



**JAMES ISLAND PLANNING COMMISSION  
MEETING AGENDA  
1122 Dills Bluff Road, James Island, SC 29412**

**December 14, 2023  
6:35 PM**

NOTICE OF THIS MEETING WAS POSTED IN ACCORDANCE WITH THE FREEDOM OF INFORMATION ACT

**This meeting will be live streamed on the Town's website:  
[jamesislandsc.us](http://jamesislandsc.us)**

**Public Comments need to be received via email by noon on Thursday 12/14/2023 to  
[kcrane@jamesislandsc.us](mailto:kcrane@jamesislandsc.us)**

- I. CALL TO ORDER
- II. COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT
- III. INTRODUCTIONS
- IV. APPROVAL OF SEPTEMBER 14, 2023 MINUTES
- V. PUBLIC COMMENTS
- VI. STAFF COMMENTS
- VII. PROPOSED AMENDMENTS TO THE TOWN OF JAMES ISLAND ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE (ZLDR) INCLUDING:
  - a. Proposed amendments to include changes to allow for variances and appeals of administrative decisions concerning the Flood Damage Prevention Ordinance and the Town Building Regulations Ordinance to be heard by the Board of Zoning Appeals  
*(See attached packet, only **highlighted** sections in Chapter 153 are up for consideration; Planning Commission will vote on a recommendation to Town Council.)*
- VIII. POTENTIAL REGULAR MEETING TIME CHANGE (discussion and vote)
- IX. CHAIR'S COMMENTS
- X. COMMISSIONERS COMMENTS
- XI. NEXT SCHEDULED MEETING DATE: JANUARY 11, 2024
- XII. ADJOURN

The Planning Commission of the Town of James Island met on Thursday, September 14, 2023 at 6:35 p.m. in person at the James Island Town hall, 1122 Dills Bluff Road, James Island, SC 29412.

Commissioners present: Deborah Bidwell, Vice Chair, Mark Maher, Zennie Quinn, Ed Steers, and Bill Lyon, Chairman, presided. A quorum was present to conduct business. Also: Kristen Crane, Planning Director, Flannery Wood, Planner II, Niki Grimbball, Town Administrator, and Frances Simmons, Town Clerk and Secretary to the Planning and Zoning Commission. Town Officials: Bill Woolsey, Mayor and Darren “Troy” Mullinax, and Cynthia Mignano, members of Town Council.

Call to Order: Chairman Lyon called the meeting to order at 6:35 p.m.

Compliance with the Freedom of Information Act: Chairman Lyon announced that this meeting was duly noticed in compliance with the SC Freedom of Information Act. This meeting was also live-streamed on the Town’s YouTube Channel and information was provided to the public.

Introductions: Chairman Lyon introduced the members of the Planning Commission, Town Staff, and Town Officials.

Approval of August 10, 2023 Meeting Minutes: The minutes of the August 10, 2023 meeting were approved upon a motion by Commissioner Steers and a second by Commissioner Quinn. Passed unanimously.

Chairman Lyon asked for a motion to take the current motion of August 10 off of the table in order to resume discussion. The motion was made by Commissioner Bidwell, seconded by Commissioner Steers and the **motion passed unanimously**.

Mayor Woolsey addressed the Commission that he did not intend to speak in favor of the proposal and that he should’ve spoken during Public Comments. He is here to thank the Planning Commission for the job that they are doing. He said a lot of controversial rezonings have not come before the Planning Commission but we have one now. He asked them to please come to a recommendation tonight in order to move forward with the process. He asked them to think about what is allowed in the current zoning, the proposal, and the criteria that is set forth in the Town’s Comprehensive Plan.

Public Comments: The following person spoke **In Support:**

Dave Schaefer, Manager, James Island Public Service District (JIPSD) *spoke and submitted letter of support from Commissioner Marilyn Clifford at the August 10 meeting.*

Public Comments: The following persons spoke **In Opposition:**

James Luby, 1330 Whitehouse Blvd. *also asked that a correction be made to the August 10, 2023 PC meeting minutes correcting the number of persons that signed petitions to reflect 893 signatures; not 500.*

Catherine Moore, 1059 Quail Drive:

Fred Brown, 2084 Wappoo Hall Rd; *also submitted statement*

John Peters, 1301 Hampshire Rd., *also submitted email*

Wendy Teal, 1290 Hampshire Rd.

Sandrine Camporro, 1267 Hampshire Rd.

Ashley Cook, 1120 Fort Lamar Rd., *submitted email*

Julian and Paulette Mikell, 880 Ft. Johnson Rd, *submitted email*

Valerie Simson, 1204 Cecil Circle, *submitted email*

Staff Comments: None

Planned Development (PD) Zoning Map Amendment: Case #ZPD-7-23-201 (PD-201) Request to rezone property located on Dills Bluff Road from the Low-Density Suburban Residential (RSL) Zoning District (TMS #425-12-00-185) and the Community Commercial (CC) Zoning District (TMS #425-12-00-298) to the Marsh Walk Village (OD-201) Planned Development District:

Applicant Presentation:

Kyle A. Taylor, PE  
KT Properties, LLC

Commissioner Steers asked for additional time for Mr. Taylor to make his presentation. He said 16 people spoke during the last meeting and another group is here tonight. He did not think the five (5) minute time allotted would be fair for the applicant to answer the questions posed to him. Chairman Lyon stated that an additional two (2) minutes is given for a rebuttal and that could be added to the five (5) minutes. Commissioner Steers moved to allow Mr. Taylor seven (7) minutes to make his presentation. Commissioner Bidwell seconded and the **motion passed unanimously**.

Mr. Taylor addressed the Commission and stated that he undertook this venture to produce a flagship project for this area of the Town that is zoned commercial and some residential. He shared that he covered a lot of details at last month's meeting and recapped the meetings previously held: three (3) community meetings; Planning Commission Workshop; Planning Commission meeting August 10; and tonight's meeting (September 14).

After addressing the Commission, Mr. Taylor said he would go through a few educational points about the development and the property. Not so much about the project but he is happy to answer those questions. He touched on the fact that the property is not owned by the Town and that the Town and the JIPSD are two separate entities, but some people may not be aware of that. He said the Town owns two parks, however, the primary park service in the community is Charleston County Parks & Recreation that owns the James Island County Park, two miles away. The PSD is not in the park business. Mr. Taylor said they are doing their best to add open space to the plan and he believes the open space faces the buffers and constitutes about 1/3 of the property plus or minus. Those details are in the Plan Development documents. He said with all due respect, requests to make a park on the property is not going to happen. The current property owner (PSD) has attempted to self-develop the property for their own purpose as is their right. He believes it was some 5 or 10 years ago when they tried to get the Town Council to rezone the use but it was turned down. The PSD is now selling the property and he is the third or fourth purchaser with this company being under contract. Mr. Taylor said that he is the GM, broker, and the developers' representative for the property.

Mr. Taylor said from the "get-go" they have been wanting to do this fantastic project because he is from James Island 100%. The property is currently zoned for development, and there is a Development Ordinance for the Town. "Like it or not", he said it is one of the most restrictive Ordinances based on Charleston County's Ordinance in general with a few upgrades. He said frankly, he is what is standing in the way of this property going into the hands of someone from New York, out-of-state, or any developer because it has been on the market and he could sign a piece of paper and assign the contract to whoever he sees fit but want to do this fantastic project on the property that it is currently zone for. He reiterated that the property owner is not the Town of James Island.

Mr. Taylor said by right the property allows 21 principal dwelling units that could be 21 million dollar homes. What they propose from comments from the workshops is affordability. He recalled one of the workshops that was held before the Planning Commission that three options were discussed, one of which was a detached option and through feedback they felt that attached products would be more affordable, save more trees, allow for more open spaces, and a more desirable product for the Commission, Council and the

Town but could do detached units based on the current allowable density; 21 dwelling units is the current maximum density and could see the product being up to half the price of what it is across the street at The Preserves that is about \$800,000. Mr. Taylor said have been doing their best to respond to the public's input.

He commented on the roadway and at the last Planning Commission meeting a stack of signatures that was allegedly a petition was dropped off that was not vetted or audited. He would appreciate it if those sorts of documents are audited in some way before simply being put into the record or the minutes. The petition stated there were 800 or some number of people opposed to the project. He peaked through the document and there was a signature from someone with a Hanahan address listed on it and at the top of the petition it stated that all of the undersigned people are opposed to the connection to White House Plantation Boulevard. He said as a result of their meetings they have been willing to comply with that request and the current plan terminates at the cul-de-sac. Mr. Taylor said they have no intention to connect their road to any road in White House Plantation. There was a clause in the Planned Development (PD) that says if anyone in the future (i.e., Council) wants to do that, it would have to go through a process similar to this one. They are not proposing that so there is no roadway connection. He said a sidewalk connection is currently shown that was provided upon a request; however, they did not go out of their way to show sidewalk connections to White House Boulevard and if the Planning Commission sees fit to remove that as a condition they would agree with that; or if it is kept, they would agree with that.

Mr. Taylor presented a courtesy letter to the Planning Commission of the responses that he made in his presentation.

At this point in the meeting, Chairman Lyon moved to allow Mr. Taylor an additional three (3) minutes to further his presentation; the motion was seconded by Commissioner Steers and **motion passed unanimously**.

Mr. Taylor summed by stating that the project is residential and commercial. He said there are a variety of uses allowed by right that they did not propose. Some other uses includes: hotel/motel. He stated by right that someone could propose a hotel or motel on the property and the Planning Commission is the only thing stopping that from happening. Storage is also allowed. Whether it is vehicle storage, structured storage, or outdoor storage, those are allowed by right in the current zoning. Further other uses includes: oil change and car washes. He said the Planning Director could verify those uses, but that they are permitted per the zoning code. He said they have taken those uses off of the table and are not adding density to their project. This is for 20 units, which the property currently is for 21. There is currently a commercial area and they are providing commercial use and taking some of the more intense things off the table. There will be no impact to traffic, which was a concern of some residents. Mr. Taylor said they have listened and try to be a good neighbor. He realize there will be some people who will not be for the development. He thanked the Planning Commission for their time and would appreciate their support.

