall accommodate required plant material within the buffer;

3. Drainage swales and stormwater detention ponds may be placed in the buffer only when trees are not endangered and only when they meander through the buffer in a natural manner; and

4. Stormwater detention ponds may not occupy more than 25% of the buffer area.

<b>Roadway Buffer</b>	<b>Type</b>
<b>Roadway Buffer</b>	<b>Type</b>
Central Park Road	S3
Folly Road	S3
Fort Johnson Road <sup>[1]</sup>	S4
Grimball Road (Folly Road to Riverland Drive)	S3
Harborview Road	S1
James Island Connector	S4
Maybank Highway (James Island)	S1
Riverland Drive <sup>[1]</sup>	S4
[1] Denotes scenic road designation that shall require protection under the provisions of this chapter of all trees six inches or greater in diameter breast height (DBH) which are located within rights-of-way.	

(e) *Buffer depth and planting standards.*

<b>Standard</b>	<b>Buffer Type</b>					
	<b>S1</b>	<b>S2</b>	<b>S3</b>	<b>S4</b>	<b>S5</b>	<b>S6</b>
<b>Standard</b>	<b>Buffer Type</b>					
	<b>S1</b>	<b>S2</b>	<b>S3</b>	<b>S4</b>	<b>S5</b>	<b>S6</b>



Min. buffer depth (feet from right-of-way) [1]	15	20	25	50	75	200
Min. buffer landscaping (plants per 100 linear feet) [2] [3]						
Canopy trees [4]	2	2	3	6	9	21
Shrubs	30	35	40	50	60	75
Street trees (may be counted toward canopy tree req.)	2	2	2	2	2	NA
Understory trees (at least 50% evergreen)	3	4	5	9	12	20
All trees with a diameter breast height (DBH) of six inches or greater within buffers shall be preserved.						
[1] Buffers may be traversed by permitted driveways and pedestrian ways.						
[2] The retention of natural buffers shall be required along designated scenic roadways and encouraged along all other roadways. The Zoning Administrator shall be authorized to waive/modify minimum buffer planting requirements when an undisturbed natural buffer exists that is the same depth as that which is required.						
[3] Bradford pears cannot be used to fulfill any of the tree requirements of this chapter. Any exotic species which are proposed by the designer are subject to the approval of the Zoning Administrator.						
[4] When existing overhead utility lines are located such that they may pose interference with required canopy trees, Palmetto trees may be substituted to fulfill the canopy tree requirement. These trees are to be planted at a ratio of three Palmetto trees to one canopy tree and are to be planted in groupings of three.						
Note: The Zoning Administrator shall be authorized to require the installation of berms within required buffers where deemed necessary to protect the visual quality of a road corridor or ensure land use compatibility.						

## (2) *Land use buffers.*

### (a) *Applicability.*

1. Land use buffers shall be provided in accordance with the standards of this section, provided that the Zoning Administrator shall be authorized to modify or waive buffer or landscape planting requirements if it is determined that:

- Buffers will not serve any useful purpose due to the fact that fences, walls, berms, or landscaping of at least equivalent height, opacity, and maintenance already exist on the adjacent parcel;
- Buffers will not serve any useful purpose due to the location of uses, vehicles, buildings, structures, or storage, loading, display, or service areas; or
- The area of required buffers would exceed 25% of the site proposed for development.

2. When landscape buffer requirements are modified or waived, the Zoning Administrator may require that additional plant material be added within remaining buffers or elsewhere on the site.

(b) *Exemptions.* Single-family development on individual lots shall be exempt from the land use buffer requirements of this section.

(c) *Determination of required buffers.* The following procedure shall be used in determining which of the buffer types in the land use buffer table in division (D)(2)(d) below apply:

1. Determine the type of use proposed for the site that is being developed. This is the “proposed use” (column 1);
2. Determine the residential use type that exists on the adjacent parcel (if residential) or the zoning district classification that applies to the adjacent parcel. This is the “adjacent site’s use or zoning;”
3. Identify the type of landscape buffer required along the developing site’s boundary (A, B, C, D, E, or F); and
4. Refer to division (D)(2)(e) below to identify the buffer depth and landscaping standards for the required buffer type.

(d) *Land use buffer table.* Land use buffers shall be provided alongside and rear yards in accordance with the following minimum requirements.

<b>Proposed Use</b>	<b>Use or Zoning of Adjacent Site</b>									
	<b>Residential Type</b>			<b>Zoning District</b>						<b>Agricultural Use</b>
	<b>1</b>	<b>2</b>	<b>3</b>	<b>R<sup>[1]</sup></b>	<b>OR</b>	<b>OG</b>	<b>CN</b>	<b>CC</b>	<b>I</b>	
<b>Proposed Use</b>	<b>Use or Zoning of Adjacent Site</b>									
	<b>Residential Type</b>			<b>Zoning District</b>						<b>Agricultural Use</b>
	<b>1</b>	<b>2</b>	<b>3</b>	<b>R<sup>[1]</sup></b>	<b>OR</b>	<b>OG</b>	<b>CN</b>	<b>CC</b>	<b>I</b>	
Residential Type 1	-	A	B	-	A	B	B	C	D	F
Residential Type 2	A	-	A	-	A	B	B	C	D	F
Residential Type 3	B	A	-	-	A	A	B	C	D	F
Civic/Institutional	B	B	A	A	-	-	-	-	-	-
Commercial Type 1	B	B	B	B	-	-	-	-	-	-
Commercial Type 2	C	C	C	C	C	B	B	-	-	-
Industrial Type 1	E	E	D	D	D	D	C	B	-	-
Industrial Type 2	F	F	F	F	E	E	D	C	A	-
[1] Applies to undeveloped (vacant) R and AGR zoned property.										
Residential use types: Type 1 = single-family detached; Type 2 = duplex and single-family attached; Type 3 = multi-family and all other residential use types, including manufactured housing parks.										
Commercial use types: Type 1 = any commercial use allowed by right in an OR, OG, or CN District; Type 2 = all other commercial uses that are allowed in Commercial (C) Zoning Districts (Commercial uses are those listed in the “commercial” rows of Use Table 153.110).										
Industrial use types: Type 1 = any industrial or commercial use that is first allowed in an Industrial (I) Zoning District; Type 2 = waste-related uses, resource extraction uses, and recycling centers.										