#### Questions from the Planning Commission:

Comm'r Quin asked how many units were proposed in the last proposal. Mr. Taylor answered that the current proposal is 20 dwelling units with a 25 maximum workforce units which will be skinnier/smaller square footage units. He said there is an exhibit in the PD that shows the difference between the 20 and 25 options (page 22). Comm'r Quinn noted if he hasn't decided whether it will be 20 or 25 and Mr. Taylor said correct.

Comm'r Steers said that there is a common concern about flooding. He has been through the subdivision a lot and on days after it rains it is obviously a flooding problem but being in the low country we all sort of have that. He asked what impact does the project have to do about flooding. Mr. Taylor replied that they will be addressing all flooding requirements for the Town, County for the 2, 10, 25, 50 and 100 year storm

events so that will be addressed. He said they started with a plan that had bit more impervious area a little bit more building, two ponds and as a result of the meetings they've added pond areas and intend to be very aggressive with pervious pavers for the commercial and working creatively with the drainage. He believes one individual who spoke tonight (or a month ago) who may be the owner of Camp Road Villas to the south. That pond also will be included in the analysis to insure that they do not adversely affect that pond. He is considering asking for maintenance covenants for that pond to make sure it is maintained and functions properly. He said there have been neighbors that lived next to the pond and it exists today and this site doesn't exist today. He concurs that there may be flooding issues. There has been some photos from neighbors that showed pond waters so he won't dispute that and the community downstream is also in a flood zone. He said there is a lot of information about that and will be addressing all of these concerns. The Town of James island in 2020 passed a very aggressive stormwater management plan. Comm'r Steers asked if the project would have to go through those government entities for approval and Mr. Taylor confirmed, which is separate from this process.

Comm'r Bidwell asked for clarification how this development would not add water to the existing development. Mr. Taylor responded that no changes would be made to the pond or any offsite properties to the south. The analysis will include the offsite drainage area and how it interacts with the on-site drainage area to determine if the water level increases or decreases at various analysis points as it is determined by the Town and County critical review process.

Comm'r Quinn asked, once the 25 units are sold, who takes care of the public spaces? Mr. Taylor said the intent is to have a Homeowners Association to maintain the open spaces. Comm'r Quinn asked if the development company would be chair of the HOA or turn it over to the community. Mr. Taylor replied that generally the developer maintains control until a number of homeowners own the home then it is turned over to the community who establishes a board and makes decisions in the community.

Comm'r Bidwell asked for clarification on slab or raised foundations for water flow. Mr. Taylor replied that the intention is for an elevated slab and explained the requirements of FFE at 2.5 feet above the floodplain. They feel that elevated slabs are the best construction technique for this project.

Chairman Lyon called for a motion for discussion. The motion was made by Comm'r Steers, seconded by Comm'r Bidwell and **passed unanimously**.

Comm'r Bidwell commented she liked staff recommendation #4 which states removing the sentence that allows slab on grade construction vs. elevated slab.

Comm'r Quinn spoke about the parking space that there are two (2) parking spaces per unit. He said one of which is in the garage. He asked the Commission to consider having three (3) parking spaces per unit because due to it being such a small space and would like to see people be able to park two (2) cars outside. Mr. Taylor said for the 20 unit product everything would get into the two-car garage. For the workforce product the, the middle units are 20 feet wide so they may not have a two-car garage; but this may be offered an option.

Chairman Lyon moved that the Planning Commission require 20 units to be used rather than 25; motion was seconded by Comm'r Quinn. VOTE: Comm'r Maher, 'no; Comm'r Bidwell abstained. **Motion passed** Chairman Lyon said this will be added as one of the conditions.

Comm'r Steers spoke that is very impressive the number of people the applicant has engaged in this project. It shows that he did a lot of work and is passionate about the neighborhood which is obvious and he has been through there a lot. He does not know how (Newburg, NY); Brooklyn New York fits into the scheme of James Island but it took a lot of work to get the people to approve this project. One of the

misunderstandings that has been circulating a lot is the fact that this project was going to have an entry and exit into Whitehouse Plantation. People were going to say they don't want these houses going over there driving through my neighborhood and that is not going to happen. That was a misconception that some people had but that misconception changes a great deal if you would have a constant flow of homeowners and commercial going through the neighborhood I would understand that concern. He said the applicant did a great deal of good work. Also, he was concerned about flooding in the neighborhood but he sees that that will be a big part of the construction and will be governed by approvals. He added that we live in the low country and have issues such as that. He complimented the applicant on their hard work. Chairman Lyon said he thinks everyone struggled over this project in trying to make the correct decision.

Chairman Lyon moved to approve the Planned Development (PD) Zoning Map Amendment: Case #ZPD-7-23-201 (PD-201) Request to rezone property located on Dills Bluff Road from the Low-Density Suburban Residential (RSL) Zoning District (TMS #425-12-00-185) and the Community Commercial (CC) Zoning District (TMS #425-12-00-298) to the Marsh Walk Village (OD-201) Planned Development District; seconded by Comm'r Bidwell based upon the following conditions:

- 1) The applicant must provide an updated Letter of Coordination from DHEC-OCRM as part of land disturbance permitting before any zoning permits can be issued;
- 2) The applicant must provide a Letter of Coordination from the South Carolina Department of Transportation
- 3) Remove allowance for beer, wine, and alcohol sales without the need for a Special Exception from the BZA;
- 4) Remove sentence that allows slab on grade construction. Prohibit slab on grade construction in the Residential Area;
- 5) Remove allowance for "Workforce Residential" to keep maximum density at 20 attached traditional residential dwelling units.

**VOTE:**

Comm'r Bidwell	Aye
Comm'r Maher	Aye
Comm'r Quinn	Aye
Comm'r Steers	Aye
Chairman Lyon	Nay

**Passed 4-1**

Chair's Comments: Chairman Lyon thanked everyone for their hard work on this project.

Commissioners' Comments: Comm'r Steers announced that this Planned Development will be moving on to Town Council and hopes the Planning Commission has been a good stewardship of trying to give them a reasonable plan.

Next Scheduled Meeting Date: October 12, 2023.

Adjourn: There being no further business to come before the body, the Planning Commission meeting adjourned at 7:22 p.m.

Respectfully submitted:

Frances Simmons  
Town Clerk and Secretary to the Planning Commission

## CHAPTER 153: ZONING AND LAND DEVELOPMENT REGULATIONS

### General Provisions

#### § 153.027 BOARD OF ZONING APPEALS.

(A) Review authority. The Board of Zoning Appeals does not act in a review or recommending capacity.

(B) Decision-making authority. The Board of Zoning Appeals shall have final decision-making authority on the following matters:

(1) Special exceptions;

(2) Variances, **including those described in Section 151.55 of the Flood Damage Prevention Ordinance; and**

**(3) Adjustments as described in Section 150.14 of the Town Building Regulations Ordinance; and**

(4) Appeals of administrative decisions on:

**(a) Zoning-related matters as described in this Chapter;**

**(b) Floodplain regulations-related matters, as described in Chapter 151 of the Code of Ordinances; and**

**(c) Building regulations-related matters, as described in Chapter 150 of the Code of Ordinances.**

(C) Officers, rules, meetings, and minutes. Pursuant to S.C. Code § 6-29-**790360**, the Board of Zoning Appeals shall elect one of its members as chair who shall serve for one year or until re-election or a successor is elected and qualified. The Board of Zoning Appeals shall adopt rules and procedures in accordance with the provisions of this chapter not inconsistent with the provisions of S.C. Code Title 6, Chapter 29, as amended. The Board of Zoning Appeals shall appoint a secretary. The secretary may be an employee of the town. Meetings of the Board shall be at the call of the chair and at such other times as the Board of Zoning Appeals may determine. Public notice of all meetings of the Board of Zoning Appeals shall be provided by publication in a newspaper of general circulation in the town. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote. The Board of Zoning Appeals shall maintain records of its examinations and official actions, all of which, upon approval, shall be filed immediately in the office of the Zoning Administrator. Such records shall be available for public review and inspection during normal business hours.

(D) Composition. The Board of Zoning Appeals shall consist of five members appointed by the Town Council for terms of four years each; provided, however, that, of the initial members of the Board of Zoning Appeals, three members shall be appointed for four-year terms and two members shall be appointed for two-year terms. Members shall serve until their successors are appointed and qualified. Any vacancy which may occur on the Board of

Zoning Appeals shall be filled by the Town Council appointing a successor to serve out the un-expired term of the vacancy. In appointing members to the Board of Zoning Appeals, the Town Council shall consider their professional expertise, knowledge of the community, and concern for the future welfare of the total community and its citizens. All members of the Board of Zoning Appeals shall reside within the municipal jurisdiction of the town. No member of the Board of Zoning Appeals may hold an elected public office.

(Ord. 2012-06, § 2.3, passed 10-18-2012; Ord. 2012-21, passed 12-20-2012; Ord. 2014-01, passed 2-20-2014)



## CHAPTER 151: TOWN REGULATIONS CONCERNING FLOOD DAMAGE PREVENTION

### Section

#### General Provisions

- 151.01 Statutory authorization
- 151.02 Findings of fact
- 151.03 Statement of purpose
- 151.04 Objectives
- 151.05 Definitions
- 151.06 Lands to which this chapter applies
- 151.07 Basis for establishing areas of special flood hazard
- 151.08 Warning; disclaimer of liability
- 151.09 Provisions cumulative
- 151.10 Severability
- 151.11 Abrogation and greater restrictions
- 151.12 Effective date; application

#### Administration

- 151.25 Designation of Building Official
- 151.26 Duties and responsibilities of the Building Official
- 151.27 Duties and responsibilities of the Planning and Zoning Official
- 151.28 Duties and responsibilities of the Public Works Official

#### Provisions for Flood Hazard Reduction

- 151.40 General standards
- 151.41 Specific standards in addition to general standards for unnumbered A zones, AE zones
- 151.42 Standards for regulatory floodways
- 151.43 Standards for subdivision proposals and other development

#### Appeals and Variances

- 151.55 Appeal and variance procedures

## Compliance for Proposed Real Estate Transactions

151.70 Provision for inspections

## Nuisances

151.85 Nuisances within a special flood hazard area

151.99 Penalty

### Editor's note:

The regulations set forth in this chapter are those of Charleston County Ordinance 1838, adopted by the county on January 20, 2015, which was adopted by the ~~T~~town's Ordinance 2016-14 on January 19, 2017, and Ord. 2020-11, passed 12-17-2020, and Ord. 2024-XX, passed xx.

## GENERAL PROVISIONS

### § 151.01 STATUTORY AUTHORIZATION.

The Legislature of the State of South Carolina has in Code of Laws, § ~~5-7-30,4-9-30(5)~~, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town of James Island, does ordain these flood damage prevention and protection regulations.

(Ord. 2016-14, passed 1-19-2017)

### § 151.02 FINDINGS OF FACT.

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

(B) These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood proofed, or otherwise unprotected from flood damage.

(C) In order for owners of property located within the Town which is subject to periodic inundation to obtain flood damage insurance through the National Flood Insurance Program, the United States government, by statute and through regulations promulgated

by the Federal Emergency Management Agency (FEMA), requires that the Town enact floodplain regulations designed to reduce the amount of potential flood losses.

(D) The Town has previously adopted various ordinances establishing regulations related to the prevention of flood damage.

(E) Based on the findings set forth above, the Town finds it is in the public interest and a benefit to the general health, safety, and welfare of the residents of the Town, to adopt an ordinance revising and amending the Town's flood damage prevention regulations.

(Ord. 2016-14, passed 1-19-2017)

#### § 151.03 STATEMENT OF PURPOSE.

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

(A) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(B) Require that structures vulnerable to floods, including appurtenant structures, be protected against flood damage.

(Ord. 2016-14, passed 1-19-2017)

#### § 151.04 OBJECTIVES.

The objectives of this chapter are:

(A) To protect human life and health;

(B) To minimize expenditure of public money for costly flood control projects;

(C) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(D) To minimize prolonged business interruptions;

(E) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, street and bridges located in floodplains;

(F) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas;

(G) To insure that potential homebuyers are notified that property is in a flood area;

(H) To provide protection to assets and infrastructure against sea level rise;

(I) To build resilience throughout the community to better respond to recurrent burdens and sudden disasters;

(J) To increase property protection for all structures during flooding events due to hurricane and rainwater flooding; and

(K) To protect the natural floodplain functions and capacity for flooding within the community.

(Ord. 2016-14, passed 1-19-2017; Ord. 2020-11, passed 12-17-2020)

#### § 151.05 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application in light of its stated objectives. Where it states “means” is the literal definition.

**“A”-ZONE** is areas subject to inundation by the 1% annual chance flood event. Because detailed hydraulic analyses have not been performed, no Base Flood Elevations (BFEs) or flood depths are shown.

**“AE” ZONE** are areas subject to inundation by the 1% annual chance flood event determined by detailed methods. BFEs are shown within these zones.

**ACCESSORY RESIDENTIAL STRUCTURE** is a structure on the same parcel of property as the principal structure, used for parking of vehicles or typical residential equipment, or for limited storage. A **SMALL ACCESSORY STRUCTURE** is defined as one that has a footprint of less than 120 square feet, and a **LOW VALUE ACCESSORY STRUCTURE** as one that has a value of less than \$1,000.

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

**APPEAL** is a request for a review of the building official’s interpretation of any provision of the chapter to the [Construction Board of Adjustment and Appeal Board of Zoning Appeals](#).

**APPURTENANT STRUCTURE** is a structure which is on the same parcel of property as the principal structure, the use of which is incidental to the use of the principal structure in light of its stated objectives.

**AREA OF SPECIAL FLOOD HAZARD** is the land in the floodplain within a community, subject to a 1% or greater chance of flooding in any given year. For purposes of these regulations, the term “special flood hazard area (SFHA)” is synonymous in meaning with the phrase “area of special flood hazard”.

**BASE FLOOD or 100 YEAR FLOOD** means the flood having a 1% chance of being equaled or exceeded in any given year.

**BASEMENT** means area of a building having its floor subgrade (below ground level) on all sides.

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

**BUILDING** - See **STRUCTURE**.

**BUILDING OFFICIAL** The individual charged with administration and enforcement of the building codes and floodplain regulations for the Town of James Island.

**BUILDING PERMIT** includes mechanical, electrical, plumbing, and any other permits issued by the Town Building Official.

**COASTAL “AE” ZONE** are areas subject to inundation by at least 1% annual chance flood event as determined by detailed methods, and where wave action is expected with wave heights between 1.5 and 3.0 feet. **COASTAL AE ZONES** are landward of the VE Zone up to the Limit of Moderate Wave Action (LIMWA) line. This area may also be referred to as a Coastal “A” Zone.

**COASTAL HIGH HAZARD AREA** means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to flooding and high velocity waters caused by, but not limited to, hurricane wave wash. This includes zones V and VE.

**CONDITIONAL LETTER OF MAP REVISION (CLOMR)** is a formal review and comment as to whether a proposed flood protection project or other project complies with the minimum National Flood Insurance Program (NFIP) requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map (FIRM) or Flood Insurance Study (FIS). Upon submission and approval of certified as-built documentation, a Letter of Map Revision (LOMR) may be issued by FEMA to revise the effective FIRM. Building permits and/or flood development permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

**CRITICAL FACILITY** means a structure or facility that:

(1) Produces, uses, or stores highly volatile, flammable, explosive, toxic and/or water-reactive materials; or

(2) Is a hospital, nursing home, or housing likely to contain occupants who may not be sufficiently mobile to avoid death or injury during a flood; or

(3) Is a police station, fire station, vehicle and equipment storage facility or emergency operations center that is needed for flood response activities before, during, or after a flood; or

(4) Is a public or private utility facility that is vital to maintaining or restoring normal services to flooded areas before, during or after a flood.

**CRITICAL FEATURE** means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

**CURVILINEAR LINE** means the border on either a FHBM or FIRM that delineates the special flood, mudslide (i.e., mudflow), and/or flood-related erosion hazard areas and consists of a curved or contour line that follows the topography.

**DATUM** Is the National Geodetic Vertical Datum of 1929 (NGVD 29) on FIRMs dated November 17, 2004 or before and North American Vertical Datum of 1988 (NAVD 88) on FIRMs dated after November 17, 2004.

**DESIGN FLOOD ELEVATION** (DFE) is Base Flood Elevation (BFE) plus freeboard.

**DEVELOPED AREA** means an area of a community that is:

(1) A primarily urbanized, built-up area that is a minimum of 20 contiguous acres, has basic urban infrastructure including roads, utilities, communications, and public facilities, to sustain industrial, residential, and commercial activities, and

(a) Within which 75% or more of the parcels, tracts, or lots contain commercial, industrial, or residential structures or uses; or

(b) A single parcel, tract, or lot in which 75% of the area contains existing commercial or industrial structures or uses; or

(c) A subdivision developed at a density of at least two residential structures per acre within which 75% or more of the lots contain existing residential structures at the time the designation is adopted.

(2) Undeveloped parcel, tract, or lot, the combination of which is less than 20 acres and is contiguous on at least three sides to areas meeting the criteria of division (1)(a) above at the time the designation is adopted.

(3) A subdivision that is a minimum of 20 contiguous acres that has obtained all necessary government approvals, provided that the actual "start of construction" of structures has occurred on at least 10% of the lots or remaining lots of a subdivision of 10% of the maximum building coverage or remaining building coverage allowed for a single lot subdivision at the time the designation is adopted and construction of structures

is underway. Residential subdivisions must meet the density criteria in division (1)(c) above of this definition.

**DEVELOPMENT** means any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials or comparable activity of operation; any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; any change in the intensity of use of land (such as an increase in the number of dwelling units in a structure); and change from one use of another use; and any activity that alters a river, stream, lake, pond, canal, woodland, wetland, endangered species habitat, or other natural resource area. **DEVELOPMENT** does include agriculture and forestry operations.

~~**DIRECTOR OF PUBLIC WORKS** means the director of the Town of James Island Department of Public Works.~~

**ELEVATED BUILDING** is a non-basement building which has its lowest elevated floor raised above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls.

**EXISTING CONSTRUCTION** ~~is, for the purposes of determining rates,~~ any structures for which the start of construction commenced before ~~January 1, 1975~~November 15, 1973. **EXISTING CONSTRUCTION** may also be referred to as “existing structures” or “Pre-FIRM Structure”.

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before November 15, 1973.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**FARM STRUCTURE** is a structure which is constructed on a farm, other than a residence or a structure attached to it, for use on the farm including, but not limited to, barns, sheds and poultry houses, but not including public livestock areas.

**FEMA** refers to the Federal Emergency Management Agency.

**FLOOD** or **FLOODING** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Note: A flood inundates a floodplain. Most floods fall into three major categories: riverine flooding, coastal flooding, and shallow flooding. Structures could fall in the floodplain.

**FLOOD ELEVATION STUDY** refers to an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

**FLOOD HAZARD BOUNDARY MAP (FHBM)** is an official map of a community, issued by the Federal Insurance Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) and related erosion areas having special hazards have been designated.

**FLOOD INSURANCE RATE MAP (FIRM)** is an official map of a community, on which the Federal Insurance Administrator has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. A **FIRM** that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM). A **FIRM** may also refer to a Flood Insurance Risk Map.