(e) *Buffer depth and landscaping standards.*

<b>Standard</b>	<b>Buffer Type</b>					
	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
<b>Standard</b>	<b>Buffer Type</b>					
	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
Min. buffer depth (feet from property line)	10	15	25	40	60	100
Minimum land use buffer landscaping (plants per 100 linear feet) [1] [2]						
Canopy trees	2	3	3	5	7	9
Shrubs	20	20	25	30	40	50
Understory trees (at least 50% evergreen)	3	4	4	7	9	11
[1] The Zoning Administrator shall be authorized to require the installation of fences, walls, or berms within required buffers where deemed necessary to ensure land use compatibility or otherwise protect the visual quality of an area.						
[2] All trees with a diameter breast height (DBH) eight inches or greater within buffers shall be preserved.						

(3) *General.*

(a) *Location of buffers.* Buffers shall be located along the perimeter of a lot or parcel and shall extend to the boundary of the lot or parcel. They shall not be located on any portion of public right-of-way. Where drainage or other utility easements exist along property lines, required landscape buffers shall be located adjacent to the easement and may be reduced in width by the width of the easement, but in no case shall the buffer be less than ten feet. Required buffers shall be noted on all plats, plans, and permit requests submitted for review and approval under this chapter.

(b) *Use of buffers.* The Zoning Administrator shall be authorized to allow on-premises signs, fences, walls, berms, mailboxes, access to community boat ramps, permitted driveways, and sidewalks within required buffers. Other improvements maybe allowed within buffers if the Zoning Administrator determines that such improvements will not detract from the intended purpose and function of the buffer or have any adverse effect on adjacent property.

(c) *Plant material within buffers.* Plant material within required buffers shall be selected and spaced properly to allow plant material to thrive considering site specific conditions. Plant material to be located adjacent to public drainage easements and rights-of-way shall be selected and placed to not create future access or maintenance impediments including low lying lateral branches. Additionally, plant material within required buffers that contain utility easements shall be selected and sited to minimize pruning for future maintenance and clearance of such utilities. The Zoning Administrator must approve all selections and may require modifications (substitutions and relocation) of plant material on proposed landscape plans when necessary to ensure access and ease of maintenance to any easements and rights-of-way and to preserve the public health, safety, and welfare.

(E) *Landscape plans.* Landscape and planting plans submitted to meet the requirements of the chapter are to be drawn to the same scale as the site plan depicting proposed shrubs and trees at maturity. It is strongly encouraged that all landscape plans be prepared by a licensed registered landscape architect or landscape designer familiar with the growth habits and characteristics of plant material available in the town's area. Landscape plans shall be prepared by a licensed, registered landscape architect whenever the area of land disturbance or

development activity exceeds one acre or when the total area of proposed building footprint exceeds 5,000 square feet.

(F) *Landscape material standards.* Landscape and plant material used to satisfy the standards of this chapter shall comply with the minimum standards of this section.

(1) *Plant material.*

(a) *Existing plant material.* Vegetation and plant material that exists on a parcel prior to its development may be used to satisfy the landscaping standards of this division (F) provided that it meets the size and locational requirements of this section.

(b) *Size.* Unless otherwise expressly stated, all plant materials used to satisfy the requirements of this chapter shall meet the following minimum size standards:

<i>Plant Type</i>	<i>Minimum Size</i>
Canopy tree	2-1/2 inches caliper and 12 feet in height
Evergreen/conifer tree	5 feet (height)
Shrubs	3 gallon and 18 to 24 inches in height or spread
Understory/ ornamental trees	8 feet (height)
Note: At least 50% of required understory trees shall be evergreens. Any plant material that grows to an ultimate height of less than 18 inches shall be considered a groundcover and cannot be used to fulfill any of the shrub requirements of this chapter.	

(c) *Species.* Species of plant material used to satisfy the requirements of this section shall be indigenous to the town's area or are cultivated to survive in the climate of this area. No single plant species shall represent more than 40% of total landscape plantings, except for projects whose landscape requirements for canopy trees are lower than ten.

(d) *Quality.* Plants installed to satisfy the requirements of this division (F) shall meet or exceed the plant quality standards of the most recent edition of American Standard for Nursery Stock, published by the American Association of Nurserymen. Plants shall be nursery-grown and balled and burlapped or container-grown.

(e) *Additional landscape treatment.* All required landscape areas, including drainage ways and detention/retention ponds, and buffers not dedicated to trees, shrubs, or preservation of existing vegetation shall be landscaped with grass, ground cover, or other landscape treatment, not including sand, rock, or pavement. All grass areas are to be installed using proper and accepted landscape methods to ensure germination and erosion control.

(2) *Berms and landscape structures.* Berms and landscape structures shall comply with the following minimum standards:

(a) *Fences and walls.* Fences and walls used as a screen shall be at least 95% opaque with a minimum height of six feet.



(b) *Berms.* Earthen berms shall have a minimum height of three feet with a slope not to exceed 3:1, variable dependent upon the plant materials and soil type used. The toe of any berm shall be located at least three feet from the ultimate right-of-way or property line.

(G) *Installation, maintenance, and replacement.*

(1) *Installation.* All landscaping shall be installed according to American Association of Nurserymen Standards and sound nursery practices in a manner designed to encourage vigorous growth. Site for plant material shall be repaired or improved in accordance with American Association of Nurserymen Standards for soil preparation and drainage. Subsurface drainage shall be provided where berms, elevated planting areas, or other suitable means for providing proper drainage do not exist.

(2) *Irrigation.* The Zoning Administrator shall be authorized to require the installation of automatic irrigation (sprinkler) systems when deemed necessary to ensure plant survival and proper growth.