**FLOOD INSURANCE STUDY** see FLOOD ELEVATION STUDY.

**FLOODPLAIN** or **FLOOD-PRONE AREA** means any land area susceptible to being inundated by water from any source.

**FLOODPLAIN MANAGEMENT** refers to the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

**FLOODPLAIN MANAGEMENT REGULATIONS** refers to state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**FLOODPROOFING** means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODWAY** see **REGULATORY FLOODWAY**.

**FLOODWAY ENCROACHMENT LINES** refers to the lines marking the limits of floodways on federal, state and local flood plain maps.

**FREEBOARD** is a factor of safety usually expressed in feet above a mandatory base flood elevation for purposes of floodplain management.

**FUNCTIONALLY DEPENDENT USE** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding



or ship repair. The term does not include long-term storage or related manufacturing facilities.

**HAZARDOUS VELOCITIES** Refers to hydrodynamic pressure must be considered in the design of any foundation system where velocity waters or the potential for debris flow exists. If flood velocities are excessive (greater than five feet per second), foundation systems other than solid foundations walls should be considered so that obstructions to damaging flood flows are minimized.

**HIGHEST ADJACENT GRADE** means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

**HISTORIC STRUCTURE** means any structure that is:

(1) Listed individually on the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements or potentially eligible for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places that has been certified by the South Carolina Department of Archives and History.

**IMPROVEMENT** is any alteration, addition, or structural repair to an existing structure where “substantial improvement” or “substantial damage” is not a factor.

**LAND CHARACTERISTIC** is an attribute of land that can be measured or estimated.

**LETTER OF MAP AMENDMENT (LOMA)** is an official amendment, by letter, to an effective Nation Flood Insurance Program (NFIP) map. A LOMA establishes a property's or structures location in relation to th especial flood hazard area (SFHA). LOMAs are usually issued because a property or structure has been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation.

**LETTER OF MAP CHANGE (LOMC)** is an official FEMA determination, by letter, to amend or revise effective flood insurance rate maps, flood boundary and floodway maps, and flood insurance studies. LOMCs are issued in the following categories: Letter of Map Revision (LOMR) and Letter of Map Revision Based On Fill (LOMR-F).

**LETTER OF MAP REVISION (LOMR)** refers to FEMA's modification to an effective flood insurance rate map (FIRM) or a flood boundary and floodway map (FBFM) or both. LOMRs are general based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations (BFEs), to the special flood

hazards area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) or the Flood Boundary and Floodway Map (FBFM), and sometimes the flood insurance study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.

**LETTER OF MAP REVISION BASED ON FILL (LOMR-F)** refers to FEMA's modification of the special flood hazard area (SFHA) shown on the flood insurance rate map (FIRM) based on the placement of fill outside the existing regulatory floodway. The LOMR-F does not change the FIRM, FBFM, or FIS report.

**LIMIT OF MODERATE WAVE ACTION (LIMWA)** is the line shown on FIRMs to indicate the inland limit of the area expected to receive one-half foot or greater breaking waves during a 1% annual flood event.

**LIMITED STORAGE** Is an area used for storage and intended to be limited to incidental items that can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant or breakaway material, void of utilities except for essential lighting and cannot be temperature controlled. If the area is located below the base flood elevation in an A, AE and A1-A30 zone it must meet the requirements of § 151.41(A)(4). If the area is located below the base flood elevation in a V, VE and V1-V30 zone it must meet the requirements of § 151.41(C).

**LOW VALUE STRUCTURE** see **ACCESSORY STRUCTURE**.

**LOWEST ADJACENT GRADE (LAG)** is an elevation of the lowest ground surface that touches any deck support, exterior walls of a building or proposed building walls.

**MANGROVE STAND** refers to an assemblage of mangrove trees which is mostly low trees noted for a copious development of interlacing adventitious roots above the ground and which contain one or more of the following species: Black mangrove (*Avicennia nitida*); Red mangrove (*Rhizophora mangle*); White mangrove (*Longunculariacemosa*); and buttonwood (*Conocarpus erecta*).

**MANUFACTURED HOME** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed to meet HUD standards, for use with or without a permanent foundation when attached to the required utilities. The term **MANUFACTURED HOME** does not include a "recreational vehicle".

**MANUFACTURED HOME PARK OR SUBDIVISION** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**MANUFACTURED HOME PERMANENT FOUNDATION** is a foundation designed by a professional engineer registered in South Carolina, with said design subject to the approval of the Building Official. A bolt-on/bolt-off foundation system is considered as a permanent foundation for mobile homes placed into a manufactured home park.

**MEAN SEA LEVEL** is, for the purpose of this chapter, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which

the base flood elevations shown on a community's Flood Insurance Rate Maps (FIRM) are shown.

**MODULAR BUILDING UNIT** is a building or set of building components manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished building and not designed for ready removal to another site, and built in accordance to the Modular Construction Act of the State of South Carolina. This term is not to be limited to residential dwellings.

**NEW CONSTRUCTION** is, for flood-plain management purposes, structures for which the start of construction commenced on or after the effective date of the NFIP community's a Flood-Plain Management Ordinance adopted by the NFIP community, November 15, 1973 and includes subsequent improvements to such structures, also known as Post-FIRM. (Exception: An addition to an existing structure (built prior to November 15, 1973) is not considered "new construction" unless it is a substantial improvement.)

**NEW DEVELOPMENT** is any of the following actions undertaken by any person, including, without limitation, any public or private individual entity: a) division of combination of lots, tracts, or parcels of other divisions by plat or deed; b) the construction, installation, or alteration of land, a structure, impervious surface or drainage facility; c) clearing, scraping, grubbing or otherwise significantly disturbing the soil, vegetation, mud, sand, or rock of a site, or changing the physical drainage characteristics of the site; or d) adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging, or otherwise disturbing the soil, vegetation, mud, sand or rock of a site. The transition from native landscapes to a developed condition reduces the infiltration, evapotranspiration, and surface roughness onsite, regardless of the amount of green space and BMPs implemented into the site design.

**NEW MANUFACTURED HOME PARK OR SUBDIVISION** refers to a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed on or after November 15, 1973, also known as Post-FIRM.

NFIP is the National Flood Insurance Program

**PLANNING AND ZONING OFFICIAL** refers to the individual charged with administration and enforcement of planning and zoning for the Town.

POST-FIRM STRUCTURE is a building for which construction or substantial improvement occurred after November 15, 1973. See NEW CONSTRUCTION.

**PRIMARY OCEANFRONT SAND DUNE** is a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

**RECREATIONAL VEHICLE** means a vehicle, for flood insurance purposes, which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**REDEVELOPMENT** is a development on a previously developed site where the impervious surface on the previously developed site is equal to or greater than 20% of the total site or where any repair, reconstruction, or improvements, to that site or to any structures located on that site such that the cumulative costs of repairs, reconstruction, or improvements, over a five-year period equals or exceeds 49% of the fair market value of the property and the structures located on that property. The cost of repairs, reconstruction, or improvements includes remodeling of existing building interiors, resurfacing of paved areas, and exterior building changes. The cost of repairs excludes ordinary maintenance activities that do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

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

**REPETITIVE LOSS AREA** is an area with one or more repetitive loss structures and includes at-risk properties for flooding who may or may not be in a special flood hazard area (SFHA) as well as those who have made a flood insurance claim previously but do not qualify as a repetitive loss property.

**REPETITIVE LOSS PROPERTY** is an insurable building for which two or more claims of more than \$1,000 were paid by the National Flood Insurance Program (NFIP) within any rolling ten-year period, since 1978. A RL PROPERTY may or may not be currently insured by the NFIP.

**RESILIENCE** is the ability of a community to respond, adapt, and thrive under changing conditions, including, but not limited to, recurrent burdens and sudden disasters.

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

**REMEDY A VIOLATION** means to bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not reasonably possible as provided in the standards for grant of a variance, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the

structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal, state or local financial exposure with regard to the structure or other development.

**RIVERINE** is relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**SAND DUNE** is a naturally occurring accumulations of sand in ridges or mounds landward of the beach.

**SEA LEVEL RISE** is an increase in sea level that is primarily related to climate change: added water from melting ice sheets and glaciers and the expansion of seawater as it warms. Global sea level has been increasing over the past century, and the rate has increased in recent decades.

**SECTION 1316 OF THE NATIONAL FLOOD INSURANCE ACT OF 1968** is the Act provides that no new flood insurance shall be provided for any property found by the Federal Emergency Management Agency to have been declared by a state or local authority to be in violation of state or local ordinances.

**SEVERE REPETITIVE LOSS PROPERTY** is a property with at least four [flood insurance](#) claims for buildings and/or contents of more than \$5,000 or at least two building-only payments that cumulatively exceeded the value of the property.

**SIXTY-YEAR SETBACK** is a distance equal to 60 times the average annual long term recession rate at a site, measured from the reference feature.

**SMALL ACCESSORY STRUCTURES** see **ACCESSORY STRUCTURE**.

**SPECIAL FLOOD HAZARD AREA (SFHA)** see **AREA OF SPECIAL FLOOD HAZARD**.

**SPECIAL HAZARD AREA** is an area having special flood, mudslide (i.e., mudflow), or flood-related erosion hazards, and shown on a flood hazard boundary map or flood insurance rate map.

**START OF CONSTRUCTION** other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), includes substantial improvement, and means the date the construction permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a

substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**STEM WALLS** are a solid perimeter foundation wall on a continuous spread footing backfilled to the underside of the floor slab. Refer to Flood Elevation Diagram Number 1B.

**STRUCTURE** means, for flood-plain management purposes, a walled and roofed building, including gas or liquid storage tanks, that is principally above ground, as well as modular and manufactured homes.

**SUBDIVISION** is all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, and includes all division of land involving a new street or change in existing streets, and includes resubdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or, the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, and includes combination of lots of record. ~~(Stormwater and Planning/Zoning)~~

**SUBSTANTIAL DAMAGE** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed ~~4950~~% of the market value of the structure before the damage occurred as determined by the Building Official. Flood-plain management requirements for new construction apply to substantial damage.

**SUBSTANTIAL IMPROVEMENT** means any reconstruction, rehabilitation, addition or other improvement of a structure, taking place during any five consecutive years in the life of a building, the cumulative cost of which equals or exceeds ~~4950~~% of the market value of the existing structure at the date of "start of construction" of the improvement as determined by the Building Official. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(2) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

**THIRTY-YEAR SETBACK** is a distance equal to 30 times the average annual long term recession rate at a site, measured from the reference feature.

**UNNUMBERED A ZONE** is a zone without base flood elevations determined. These are still considered special flood hazard areas.

**VARIANCE** is a grant of relief from the requirements of this chapter which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in exceptional hardship.

**VE ZONE** are high risk areas subject to inundation by at least a 1% annual chance flood event as determined by detailed methods, and where wave action is expected with wave heights of more than three feet. BFEs or base flood depths are shown within these zones.

**VIOLATION** is the failure of a structure or other development to be fully compliant with the Town's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

**WATER SURFACE ELEVATION** is the height of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**WATERSHEDS** are areas of land that drain to a single point, bounded by higher elevations at the edges. Within a watershed, water travels over land until it reaches a body of water, and as the water passes farther downstream, draining a larger area, eventually everything leads to the ocean. In coastal areas, wetlands border the land, and many of the local streams and creeks enter wetlands before discharging to the ocean. Wetlands perform a crucial function in the watershed, intercepting pollutants carried downstream and removing them from the water in a natural treatment process. Additionally, wetlands slow the water down, acting as a buffer for hurricanes and reducing severity of flooding.

**X ZONE (SHADED)** is a moderate risk areas within the 0.2% annual chance floodplain, areas of 1% annual chance flooding where the average depths are less than one foot. No BFEs or base flood depths are shown within these zones.

**X ZONE (UNSHADED)** are the minimal risk areas outside the 1% and 0.2% annual chance floodplains. No BFEs or base flood depths are shown within these zones.

(Ord. 2016-14, passed 1-19-2017; Ord. 2020-11, passed 12-17-2020)

#### § 151.06 LANDS TO WHICH THIS CHAPTER APPLIES.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Town of James Island.

(Ord. 2016-14, passed 1-19-2017)

#### § 151.07 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

~~Charleston County~~ The Town of James Island declares that the Charleston County Flood Insurance Study, including the FIRMS, dated January 29, 2021, copies of which are on file in

~~the Office of Building Inspection Services at Town Hall~~ and online at [charlestoncounty.org](http://charlestoncounty.org) ~~and~~ [msc.fema.gov](http://msc.fema.gov), is hereby adopted and declared to be as fully a part of this chapter as if set forth herein. Letters of Map Change (LOMC) to these adopted maps authorized by the NFIP shall become effective immediately upon the date established by the NFIP. Permits of any kind from the Town of James Island will only be issued based on the current effective data set by the most recent applicable FIRM or LOMC authorized by the National Flood Insurance Program/ FEMA.

(A) Lands to which this chapter applies. This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Town of James Island.

(Ord. 2016-14, passed 1-19-2017; Ord. 2018-12, passed 10-18-2018; Ord. 2020-11, passed 12-17-2020)

#### § 151.08 WARNING AND DISCLAIMER OF LIABILITY.

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

(Ord. 2016-14, passed 1-19-2017)

#### § 151.09 PROVISIONS CUMULATIVE.

The provisions of this chapter are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this chapter, ~~including, but not limited to, Ordinance No. 1526 and 1349~~, are hereby expressly repealed to the extent of any such inconsistency or conflict. The enactment of this chapter shall not serve to terminate or be cause for the termination of the prosecution of any civil or criminal actions under the prior ordinances which were pending at the time of the enactment hereof.

(Ord. 2016-14, passed 1-19-2017; Ord. 2020-11, passed 12-17-2020)

#### § 151.10 SEVERABILITY.

If any provision of this chapter or its application to any circumstance is held by a court of competent jurisdiction to be invalid for any reason, then this holding does not affect other



provisions or applications of this chapter which can be given effect without the invalid provision or application, and, to this end, the provisions of this chapter are severable.

(Ord. 2016-14, passed 1-19-2017; Ord. 2020-11, passed 12-17-2020)

#### § 151.11 ABROGATION AND GREATER RESTRICTIONS.

This chapter shall not in any way impair/remove the necessity of compliance with any other applicable laws, ordinances, regulations, etc. Where this chapter imposes a greater restriction, the provisions of this chapter shall control.

(Ord. 2016-14, passed 1-19-2017)

#### § 151.12 EFFECTIVE DATE; APPLICATION.

This chapter shall be effective immediately for all new permits issued on or after the date of ratification.

(Ord. 2016-14, passed 1-19-2017; Ord. 2020-11, passed 12-17-2020)

### ADMINISTRATION

#### § 151.25 DESIGNATION OF BUILDING OFFICIAL.

As designated by the Town Administrator, The Town Building Official (“Building Official”), and/or his designee, is hereby appointed to administer and implement the provisions of this chapter.

(Ord. 2016-14, passed 1-19-2017)

#### § 151.26 DUTIES AND RESPONSIBILITIES OF THE BUILDING OFFICIAL.

Duties of the Building Official shall include, but not be limited to:

(A) Review all applications for construction permits to assure that the requirements of this chapter have been satisfied, the requirements of 44 CFR, and are adequate to determine whether proposed building sites will be reasonably safe from flooding.

(B) Review application for a construction permit on forms furnished by the Building Official, prior to authorizing the commencement of any construction activities. The following information, as a minimum, is required to be reviewed:

(1) ~~Two~~ A digital set and one hard copy sets of building plans drawn to scale and showing, at a minimum, elevations for each exterior wall; floor plan(s); foundation and wall sections and details; stair details; and electrical, plumbing and mechanical riser diagrams. The plans shall give a full description of proposed construction including a site plan identifying area(s) having special flood related hazards as applicable.

(2) Plans shall indicate the BFE and the DFE elevation of the proposed building, verification that materials proposed below the design flood elevation (DFE) are flood resistant per FEMA Technical Bulletin 2; if applicable, include flood proofing certification (non-residential), hydrostatic venting information, breakaway wall details and certifications from a registered architect/engineer.

(C) Maintain permanent copy of building permits issued and copies of all required certifications for the life of the structure.

(D) Where interpretation is needed as to the exact location and elevation of all areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Building Official shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter.

(E) Maintain a copy of letter of map changes (LOMC) issued by FEMA ~~in the office of the Building Official.~~

(F) Maintain on file, for public access, flood maps issued by the Federal Emergency Management Agency (FEMA).

(G) Review violations that occur during the course of construction. Failure of the contractor to make required changes shall be cause for issuance of a stop-work order for the project.

(H) When base flood elevation or floodway data have not been provided by the applicants, the Building Official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source.

(I) Advise owners, no new flood insurance coverage may be provided for any new construction of, or substantial improvement to, a structure located within the coastal barrier resources system as defined in Section 4 of the Coastal Barrier Resources Act.

(J) Determine the elevation requirement for construction in flood zones.

(K) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334 and that no adverse impact occurs during the development process as authorized by the 44 CFR 59 and 60.

(L) Notify adjacent communities and the S.C. Natural Resources Department prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.

(M) Ensure that maintenance and inspections are provided within the altered or relocated portion of watercourses so that the flood-carrying capacity is not diminished, and maintaining records of the same until completion of the project.

(N) Notify all repetitive loss area structures of their risk of flooding and the services available to them.

(Ord. 2016-14, passed 1-19-2017; Ord. 2020-11, passed 12-17-2020)

#### § 151.27 DUTIES AND RESPONSIBILITIES OF THE PLANNING AND ZONING OFFICIAL.

Duties and responsibilities of the Planning and Zoning Official shall include, but not be limited to: require a zoning permit to be issued in conformance with the provisions of the Town of James Island Zoning and Land Development Regulations, as amended, and/or the Town of James Island Comprehensive Plan prior to the commencement of any development or construction activities. The permit shall give a full description of proposed construction.

(Ord. 2016-14, passed 1-19-2017)

#### § 151.28 DUTIES AND RESPONSIBILITIES OF THE PUBLIC WORKS OFFICIAL.

Duties and responsibilities of the Public Works Official shall include, but not be limited to, requiring stormwater permit approval in conformance with the provisions of the Town of James Island Public Works Stormwater Utility Fee Ordinance, the Town of James Island Stormwater Management Program, and the Town of James Island Stormwater Program Standards and Procedures Manual prior to the commencement of any land disturbance or development activities and requiring encroachment permit approval in conformance with the SCDOT Roadside Access and Management Manual~~Encroachment Permit Manual~~ prior to impacting public right-of-way or easement. The stormwater approval should provide a full description of the proposed construction.

(A) To coordinate, implement, and manage the Town of James Island's drainage systems.

(B) To deny a facility connection to Town of James Island stormwater systems or facilities or discharge to waters of the State if town requirements are not met.

(C) To require the submittal of an application for all applicable construction activities that cause any land disturbance or alter the storm drainage characteristics of the land. The application shall include the information required to control stormwater pollutants and other components in accordance with the current versions of the Charleston County Stormwater Permitting Standards and Procedures Manual and the -Town of James Island Supplemental Stormwater Design Standards.~~Stormwater Program Standards and Procedures Manual.~~

(D) To require the development and enforcement of a stormwater pollution prevention plan (SWPPP) for all new and re-development projects, as required by the Charleston County Municipal Separate Storm Sewer System (MS4) Program.

(E) To approve construction activities and to require as a condition of such approval structural or non-structural controls, practices, devices, operating procedures or other mechanisms to protect public and private property from flooding, erosion, pollutants, and attain total maximum daily loads (TMDLs) pollutant reductions and water quality standards.

(F) To require the submittal of an application for all applicable activities that impact a public right-of-way or easement.

(G) To require the removal of an encroachment, if necessary, at the expense of the permittee.