(3) *Maintenance and replacement.* Required trees, shrubs, walls, and other landscape features shall be considered as elements of the project in the same manner as parking, building materials, and other details are elements of the plan.

(a) The land owner or successors in interest shall be jointly and severally responsible for the following:

1. Regular maintenance of all landscaping in good condition and in a way that presents a healthy, neat, and orderly appearance. All landscaping shall be maintained free from disease, pests, weeds, and litter. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching, or other maintenance, as needed and in accordance with acceptable horticultural practices, including ANSI Standards for Tree Care Operations and American Association of Nurserymen Standards;

2. The repair or replacement of required landscape structures (e.g., fences) to a structurally sound condition;

3. The regular maintenance, repair, or replacement, where necessary, of any landscaping required by this section; and

4. Continuous maintenance of the site as a whole.

(b) When replacement of trees, plant material, or other landscape features is required, such replacement shall be accomplished within one growing season, one year or such time-frame as required by the Zoning Administrator, whichever is shorter.

(Ord. 2012-06, § 9.5, passed 10-18-2012; Ord. 2013-07, passed 10-17-2013)

## **§ 153.336 ARCHITECTURAL AND LANDSCAPE DESIGN GUIDELINES.**

(A) *Purpose.* The purpose of these standards is to promote attractive, well-designed development that is built to human scale; to promote and protect the appearance, character, and economic value of new development; to encourage creativity in new development (as opposed to homogeneity or “look-alike” projects); and to foster attractive streetscapes and pedestrian environments, while accommodating safe vehicular movements and access.

(B) *Applicability.* These standards shall apply to all developments that are subject to site plan review (see § 153.046).

(C) *Architectural design guidelines.* The intent of the architectural design guidelines is to ensure respect for the character, integrity, and quality of the built and natural environments of the town; it is not intended to stifle innovative architecture. The following criteria shall be used in evaluating applications:

(1) *General design.*

(a) Single, large building masses shall be avoided. Structures with walls of more than 1,500 square feet shall incorporate fascias, canopies, arcades, building setbacks of three feet or more, or other multi-dimensional design features to break up large wall surfaces on their street-facing elevations. Wall structures shall be visually divided by such features into areas of 750 square feet or less.

(b) All elevations of a structure shall be in harmony, one with another, in terms of scale, proportion, detail, material, color, and high design quality.

(c) The side and rear elevations of buildings shall be as visually attractive as the front elevation, especially where those side or rear elevations are most often viewed by the public. Rooflines and architectural detailing shall present a consistency in quality design.

(d) All structures within a proposed development, including gasoline canopies, shall utilize a uniform architectural theme and shall be designed to create a harmonious whole. It is not to be inferred that buildings must look alike to achieve a harmony of style. Harmony of style can be created through property considerations of scale, proportion, detail, materials, color, site planning, and landscaping.

(e) The scale of buildings and accessory structures, including canopies, shall be appropriate to the scale of structures located in the surrounding area. Canopies designed as domineering or overpowering architectural features are strongly discouraged.

(f) Long, monotonous facade design, including, but not limited to, those characterized by unrelieved repetition of shape or form or by unbroken extension of line, shall not be permitted.

(g) The architectural design and material finish of buildings, signage, gasoline pump canopies, and other necessary structures shall be compatible with one another and with adjacent and surrounding structures where such structures are substantially in compliance with these requirements.

(h) Structures which are of symbolic design for reasons of advertising shall not be permitted. A symbol or symbols attached to a building shall not be allowed unless it is secondary in appearance to the structure and landscape and is an aesthetic asset to the building and surrounding area.

(i) The location and dimension of wall signs shall be indicated upon the architectural elevations of proposed structures and shall maintain compatibility with the architectural features of the structure.

(2) *Building materials.*

(a) Concrete finishes or pre-cast concrete panels (tilt wall) that are not exposed aggregate, hammered, sandblasted, or covered with a cement-based acrylic coating shall be prohibited as an exterior building material along any building elevation visible from public rights-of-way.

(b) Unpainted or bare metal panels, regardless of depth or thickness, shall be prohibited as an exterior building material.

(c) Corrugated or sheet metal, except stainless steel, copper, or galvanized metal shall be prohibited as an exterior building material along any building elevation visible from public rights-of-way.

(d) Mirrored glass with a reflectance greater than 40% shall be prohibited from covering more than 40% of the exterior walls of any building.

(e) Materials shall express their function clearly and honestly and shall not appear as materials which are foreign to the character of the rest of the building.

(f) Any building exterior elevation shall consist of architectural materials which are equal in quality, appearance, and detail to all other exterior elevations of the same structure. Nothing in this section shall preclude the use of different materials on different exterior elevations of the same structure so long as those materials maintain the architectural unity and integrity of the entire structure.

(g) Shingles, metal standing seam, tile, or other roofing materials with similar appropriate texture and appearance shall be utilized. Flat roofs will not be discouraged where they are appropriate to the design theme of a structure.

(3) *Building color.*

(a) Color shades shall be used to unify the development.

(b) Color combinations of paints shall be complimentary. In no case shall garish colors be permitted. In general, no more than three different colors per building shall be allowed.

(4) *Multiple building developments.* Each individual building within a development shall feature predominant characteristics including, but not limited to, consistent rooflines, use of compatible proportions in building mass and outdoor spaced, complementary relationships to the street, similar window and door patterns, and the use of complimentary building materials in terms of color, shades, and textures. Monotony of identically designed multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. The use of different textures, shadow lines, and contrasting shapes may also be used to provide visual interest.

(5) *Building orientation.*

(a) *Facades and entries.* To the maximum extent feasible, primary facades and entries should face the adjacent street or a connecting walkway with a direct pedestrian connection to the street without requiring pedestrians to walk through parking lots or cross driveways.

(b) *Views.* Where it is reasonably practical, proposed structures shall not impede scenic rural views from the main road, from existing structures, or from natural settings.