(Ord. 2016-14, passed 1-19-2017)

#### PROVISIONS FOR FLOOD HAZARD REDUCTION

##### § 151.40 GENERAL STANDARDS.

(A) All new construction and substantial improvements within the areas of special flood hazard shall comply with the following:

(1) Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and debris impact.

(2) Be constructed to meet or exceed the required design flood elevation (DFE), which is the base flood elevation plus a two-foot freeboard.

(3) When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction.

(4) When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.

(5) Be constructed with Class 4 or 5 materials resistant to flood damage as per FEMA Technical Bulletin 2, entitled "Flood-Resistant Materials Requirements for Buildings Located in Special Flood Hazard Areas", incorporated herein by reference, in all areas below the design flood elevation,

(6) Be constructed by methods and practices that minimize potential for flood damages.

(7) A temporary construction trailer may only be permitted to be on site for fewer than 180 consecutive calendar days at a time, and must be fully ready for highway use, and shall be attached to the site only by quick disconnect type utilities and security devices.

(8) Electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork), and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of the base flood plus two feet (freeboard).

(9) Be constructed with methods and practices outlined in ASCE 24 or an at least equally stringent standard.

(B) Elevation certificate requirements when a structure is constructed or substantially improved in the area of special flood hazard:

(1) A certified under construction elevation certificate is required, after the lowest floor is completed and before any further inspections are accepted and vertical construction commences.

(2) Floodproofing certificate for non-residential construction including floodproofing level is required immediately after the floodproofing is completed. When floodproofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

(3) A certified finished construction elevation certificate shall be provided after completion of construction including final grading of the site.

(4) Elevation certificates shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.

(5) Any work undertaken prior to approval of these certifications shall be at the permit holder's risk. The Building Official shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed.

(6) Failure to submit certification or failure to make the corrections required hereby shall be cause to issue a stop work order for the project and/or the certificate of occupancy may be withheld.

(C) New development in the area of special flood hazard shall minimize disruption to shorelines, stream channels, stream banks, and the regulatory floodway.

(D) (1) Water supply systems: All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(2) Sanitary sewage systems: New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and

discharges from the systems into floodwaters. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(E) Existing buildings and structures (Pre-FIRM Structures):

(1) Where substantial improvement or substantial damage is not a factor, replacement of electrical, heating, plumbing, heating and air conditioning equipment to existing structures shall be elevated to at least the existing lowest floor level or to the design flood elevation; and replacement ductwork installed below DFE shall be designed so as to prevent water from entering or accumulating within during conditions of flooding.

(2) Improvements to a structure where substantial improvement or substantial damage is not a factor shall be designed and constructed so as to meet the requirements of this chapter, with an exception that the minimum elevation of the lowest floor of an improvement may match the existing legally non-conforming structure existing lowest floor.

(F) Modular construction shall be consistent with the South Carolina Modular Building Construction Act (S.C. Code § 23-43-10 et seq.) as may be amended from time to time, which is incorporated herein by reference.

(G) Enclosures below the design flood elevation, shall be the minimum necessary to allow for parking of vehicles, limited storage, or entry to the living area.

(H) An exterior door with a landing shall be installed at the top of the stairs that provide access to the building.

(I) Accessory residential structure specific standards. New construction or substantial improvements to residential accessory structures that contain habitable space shall meet the requirements of new construction as contained in this chapter. Small and/or low value accessory structures that do not contain habitable space may be exempted from the elevation requirements in AE Zones only, provided the following conditions are met:

(1) The building is constructed of flood-resistant materials below the design flood elevation.

(2) Exterior perimeter walls are provided with openings to relieve hydrostatic pressure and the interior is not partitioned or finished into separate rooms.

(3) Electrical, heating, ventilation, plumbing, air conditioning, and other service facilities are prohibited, except for essential lighting and power circuits. Flood elevation certificates may be required to determine the elevation of electric or other utility services provided to the accessory structure. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to DFE.

(4) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters. Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.

(5) The building is used only for parking of vehicles and/or limited storage of equipment used to service the principal building.

(J) Manufactured home additional specification standards.

(1) Permits shall be obtained for placement of manufactured homes or temporary construction trailers.

(2) All manufactured homes permitted to be placed shall be installed using methods and practices which minimize flood damage, which include but are not limited to elevating the lowest floor of the manufactured home on a permanent foundation, as defined herein as a MANUFACTURED HOME PERMANENT FOUNDATION, to or above the design flood elevation in A or AE zones only.

(a) For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement.

(b) Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

(c) This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

(d) Designs for manufactured home permanent foundations are subject to approval of the Building Official.

(K) Recreational vehicles additional specific standards. All recreational vehicles, other than those parked at another permanent structure temporarily while not in use, place or sited within special flood hazard areas must:

(1) Be on the site for fewer than 180 consecutive calendar days, and

(2) Be fully registered and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(3) If the vehicle is to remain in an A or AE zone, it must be elevated in accordance with requirements for manufactured homes as provided in § 151.41.

(Ord. 2016-14, passed 1-19-2017; Ord. 2018-12, passed 10-18-2018; Ord. 2020-11, passed 12-17-2020)

#### § 151.41 SPECIFIC STANDARDS IN ADDITION TO GENERAL STANDARDS FOR UNNUMBERED A ZONES, AE ZONES.

(A) (1) All new construction and substantial improvements of residential structures shall be elevated so that the top of the lowest floor level (including basement) is elevated to or above the design flood elevation.

(2) All new construction and substantial improvements of non-residential structures within Zone AE on the community FIRM may be floodproofed below DFE if they are designed so that below the design flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy including attendant utilities and sanitary facilities.

(3) Where a non-residential structure is intended to be made watertight below the base flood level:

(a) A registered professional engineer or architect licensed in the state shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this chapter, including but not limited to Floodproofing Non-Residential Buildings (FEMA P-936) as published by the Federal Emergency Management Agency incorporated herein by reference; and

(b) A record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are flood proofed shall be maintained with the Building Official.

(4) Enclosed areas below the design flood elevation, including foundation crawl space areas, shall be designed to automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect licensed in the state or meet or exceed the following minimum criteria:

(a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(b) The bottom of all openings shall be no higher than one foot above grade.

(c) Only the portions of openings that are below the base flood elevation (BFE) can be counted towards the required net open area.

(d) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

(e) The area of the opening is the net clear opening calculated as the open area (excluding area of screening or other coverings that prohibit the free flow of water through the opening).

(f) Fill placed around foundation walls must be grated so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side of the building.

(5) In special flood hazard areas without base flood elevation data, new construction or substantial improvements of structures shall be elevated to at least two feet above the anticipated flood elevation during a base flood, as determined through an engineering



analysis meeting the Federal Emergency Management Agency guidelines for flood insurance studies with the floodway to be established with no more than one-half foot rise.

(B) Specific standards in addition to general standards for VE and Coastal A zones. VE zones and Coastal A zones are areas designated as coastal high hazard areas. These areas have special flood hazards associated with wave wash, and therefore, the following provisions shall apply:

(1) All new construction and buildings that are substantially damaged or improved within VE and Coastal A zones are to be located landward of the reach of mean high tide.

(2) Provide that all new construction and substantial improvements in zone VE and Coastal A Zone, on the Charleston County FIRM, are elevated on pilings or columns so that:

(a) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the design flood elevation; and

(b) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by the International Building Code or International Residential Code as adopted and periodically amended by the state.

(c) A registered professional engineer or architect licensed in the state shall develop and/or review the structural design, specifications and plans for construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions.

(3) New construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood latticework, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. A breakaway wall shall be permitted only if a registered professional engineer or architect licensed in the state certifies that the designs proposed meet the following conditions:

(a) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

(b) The elevated portion of the building and supporting foundations system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards.

(c) Electrical, mechanical and plumbing system components are not to be mounted on or penetrate through walls that are designed to break away under flood loads.

(4) There shall be no fill used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge, thereby rendering the building free of obstruction prior to generating excessive loading forces, ramping effects, or wave deflection. The Building Official shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect, and/or soil scientist licensed in the state which demonstrates that the following factors have been fully considered:

(a) Particle composition of fill material does not have a tendency for excessive natural compaction;

(b) Volume and distribution of fill will not cause wave deflection to adjacent properties; and

(c) Slope of fill will not cause wave run-up or ramping.

(5) Man-made alteration of sand dunes and mangrove stands within zone VE and Coastal A Zones which would increase potential flood damage shall be prohibited.

(6) Pre-construction and as-built design and breakaway wall certifications, where applicable, shall be provided by registered professional engineers and/or architects licensed in the state for new and substantially improved structures in VE and Coastal A flood zones on the Charleston County FIRM. These certificates shall also be provided for all lateral additions to structures in the VE and Coastal A flood zones.

(7) Enclosed areas below the lowest floor shall be the minimum necessary to allow for parking of vehicles, limited storage, and access to the primary occupancy.

(8) Walls intended to break away under flood loads as specified shall have flood openings that meet the criteria in the general standards section for enclosed space below design flood elevation.

(9) Appurtenant features, defined as swimming pools, decks, gazebos, fences, and other features as determined by the Building Official as potentially causing an obstruction in the coastal high hazard area, must comply with the Federal Emergency Management Agency (FEMA) Technical Bulletin 5, Free of Obstruction Requirements, or any revisions thereto, incorporated herein by reference.

(10) Any and all other obstructions located in the VE Zone shall meet all applicable requirements of this chapter.

(C) Manufactured home and recreational vehicles additional specification standards in VE and Coastal A Zones.

(1) New or replacement manufactured homes (e.g., those designed to meet HUD standards) shall not be placed within property located in VE and Coastal A Zones.

(2) Existing manufactured homes in VE and Coastal A Zones may be permitted to remain as long as the structure complies with minimum health and safety standards and is anchored to resist flotation, collapse, lateral movement or debris impacts.

(3) The placement of a permanent recreational vehicle is prohibited in VE and Coastal A Zones.