(c) *Loading areas.* Structures shall be oriented so that loading areas are in no manner visible from residential districts, from existing rights-of-way, or from planned future public rights-of-way. Loading areas may be oriented toward adjoining developed properties which are commercially zoned or toward adjoining properties eligible for future commercial development if and only if they are entirely screened from view by the use of fencing which is compatible with the overall architectural scheme of the project and/or are appropriately landscaped.

(d) *Corners.* All corner developments shall have buildings located close to the corner with majority of parking to the side and rear.

(e) *Siting.* All buildings shall be sited so that a direct relationship with the primary street is established. The architecture, landscaping, and building siting must work in concert to create a unified appearance.

(f) *Gas stations.* Buildings shall be sited so that gasoline pump dispensers are located to the side of the building or located behind the buildings so that the building is between the pumps and the primary street frontage. If located on a corner lot, the building would have to be situated in the corner of the lot at the intersection.

(6) *Mechanical equipment and trash receptacle screening.* Locations of all mechanical equipment and dumpsters shall be shown on all site plans. All mechanical equipment and trash receptacles shall be shielded and screened from public view. Mechanical equipment shall be shielded with walls, fencing, or landscaping that screens the equipment entirely. Dumpsters shall be screened with a

minimum six-foot opaque fence or wall on all four sides and located toward the side or rear of the principal structure.

(7) *Drive-through services.* All order boxes, menu stands, pickup windows, service/teller windows, and required vehicle stacking associated with drive-through services shall be located to the side or rear of buildings. For the purpose of this section, the **SIDE OR REAR** shall mean the area behind a projected line running parallel from the front (street facing) side(s) of the structure to the side property lines. This concept is depicted in the graphic below:

(D) *Landscaping design guidelines.* The purpose and intent of landscaping design guidelines is to reduce the visibility of paved areas from adjacent properties and streets, moderate climatic effects, minimize noise and glare, and enhance public safety by defining spaces to influence traffic movement. Landscaping will reduce the amount of stormwater runoff and provide transition between neighboring properties. The following criteria shall be used in evaluating applications:

(1) *General design.*

(a) Landscaping shall be required between buildings and sidewalks and parking lots and driveways. The scale of the proposed landscaping shall be in proportion to the building.

(b) Landscaping does not only include trees and plantings but also paving, benches, fountains, exterior lighting fixtures, fences, and any other item of exterior furniture. All items of the landscape are to be selected not only for their functional value but for their aesthetic value and must compliment the whole.

(c) All utility lines in the suburban areas such as electric, telephone, CATV, or other similar lines serving individual sites, as well as all utility lines necessary within the property, shall be placed underground. All junction and access boxes shall be screened with appropriate landscaping. All utility pad fixtures and meters should be shown on the site plan. The necessity for utility connections, meter boxes, and the like should be recognized and integrated with the architectural elements of the site plan. All properties shall comply with the town's right-of-way management ordinance where applicable.

(d) Ease of pedestrian access between proposed developments and adjacent developments shall be a required consideration in the development of a proposed project's site and circulation plans.

(2) *Parking; drives.*

(a) Parking areas and driveways shall be paved with material which is appropriate to the comprehensive design scheme of the project and to the intensity of use to which parking areas and driveways will be subject.

(b) Buildings shall be sited so that the majority of parking is located to the side and rear of the building. The placement of the major portion of a proposed development's parking area to the rear of a main structure's corridor facade or within a courtyard surrounded on three sides by a proposed structure is strongly encouraged. The rationale for this guideline is to promote good proportional spatial definition for the corridors to be accomplished through a reduction in the distance required for a building's setback.

(c) Drive-through access shall be integrally designed with the building and not dominate the design. Only single lane drive-throughs are allowed. Multi-lane drive-throughs are only allowed for banks (or similar financial institutions), post office, or utilities.

(3) *Site lighting.* Site lighting shall be from a concealed light source fixture and shall not interfere with the vision of vehicular traffic. A lighting plan with photo-metrics shall be stamped and signed by a registered professional engineer and comply with the following criteria:

(a) Maximum average foot-candles shall not exceed five foot candles as depicted on photometric plans with a maximum not to exceed 12 foot candles close to light sources. Maximum foot



candles under gasoline canopies and outdoor sales lots shall not exceed 30 foot candles.

(b) All exterior lights shall be arranged and installed so that the direct or reflected illumination does not exceed 0.5 foot candles above the background measured at the lot line of any adjoining residential or agricultural parcel and public right-of-way.

(c) Lighting shall enhance the overall aesthetics of the site.

(d) Security lighting shall be provided, particularly at pedestrian walkways.

(e) Lighting shall be integrated with the architectural design of the buildings.

(f) Light sources (light bulbs) shall not be visible. They shall be shielded to reflect down onto the ground and not out onto the streets or neighboring property.

(Ord. 2012-06, § 9.6, passed 10-18-2012; Ord. 2013-07, passed 10-17-2013)

### **§ 153.337 WETLANDS, WATERWAYS, AND OCRM CRITICAL LINE.**

#### **(A) Wetland buffers and setbacks.**

(1) *Intent.* The buffer standards of this section are intended to provide a natural vegetated area between the furthestmost projection of a structure, parking or driveway area, or any other building elements and all saltwater wetlands, waterways, and OCRM (saltwater) critical lines. The purpose of these required buffers is to provide a visual, spatial, and ecological transition zone between development and the town's saltwater wetlands and waterways and to protect water quality and wildlife habitat.

(a) *Standards.* The following minimum wetland/waterway buffers/setbacks shall be required:

<b>Minimum Buffers/Setbacks (feet)</b>	<b>NRM-25</b>	<b>AG-5</b>	<b>AGR</b>	<b>RSL</b>	<b>RSM</b>
OCRm critical line buffer	35	35	35	15	15
Setback from OCRm critical line	50	50	50	35	35

<b>Minimum Buffers/Setbacks (feet)</b>	<b>MHS</b>	<b>OR</b>	<b>OG</b>	<b>CN</b>	<b>CC</b>	<b>I</b>
OCRm critical line buffer	15	35	35	35	35	35
Setback from OCRm critical line	35	50	50	50	50	50

(b) *Reduction of OCRm critical line setbacks.* The Zoning Administrator shall be authorized to reduce OCRm critical line setbacks to a distance not less than the buffer depth, when deemed necessary by the Director to accommodate reasonable development of the parcel and when it is determined by the Director that the setback reduction will not have a significant adverse impact on public health or safety.

(c) *Reduction of buffers and setbacks on parcels created prior to April 21, 1999.* When the application of buffer/setback requirements contained within this chapter render a parcel that existed prior to April 21, 1999, unbuildable, the Zoning Administrator shall be authorized to reduce front, side, and rear yard buffers/setbacks as necessary to make a parcel buildable. The Zoning Administrator cannot reduce any front and/or rear yard buffer in an amount which would result in the placement of a structure closer to either the front or rear property line than any structure on an adjacent property. Any further reduction in any required buffer shall be made by appeal to the Board of Zoning Appeals.

(2) *Measurement.* Required OCRM critical line buffers and setbacks shall be measured from the OCRM critical line, whether the critical line or wetland/waterway is located on, adjacent to, or near the subject parcel.

(3) *Lot width.* The minimum lot width standards of the underlying zoning district shall apply at the required buffer or setback line.

(B) *Prohibited activities.* The following activities are specifically prohibited in a buffer area:

(1) Removal excavation or disturbance of the soil, except for minimal disturbance associated with the planting of shrubs or trees for landscaping;

(2) Grassed lawns requiring regular maintenance such as herbicides, pesticides, fertilizers, and frequent mowing;

(3) Gardens, fences or structures, except for permitted crossings;

(4) Paved or other impervious surfaces; and

(5) Destruction or addition of plant life which would alter the existing pattern of vegetation.

(Ord. 2012-06, § 9.7, passed 10-18-2012; Ord. 2013-07, passed 10-17-2013)

### **§ 153.338 HISTORIC PRESERVATION.**

(A) *Intent.* The standards of this section are intended to safeguard the integrity of historic structures, sites, and their context and to protect public views of these resources along public rights-of-way.

(B) *Applicability.* The standards of this section shall apply to all sites (existing and future) listed on the National Register of Historic Places.

(C) *Demolition.* No demolition of a historic structure or site may occur until a special exception has been approved in accordance with the provisions of this chapter.

(D) *Moving.* No relocation of a historic structure or site may occur until a special exception has been approved in accordance with the provisions of this chapter. Relocation should not be considered, except as a final alternative to demolition.

(E) *New construction; exterior alterations.* No new construction located on a historic structure or site or significant exterior alteration of a historic structure of site may occur until a special exception has been approved in accordance with the provisions of this chapter. The applicant must demonstrate that all proposed renovations are consistent with the National Register of Historic Places (NRHP) such that the structure shall remain listed on the NRHP following the completion of the proposed new construction and exterior alterations.

(F) *Nearby development.* Subdivision plats for multi-family, office, commercial, or industrial development or residential subdivisions proposed to be located within 300 feet of a historic structure or site should be reviewed to determine their impact on the historic site. The Zoning Administrator shall require that potential negative impacts be minimized through the location of vehicular access points, screening, buffering, and other site design tools.

(Ord. 2012-06, § 9.8, passed 10-18-2012; Ord. 2013-07, passed 10-17-2013)

### **§ 153.339 TRAFFIC IMPACT STUDIES.**

(A) *Applicability.* A traffic impact study shall be required with applications for zoning map amendments, preliminary plats, and planned developments that are projected to generate 20 or more peak hour vehicle trips, based on trip generation rates from the latest edition of the Institute of

Transportation Engineers trip generation manual. The Planning or Public Works Director shall also be authorized to require traffic impact studies when it is determined that a proposed development is likely to have a significant impact on transportation capacity, transportation levels of service, or traffic safety in the vicinity of the proposed development.

(B) *Study scope.* When a traffic impact study is required, the type and scope of the study shall be determined during a scoping meeting with the Planning and Public Works Directors. The meeting may also involve representatives of or request assessments from other agencies and departments. The elements to be determined during the scoping session shall include:

(1) *Type of study.* The possible types of reports include: a letter report, full traffic impact analysis report, or special report (e.g., sight distance survey);

(2) *Definition of impact area.* The points of access and key streets and intersections that may be affected by development of the subject tract constitute the impact area. Traffic recorder and turning movement assessment locations shall be determined;

(3) *Period of analysis.* Periods of analysis may include: daily traffic, a.m., p.m., or weekend peak hour;

(4) *Analysis scenarios.* Scenarios for analysis include: existing conditions, opening year conditions with and without development, and ten years after opening with and without development;

(5) *Process.* Process for determining trip generation and distribution including: trip generation category, diversion assumptions, and distribution assumptions;

(6) *Growth rate assumption.* The rate of growth assumed in background traffic assumptions; and

(7) *Pipeline development.* Developments in the area that have been approved or are under review.

(C) *Traffic study elements.* A letter report or special report shall include those elements agreed upon in the scoping meeting. A full traffic study shall include the following elements.

(1) *Existing condition survey.*

(a) *Street system description.* The street system shall be described including geometric features, lane usage, traffic control, signage, sight distances and adjacent uses, and curb cuts.

(b) *Traffic volumes.* Existing traffic volumes shall be provided for the impact area including both AADT (average annual daily traffic) and "design" peak hour volumes. AADT may be derived from current counts of the State Department of Transportation (if available) and peak hour volumes shall be determined from field counts. Data shall be adjusted for daily and seasonal variations. Turning movement counts for the peak hour shall be provided for critical intersections. Peak hour periods shall be as determined at the scoping meeting.

(c) *Capacity analysis.* Existing capacity of signalized and unsignalized intersections.