~~(D) In Coastal A Zones, stem wall foundations supporting a floor system above and backfilled with soil or gravel to the underside of the floor system shall be permitted provided that the foundations are designed to account for wave action, debris impact, erosion and local scour. Where soils are susceptible to erosion and local scour, stem wall foundations shall have deep footings to account for the loss of soil. Stem walls are to be limited to a height of two feet above existing grade.~~

(Ord. 2016-14, passed 1-19-2017; Ord. 2020-11, passed 12-17-2020)

#### § 151.42 STANDARDS FOR REGULATORY FLOODWAYS.

Areas of special flood hazard established as regulatory floodways in the Charleston County Flood Insurance Rate Map (FIRM) and/or the Charleston County Flood Insurance Study, are the Charleston County designated floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:

(A) Prohibition of encroachments, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice in accordance with the Charleston County Flood Insurance Study or as otherwise deemed appropriate by FEMA or the Building Official, certified by a state licensed engineer, that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharges.

(B) (1) Encroachments may be permitted within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the town first applies for a conditional FIRM and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12 of 44 CFR and receives the approval of the federal insurance administrator.'

(2) (a) Standards for streams with established base flood elevations but without floodways along rivers and streams where base flood elevation data is provided but no floodway is identified for a Special Flood Area on the FIRM or in the FIS. The following provisions apply within such areas:

(b) No encroachments, including fill material, new construction, or substantial improvement shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood at any point.

(C) The area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one-half foot at any point.

(Ord. 2016-14, passed 1-19-2017; Ord. 2020-11, passed 12-17-2020)

#### § 151.43 STANDARDS FOR SUBDIVISION PROPOSALS AND OTHER DEVELOPMENT.

Standards for subdivision proposals shall meet or exceed the following minimum criteria:

(A) All subdivision proposals shall be consistent with the need to minimize flood damage;

(B) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(C) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;

(D) Base flood elevation data shall be provided for all subdivision proposals (including manufactured home parks and subdivisions).

(E) In all areas of special flood hazard where base flood elevation data is not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments.

(Ord. 2016-14, passed 1-19-2017; Ord. 2020-11, passed 12-17-2020)

#### APPEALS AND VARIANCES

#### § 151.55 APPEAL AND VARIANCE PROCEDURE.

(A) ~~General. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this chapter, the Board of Zoning Appeals (BZA) shall be the designated board of officials appointed by the governing body, as established in Section 153.047 of the Zoning and Land Development Ordinance. The Charleston County Construction Board of Adjustment and Appeals as established by the County Council shall hear and decide appeals and requests for variance meeting the following provisions from the requirements of this chapter:~~

~~—(1) Public notice of all meeting of the Board shall be provided by at least electronic delivery to the news television stations, the newspaper of general circulation, the radio communication companies, and several individual town/jurisdictional distribution papers.~~

(1) Decisions on which a variance or appeal is requested shall be those made by the Building Official or his designee.

(2) Requests for a hearing for a variance or appeal of a decision shall be in writing, and shall be received in the office of the Building Official within 30 calendar days of notice to the appellant of the decision.

(3) The appellant shall be the owner of the property affected by the decision or his or her duly authorized representative.

(B) This Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Building or the Planning and Zoning Official in the enforcement or administration of this chapter.

(C) Any person aggrieved by the decision of this Board or any taxpayer may appeal such decision, as provided in § ~~6-29-8004-9-30~~ of the S.C. Code of Laws.

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

(E) Variances may be issued for a new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that requirements of this section are met and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(F) Variances may be issued to wet flood proof an expansion to an existing farm structure in accordance with Technical Bulletin 7, Wet Flood Proofing Requirements for Structures Located in Special Flood Hazard Areas in accordance with the National Flood Insurance Program available from the Federal Emergency Management Agency. The structure must meet all of the conditions and considerations for variances otherwise established within this chapter. In addition, the following standards shall apply:

(1) Use of the structure must be limited to agricultural purposes such as pole frame buildings with open or closed sides used exclusively for the storage of farm machinery and equipment; steel grain bins and steel frame corn cribs; and general purpose barns for temporary feeding of livestock;

(2) The expansion to an existing farm structure must be built or rebuilt, in the case of an existing building which is substantially damaged, with flood resistant materials for building elements below the base flood elevation;

(3) The expansion to an existing farm structure must be adequately anchored to prevent flotation, collapse or lateral movement. All of the structure's components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, hydrodynamic and debris impact forces;

(4) The expansion to an existing farm structure shall meet the requirements for hydrostatic venting requirements of this chapter;

(5) Electrical, mechanical or other utility equipment must be located at or above the design flood elevation, or must be maintained in a flood proofed enclosure complying with this chapter which is capable of resisting damage during flood conditions;

(6) The expansion to an existing farm structure must comply with floodway encroachment provisions of this chapter; and

(7) Major equipment or machinery must be protected from damage by flooding, which may include safely removing the contents of an expansion to an existing farm structure to a specified site out of the flood plain upon notification of potential flooding event.

(G) In passing upon such applications, this Board shall consider all staff reports and technical evaluations, all relevant factors and all standards specified in other sections of this chapter, and:

(1) The danger that materials may be swept onto other lands to the injury of others;

(2) The danger to life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity of the facility to a waterfront location, in the case of a functionally dependent usage;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The conformance of the proposed use to the Town Comprehensive Plan and the Town of James Island Zoning and Land Development Regulations;

(8) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(9) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site during a base flood event; and

(10) The costs of providing governmental services to the site during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical and water systems, and streets and bridges.

(H) The Board may attach such reasonable conditions to the granting of variances as it deems necessary to further the purpose of this chapter.

(I) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result, nor shall a variance be based on financial hardship alone; nor solely due to existing or as-built elevation deficiencies that will cause extreme hardship.

(J) Conditions for variances.

(1) Variances shall be issued only on a determination that the variance is the minimum necessary needed to afford relief considering the flood hazard; and in the instance of an historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building;

(2) Variances shall be issued only upon:

(a) A showing of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship; and

(c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, creation of a nuisance, fraud on or victimization of the public, or conflict with other existing laws or ordinances.

(3) Any applicant to whom a variance is granted shall be given written notice specifying the differences between the base flood elevation and the elevation of which the building is to be built and a statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(4) The Building Official shall maintain the records of all appeal actions and report any variances granted to the Federal Emergency Management Agency upon request.

(5) Variances may not be issued when the variance will make the structure in violation of other federal, state or local laws, regulations or ordinances.

(Ord. 2016-14, passed 1-19-2017)

## COMPLIANCE FOR PROPOSED REAL ESTATE TRANSACTIONS

### § 151.70 PROVISION FOR INSPECTIONS.

(A) For the purpose of establishing pre-existing conditions which may not be in compliance with the Town of James Island Flood Damage Prevention ~~and Protection~~ Ordinance, it is hereby established that the Building Official or designee Building Services Department is authorized to conduct inspections of existing structures at the request or with the consent of the owner of the structure or his agent for compliance with the Town of James Island Flood Damage Prevention ~~and Protection~~ Ordinance when requested for a proposed real estate transaction or insurance policy issue.

(B) The Building Official may promulgate regulations for the implementation of this program, consistent with the intent hereof and with the terms of the remainder of Chapter 151 of the Code of Ordinances of the Town of James Island.

(C) These inspections are to be conducted at a convenient time for the property owner or his agent and during the normal operating hours of the Building Services Department.

(D) Reports generated as a result of these inspections are to be considered public records and are to be maintained in the Office of the Building Official in accordance with the Town's records retention schedule.

(Ord. 2016-14, passed 1-19-2017)

## NUISANCES

### § 151.85 NUISANCES WITHIN A SPECIAL FLOOD HAZARD AREA.

(A) Certain nuisances defined. Notwithstanding anything to the contrary set forth in the Code of Ordinances, Town of James Island, the following activities occurring within a special flood hazard area constitute a danger to the health, safety, and welfare of the residents of the Town, are hereby defined as public nuisances and are prohibited within any special flood hazard area.

(1) The manufacture, processing, blending, mixing or refining of the following products as defined in the International Fire Code as adopted by the Town of James Island:

- (a) Explosives;
- (b) Blasting agents;

(2) Storage of the products listed in division (A)(1) above, except that the retail sale of packages products off-the-shelf at properly licensed and otherwise authorized retail sales outlets, is allowed.

(B) Defense - prior use of property. It shall be a defense to prosecution pursuant to division (A) above if:

(1) Property located within a special flood hazard zone was being used for a purpose defined as a nuisance in division (A)(1) above, ~~before August 3, 1971~~, has been continuously used for such purpose thereafter, and such use:

~~(a) Was a permitted use pursuant to the county zoning ordinance as of August 3, 1971; or~~

~~(a) Constituted a lawful non-conforming use under the county Town Zoning and Land Development Regulations Ordinance's zoning ordinance on August 3, 1971; and~~

(2) Property which becomes located within a special flood hazard area as the result of an amendment to the county's FIRM was being used for a purpose defined as a nuisance in division (A)(1) above, before the effective date of the amended FIRM, has been continuously used for such purpose thereafter, and such use:



(a) Was a permitted use pursuant to the Town Zoning and Land Development Regulations Ordinance ~~'s zoning ordinance~~ as of the effective date of the FIRM; or

(b) Constituted a lawful non-conforming use under the ~~town's zoning ordinance~~ Town Zoning and Land Development Regulations Ordinance on the effective date of the FIRM.

(Ord. 2016-14, passed 1-19-2017)

§ 151.99 PENALTY.

(A) Criminal penalties. Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500 or imprisoned for not more than 30 days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the town from taking such other lawful actions as are necessary to prevent or remedy any violation.

(B) Civil remedies. In addition to any other criminal or civil remedies that may be available to the town, the town may seek and obtain an injunction against the owner or owner's representative with control over the property in accordance with applicable laws and procedures.