(d) *Other.* Other items may be required at the discretion of the Public Works Director depending upon the type and scale of the project. These may include, but are not limited to: queue length analysis, pedestrian counts, accident data, traffic speeds (both fiftieth and eighty-fifth percentile) and stopping sight distance.

(2) *Future without development.* Capacity analysis is to be provided for opening year and plus ten-year for key intersections (and roadway segments where appropriate) without the development but including any planned developments. The analysis shall be based upon the Highway Capacity Manual or other methodologies approved in advance by the Public Works Director.

(3) *Future with development.*

(a) Projection of the daily and peak hour traffic generation of the project shall be made using the latest edition of the Institute of Transportation Engineers trip generation manual unless the Public Works Director determines that locally derived data will provide more accurate forecasts. Data from similar facilities may be used where the information is not available from the Institute of Transportation Engineers.

(b) The projected trips shall be distributed onto the road network as agreed in the scoping meeting.

(c) Capacity analysis for opening year and plus ten-year for key intersections (and roadway segments where appropriate).

(d) Special analysis as may be required to determine warrants for signalization, minimum safe sight distances, gap analysis, turning radius requirements, queue length analysis, turning lane length analysis, curb cut locations, or similar requirements.

(4) *Mitigation plan.* Where the analysis indicates that the project will create deficiencies in the impact area, improvements shall be recommended which shall include projected cost estimates. The design of improvements shall be in accordance with specifications of the Public Works Director and, where appropriate, the State Department of Transportation. Where a decision-making body determines that a mitigation plan is not adequate to address the traffic impacts of the project, it may serve as a basis for denial of the rezoning, preliminary plat, or planned development request.

(5) *Consultants.* The Public Works Director may require that a mutually agreed upon independent consultant be hired by the town to perform required traffic impact studies or to review all or part of a study prepared by the applicant's consultants. The Public Works Director is authorized to administer the contract for such consultants.

(a) The Public Works Director shall determine the scope of services to be performed by the independent consultant and receive a cost estimate of such services.

(b) The applicant shall provide an amount equal to the estimate to the Public Works Director, who will deposit the amount in an escrow or special account set up for this purpose. Any funds not used for the independent consultant shall be returned to the applicant in a timely manner without interest.

(c) The Public Works Director may require additional fees for the independent review if: the decision-making body expands the scope of the required review; the applicant substantially amends the application; additional meetings involving the consultants are requested by the applicant; the consultant's appearance is requested at Planning Commission or Town Council meetings beyond what was initially anticipated; or the consultant's attendance is required at meetings with regional, state, or federal agencies or boards which were not anticipated in the earlier scope of services.

(Ord. 2012-06, § 9.9, passed 10-18-2012; Ord. 2013-07, passed 10-17-2013)

### **§ 153.340 VISION CLEARANCE ON ROADWAYS.**

(A) *Major roadways.* Corner lots on major roadways shall have not structure or obstruction that obscures travel visions from 30 inches to ten feet above ground level in a triangular area formed by measuring from the point of intersection to the front and side lot lines a distance of 40 feet along the lot lines and connecting the points to form a triangle.

(B) *Collector streets.* On collector streets, the triangular area formed by measuring from the point of intersection of the front and side lot lines is 30 feet.

(C) *Sub-collector streets.* On sub-collector streets, the triangular area formed by measuring from the point of intersection of the front and side lot lines is 20 feet.



(D) *Private drives and private lanes.* On private driveways of commercial or industrial activities, the triangular area formed by measuring from the point of intersection of the drive edge is 15 feet.

(Ord. 2012-06, § 9.10, passed 10-18-2012; Ord. 2013-07, passed 10-17-2013)

## **§ 153.341 SIGNS.**

### *(A) General provisions.*

(1) *Purpose.* This section provides comprehensive regulations for signage in the town designed to promote public safety and welfare by highways, facilitating the efficient transfer of information and thus enhancing traffic flow and the ability to locate needed goods and services.

### *(2) Administration and enforcement.*

(a) *Non-commercial copy.* Any sign authorized in this division (A) is allowed to contain non-commercial copy in lieu of any other copy. Non-commercial on-premises signs are permitted in any zoning district provided that such signs comply with the regulations of that district.

(b) *Building and Electrical Code standards.* All permanent signs must meet the structural and installation standards of the Standard Building Code and electrical standards of the National Electrical Code as enforced by the Town Building Inspector.

(c) *Permit required.* No signs, except real estate signs shall be erected unless a zoning permit has been issued by the Zoning Administrator in accordance with the procedures of this chapter.

(d) *Fees.* An applicant for a zoning permit shall pay such fees as determined necessary for application processing. These fees are due upon submission of an application and shall be determined by the Town Council.

(e) *Documentation of signs.* Upon request, the owner of any existing sign shall provide the town's Zoning Administrator with evidence that documents the size, location, and date of construction of all existing signs on the premises.

### *(3) Prohibited signs.*

(a) Except as otherwise permitted by this chapter, the following signs will be prohibited:

1. Flashing signs;
2. Pennants, streamers, and other animated signs;
3. Signs imitating traffic devices (signal);
4. Signs imitating traffic signs;
5. Signs in marshes;
6. Signs in rights-of-way;
7. Snipe signs;
8. Vehicle signs;
9. Roof signs;
10. Banners (except when permitted per division (E) below);
11. Flutter feather banner flags;

12. LED message boards (except for civic/institutional uses when approved by Zoning Administrator); and

### 13. Inflatables used for advertisement purposes.

(b) Note: Campaign signs are not considered snipe signs and are not regulated by this chapter provided they are located outside any right-of-way. However, all campaign signs must be removed within 15 days after the election.

(4) *House numbers.* All permanent, free-standing, on-premises signs shall contain house numbers containing numbers at least four inches in height. The area devoted to required house numbers shall not be included in the calculation of maximum sign area.

(5) *Illumination.* All lighted on-premises signs shall comply with all dimensional standards set forth in this chapter. Additionally, internally illuminated signs on property not adjacent to commercial or industrial uses shall have an opaque background on the sign face with a maximum of 80 watts per bulb and no more than one bulb per foot in height of the sign face.

(6) *Signs in disrepair.* Signs in disrepair shall be repaired, renovated, or removed from the premises within 60 days following notice by the Zoning Administrator.

(7) *Abandoned signs.* Signs advertising a person, business, service, event, or other activity that is no longer available or other signs that contain inaccurate or outdated information shall be considered abandoned. Remedial action shall be taken within 30 days after a sign becomes abandoned. If no remedial action is taken, the Zoning Administrator shall give notice to the owner of record who shall have 30 days to remove the sign prior to any further enforcement action being pursued. This provision shall apply to all abandoned signs, including those abandoned before April 21, 1999.

#### (8) *Signs interfering with vehicular vision.*

(a) In the area near the entrance of a driveway, no sign shall obscure the travel vision from 30 inches to ten feet above ground level in triangular areas formed by measuring from the point of intersection of any front lot line and driveway, a distance of 15 feet along the front lot line and driveway and connecting the points to form a triangle.

(b) No sign or structure shall be erected so as to interfere with the vision of vehicles operated along any highway, street, road, or driveway or at any intersection of any street, highway, or road with a railroad track. Signs determined by the Zoning Administrator to be in violation shall be removed or relocated immediately upon notice.

#### (B) *Standing signs.*

(1) Reserved.

(2) A maximum of one reader board shall be allowed per zoning lot for single or multi-tenant structures containing office, commercial, or industrial uses if attached to permanent, free-standing signs. The area of the reader board shall be included in the site's total sign area allowance.

(3) Maximum six-foot height and 40 square feet in OR, CN, and CT Zoning Districts.

(4) Maximum eight-foot height and 50 square feet in the CC Zoning District.

(5) The predominant materials used for free-standing signs, excluding copy material or materials not visible from the public right-of-way, must incorporate the following:

(a) If the predominant building materials, colors, and design elements on the principal building conform to § 153.336(C)(2) of this code, the exterior sign materials must complement those found on the principal structure as reviewed and approved through the site plan review process.

(b) Materials, design, and color of the sign do not need to be the same as those found on the principal structure to be considered complimentary.

(6) Signs that are located in parking lots (such as directional signs) may be internally lit when constructed with routed letters or an opaque background.

(7) The hanging or attachment of objects is not permitted unless they are shown on the drawings approved for sign construction and meet all the requirements of this chapter.

(8) Shared shopping center signs shall be allowed and required with a maximum ten-foot height and 100 square feet.

(9) Sign regulations for properties located in overlay districts can be found in §§ 153.090 through 153.093.

(C) *Wall/facade signs.*

(1) *Number.* A maximum of two signs shall be allowed per wall/facade, with a maximum of four per building. Total area of all signs shall not exceed square footage of Table 153.341.C.

(2) *Size.* Maximum size of wall/facade signs is dependent upon building frontage and setback, in accordance with Table 153.341.C.

(3) *Objects.* The hanging or attachment of objects is not permitted unless they are shown on the drawings approved for sign construction and meet all the requirements of this chapter.

(4) *Awning signs.*

(a) The use of awnings for the purpose of providing signage will be considered a wall sign. The awning signage must meet all dimensional and intensity standards applicable to wall signs in this section.

(b) For purposes of division (C)(4), an **AWNING SIGN** is a sign used for the purpose of providing signage and must be located above a display window or entryway.

(c) Text or graphic shall be limited to the face of an awning.

<b>Table 153.341.C</b>		
<b>Wall/Facade Signs</b>		
<b>Building Length Facing Street</b>	<b>Setback (ft.)</b>	<b>Maximum Size (sq. ft.)</b>
<b>Table 153.341.C</b>		
<b>Wall/Facade Signs</b>		
<b>Building Length Facing Street</b>	<b>Setback (ft.)</b>	<b>Maximum Size (sq. ft.)</b>
50 feet or less	0 – 99	50
	100 – 399	100
	400 or more	150
More than 50 feet	0 – 99	Bldg. frontage x 1
	100 – 399	Bldg. frontage x 2
	400 or more	Bldg. frontage x 3

(D) *Special signs.* Maximum size, number, location and height of special signs shall conform with Table 153.341.D and the following standards:

(1) *Flags used as signs.*

(a) A permit shall be required for the installation of all flagpoles or flag display devices erected on lots zoned for multi-family, office, commercial, or industrial use or occupied by a multi-family, office, commercial, or industrial use.

(b) Applicants must submit with the permit application a scaled site plan giving the location of all flagpoles and complete dimensional and installation engineering data.

(c) Applicants must provide documentation of minimum clearance from electric, telephone, or cable TV lines as certified by the proper utility prior to issuance of permit or installation.

(d) Maximum size and number of flags used as signs and height of flagpoles shall conform with Table 153.341.D of this chapter.

(e) The American flag and the flag of the state are exempt from the provisions for maximum size of flags and maximum size of flagpoles in Table 153.341.D of this chapter.

(2) *Sandwich board/sidewalk sign.* A permit may be issued for a maximum of two sandwich board signs per lot or business provided the signs comply with the following criteria:

(a) The sign is located within the commercial zoning districts on the subject parcel or in front of the business being advertised;

(b) It is a maximum of three feet in height with a maximum of nine square feet per sign face;

(c) The sign is erected only during the hours of operation of the subject business and must be removed daily after close of business; and

(d) The sign is not located within any rights-of-way or within any pedestrian ways which would impede or interfere with vehicular or pedestrian use of roads, sidewalks, or seating areas.

(3) *Shared free-standing signs.*

(a) Off-premises shared free-standing signs are allowed in the commercial and industrial zoning districts for the advertisement and identification of two or more businesses or residential developments located on separate parcels.

(b) One shared sign is allowed at the location of a jointly shared curb cut/entry drive.

(c) Multiple businesses may participate on multiple shared signs; however, a business that participates on a shared free-standing sign shall not be allowed to erect a single tenant on-premise free-standing sign.

(d) Participating businesses must either share a property boundary on at least one side or be part of an approved multi-parcel development.

(e) Shared free-standing signs must meet all other setback and dimensional standards for nonresidential free-standing signs including all architectural standards and overlay district requirements of this chapter.

(4) *Off-premises bona fide agricultural use signs.* Off-premises signs advertising products from bona fide agricultural uses, related activities, and farm identification may be permitted on properties located in agricultural or commercial zoning districts, subject to the following requirements.

(a) A maximum of one off-premises sign is permitted per bona fide agricultural use.



(b) The applicant shall submit a plan drawn to scale showing the proposed location of the sign on the property on which the sign is to be placed.

(c) The sign shall comply with the setback and dimensional requirements of Section 9.11.2 of Ordinance 2012-06. The applicable requirements of Section 9.11.2 of Ordinance 2012-06 shall be determined based on the zoning district of the property where the sign is to be located.

(d) The sign shall be located outside of any rights-of-way and easements, shall comply with the requirements of § 153.340, Vision clearance, of this code, and shall not be internally or externally illuminated.

(e) The applicant shall submit a signed letter of intent and supporting documentation indicating that the primary use of the property being advertised is a bona fide agricultural use as defined in this chapter and that the products and events advertised are grown, produced, and/or will occur on the bona fide agricultural use property.

(f) The applicant shall submit a signed letter of agreement from the property owner of the parcel on which the sign is to be located stating that the property owner will allow the sign to be erected at the location indicated on the site plan.

(g) The sign shall comply with all other applicable sections of this chapter.

(h) Off-premises bona fide agricultural use sign permits shall be assigned to the property on which the sign is to be located.

**Table 153.341.D**

***Special Signs***

<b><i>Type</i></b>	<b><i>Maximum Size</i></b>	<b><i>Maximum Number</i></b>	<b><i>Minimum Setback Maximum Height</i></b>
Civic/institutional	100 sq. ft. 50 sq. ft. in residential or agricultural uses	1 per zoning lot	Minimum setback: 5 ft. Maximum height: 12 ft. Sign must have opaque background except the marquee. Marquee cannot exceed 25% of total sign size
Directional	3 sq. ft.	Unlimited	4 ft.
Flags	60 sq. ft.	3 per zoning lot	35 ft. or 15 ft. above highest point of roof
Subdivision/ multi-family I.D. signs	32 sq. ft.	2 per entrance	Minimum setback: 5 ft. Maximum height: 12 ft.

**(E) *Temporary signs.***

(1) All temporary signs, unless expressly exempt, require a zoning permit and shall comply with all other regulations of this chapter. Maximum size, number, duration, location, and height of temporary signs shall conform with Table 153.341.E and the following standards:

(a) Portable signs are permitted in accordance with standards of the National Electrical Code and anchoring provisions of the International Building Code where applicable.

(b) A site plan and letter of intent indicating the type, amount, and location of balloons, pennants, streamers, banners, and portable signs must be submitted for review. The application will be reviewed to ensure that all proposed signage will not pose any pedestrian or vehicular danger as determined by the Zoning Administrator.

(2) *Special sales event signs.*

(a) A legally established business may submit an application for temporary signs for the advertisement of one grand opening and five special sales events per calendar year.

(b) Permitted signs for grand openings or special sales events shall be removed no later than ten consecutive days after being installed.

(3) *Permitted temporary special events.*

(a) A permitted special event is allowed one special event sign per event.

(b) Signs for permitted special events shall be removed no later than ten consecutive days after being installed.

(4) *Real estate signs.*

(a) Signs less than 12 square feet do not require a zoning permit.

(b) All signs shall be removed no later than 15 days after the property is sold.

(c) Signs shall face a maximum of two directions, and may be mounted back-to-back or V'ed.

(d) Where signs are V'ed, the space between panels shall not exceed three feet at the point at which panels are closest, and the interior angle formed by signs shall not exceed 60 degrees. For purposes of these requirements, V'ed signs shall be counted as one sign.

(e) Where signs face two directions, whether back-to-back or V'ed, both signs must be the same standard size.

(5) *Nonconforming signs.* Refer to §§ 153.355 through 153.361, Nonconformities.

<b>Table 153.341.E</b>			
<b>Temporary Signs</b>			
<b>Type</b>	<b>Maximum Size</b>	<b>Maximum Number</b>	<b>Minimum Setback Maximum Height</b>
Permitted grand opening and special sales event signs	50 sq. ft.	2 per zoning lot including banners, Balloons (max. 2 square ft.), pennants, streamers allowed	Minimum setback: 5 ft.
Permitted temporary special event signs	100 sq. ft., 50 sq. ft. in residential and agricultural districts and no internal illumination	1 per zoning lot	Minimum setback: 5 ft. Maximum height: 12 ft. Maximum 6 ft. height in residential zoning districts

Real estate signs	48 sq. ft.	1 per 1,500 ft. frontage Maximum: 3 per lot	Minimum setback: 5 ft. Maximum height: 12 ft. Maximum 6 ft. height in residential zoning districts
-------------------	------------	--	--

(Ord. 2012-06, § 9.11, passed 10-18-2012; Ord. 2012-21, passed 12-20-2012; Ord. 2013-07, passed 10-17-2013; Ord. 2014-09, passed 7-17-2014; Ord. 2017-01, passed 2-16-2017; Ord. 2019-04, passed 8-15-2019)

#### **§ 153.342 DRAINAGE DESIGN.**

Refer to the County Stormwater Management Ordinance No. 1518 approved on August 14, 2007 and found in Appendix B of Ordinance 2012-06, as amended.

(Ord. 2012-06, § 9.12, passed 10-18-2012; Ord. 2013-07, passed 10-17-2013)

#### **§ 153.343 EXHIBITS.**

The following exhibits are for illustration purposes only. In case of any difference of meaning or implication between the text of this chapter and any heading, drawing, table, figure, or illustration, the text shall control.