(Ord. 2016-14, passed 1-19-2017)

## CHAPTER 150: TOWN BUILDING REGULATIONS

### Section

- 150.01 General provisions
- 150.02 Applicability
- 150.03 Department of Building Inspection Services
- 150.04 Duties and powers of Building Official
- 150.05 Permits
- 150.06 Construction documents
- 150.07 Temporary structures and uses
- 150.08 Fees
- 150.09 Inspections
- 150.10 Certificate of occupancy
- 150.11 Service utilities
- 150.12 Licensing and registration
- 150.13 Unsafe dwellings and equipment
- 150.14 Construction Board of Adjustment and Appeals
- 150.15 Violations
  
- 150.99 Penalty

### Editor's note:

The regulations set forth in this chapter are those ~~of Charleston County Ordinance 1839, adopted by the county on January 20, 2015, which was~~ adopted by the Town's Ordinance 2016-14 on January 19, 2017, as amended.

### § 150.01 GENERAL PROVISIONS.

(A) Title. These regulations shall be known as the Building Code of the Town of James Island, hereinafter referred to as "this chapter."

(B) Scope. The provisions of this chapter shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location,

maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

(C) Appendices. Provisions in the appendices shall not apply unless specifically adopted.

(D) Intent. The purpose of this chapter is to regulate the provisions found in S.C. Code §§ 6-9-5 et seq. and S.C. Code of Regulations 8-100 et seq. that establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

(E) Referenced codes. The provisions in divisions (E)(1) through (E)(8) below and referenced elsewhere in this chapter shall be considered part of the requirements of this chapter to the prescribed extent of each such reference.

(1) Building.

(a) The provisions of the International Building Code as adopted by the S. C. Building Codes Council shall apply to the construction of buildings and structures.

(b) Exception: Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the International Residential Code as adopted by the S.C. Building Code Council.

(2) Electrical. The provisions of the National Electrical Code as adopted by the S.C. Building Codes Council shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

(3) Gas. The provisions of the International Fuel Gas Code as adopted by the S.C. Building Codes Council shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this chapter. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

(4) Mechanical. The provisions of the International Mechanical Code as adopted by the S.C. Building Codes Council shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilation, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

(5) Plumbing. The provisions of the International Plumbing Code as adopted by the S.C. Building Codes Council shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

(6) Fire prevention. The provisions of the International Fire Code as adopted by the S.C. Building Codes Council shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices, from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

(7) Energy. The provisions of the International Energy Conservation Code as adopted by the State of South Carolina shall apply to all matters governing the design and construction of buildings for energy efficiency.

(8) Unsafe buildings and equipment. (See § 150.13).

(F) Definitions. References throughout this chapter are defined as follows:

CODE OFFICIAL. Shall mean "Building Official."

(Ord. 2016-14, passed 1-19-2017)

#### § 150.02 APPLICABILITY.

(A) Area of applicability. This chapter shall affect all unincorporated areas of the Town, ~~unless this chapter is adopted by an incorporated area~~, excluding any parcels of land owned by the state or the federal government, and any buildings and installations thereon unless duly requested or required by law.

(B) General. Where, in any specific case, different sections of this chapter specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(C) Other laws. The provisions of this chapter shall not be deemed to nullify any provisions of local, state, or federal law.

(D) Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section, or provision of this chapter.

(E) Referenced codes and standards.

(1) The codes and standards referenced in this chapter shall be considered part of the requirements of this chapter to the prescribed extent of each such reference. Where differences occur between provisions of this chapter and referenced codes and standards, the provisions of this chapter shall apply.

(2) Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer's instructions shall apply.

(F) Partial invalidity. In the event that any part or provision of this chapter is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

(G) Existing structures.

(1) The legal occupancy of any structure existing on the date of adoption of this chapter shall be permitted to continue without change, except as is specifically covered in this chapter or as is deemed necessary by the Building Official for the general safety and welfare of the occupants and the public.

(2) Existing installations. Building systems lawfully in existence at the time of the adoption of this chapter shall be permitted to have their use and maintenance continued if the use, maintenance or repair is in accordance with the original design and no hazard to life, health or property is created by such system.

(H) Maintenance. All building systems, materials, and appurtenances, both existing and new, and all parts thereof, shall be maintained in proper operating condition in accordance with the original design in a safe and sanitary condition. All devices or safeguards required by this chapter shall be maintained in compliance with the code edition under which they were installed.

(1) Maintenance of safeguards. Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, or any other feature is required for compliance with the provisions of this chapter or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with the chapter and applicable referenced standards, in effect on the date permitted or if done without permits at the time of installation.

(2) Testing and operation. Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in this chapter.

(a) Test and inspection records. Required test and inspection records shall be available to the Building Official at all times.

(b) Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this chapter.

(3) Supervision. Maintenance and testing shall be under the supervision of a responsible person who shall ensure that such maintenance and testing are conducted at specified intervals in accordance with this chapter.

(4) Rendering equipment inoperable. Portable or fixed fire-extinguishing systems or devices and fire-warning systems shall not be rendered inoperative or inaccessible except as necessary during emergencies, maintenance, repairs, alterations, drills or prescribed testing.

(5) Owner/occupant responsibility. Correction and abatement of violations of this chapter shall be the responsibility of the owner. If an occupant creates, or allows to be created, hazardous conditions in violation of this chapter, the occupant shall be held responsible for the abatement of such hazardous conditions.

(6) Overcrowding. Overcrowding or admittance of any person beyond the approved capacity of a building or a portion thereof shall not be allowed. The Building Official, upon finding any overcrowding conditions or obstructions in aisles, passageways, or other means of egress, or upon finding any condition which constitutes a life safety hazard, shall be authorized to cause the event to be stopped until such condition or obstruction is corrected.

(I) Additions, alterations, or repairs. Additions, alterations, or repairs to any structure or building systems shall conform to that required for a new structure without requiring the existing structure to comply with all of the requirements of this chapter, unless otherwise stated. Additions, alterations, or repairs shall not cause an existing structure to become unsafe or adversely affect the performance of the building. See division (L) of this section concerning substantial improvements.

(J) Historic buildings.

(1) The provisions of this chapter relating to the construction, alteration, repair, enlargement restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and/or classified by the federal, state or town as historic buildings when such buildings or structures are judged by the Building Official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation, change of occupancy, or moving of buildings.

(2) HISTORIC BUILDINGS are defined as:

(a) Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places;

(b) Determined by the Secretary of the U.S. Department of Interior as contributing to the historical significance of a registered historic district, or a district preliminarily determined to qualify as an historic district;

(c) Designated as historic under a state or local historic preservation program that is approved by the Department of Interior; or

(d) Individually listed on a local inventory of historical places that has been certified by the South Carolina Department of Archives and History.

(K) Moved buildings. Buildings and/or structures and their components moved into or within the Town shall comply with the provisions of this chapter for new installations.

(L) Substantially improved or substantially damaged existing buildings and structures. The Building Official shall examine or cause to be examined the construction documents for reconstruction, rehabilitation, addition, or other improvement of existing buildings or

structures, and shall prepare a finding with regard to the value of the proposed work. For buildings that have sustained damage of any origin and/or improvement to a building or structure, the value of the proposed work shall include the cost to repair the building or structure to its pre-damaged condition and/or cost of any improvements. If the Building Official finds that the value of proposed work equals or exceeds 50% of the fair market value of the building or structure, the entire building or structure shall be brought into compliance with all applicable codes.

(M) Change in occupancy (Including Use as Short Term Rental). It shall be unlawful to make a change in the occupancy of any structure which will subject the structure to any special provision of this chapter applicable to the new occupancy without approval. The Building Official shall certify that such structure meets the intent of the provisions of law governing building construction for the proposed new occupancy and that such change of occupancy does not result in any hazard to the public health, safety, or welfare.

(N) Requirements not covered by this chapter. Requirements necessary for the strength, stability, or proper operation of an existing or proposed building or structure and its components, or for the public safety, health and general welfare, not specifically covered by this chapter, shall be determined by the Building Official.

(Ord. 2016-14, passed 1-19-2017) Penalty, see § 150.99

#### § 150.03 DEPARTMENT OF BUILDING ~~INSPECTION~~ SERVICES.

(A) Creation of enforcement agency. The Department of Building ~~Inspection~~ Services is hereby created and the official in charge thereof shall be known as the Building Official.

(B) Appointment. The Building Official shall be appointed by the appointing authority Mayor, or his/her designee, of the Town of James Island.

(C) Deputies. In accordance with the prescribed procedures of this Town and with the concurrence of the appointing authority, the Town Administrator Building Official shall have the authority to appoint assign a Deputy Building Official, the related technical officers, inspectors, plan examiners, code enforcement officers, and other employees. Such employees shall have powers as delegated by the Building Official upon approval of the Town Administrator.

(Ord. 2016-14, passed 1-19-2017)

#### § 150.04 DUTIES AND POWERS OF BUILDING OFFICIAL.

(A) General. The Building Official is hereby authorized and directed to enforce the provisions of this chapter. The Building Official shall have the authority to render interpretations of this chapter and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in

compliance with the intent and purpose of this chapter. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this chapter.

(B) Applications and permits. The Building Official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this chapter.

(C) Notices and orders. The Building Official shall issue all necessary notices or orders to ensure compliance with this chapter.

(D) Inspections. The Building Official shall make all of the required inspections, or the Building Official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual.

(E) Identification. The Building Official shall carry proper identification when inspecting structures or premises in the performance of duties under this chapter.

(F) Right of entry. Where it is necessary to make an inspection to enforce the provisions of this chapter, or where the Building Official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this chapter which makes the structure or premises unsafe, dangerous or hazardous, the Building Official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this chapter, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

(G) Department records. The Building Official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

(H) Liability. The Building Official, member of the [board designated to review appeals, Construction Board of Adjustment and Appeals](#) or employee charged with the enforcement of this chapter, while acting for the Town in good faith and without malice in the discharge of the duties required by this chapter or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this chapter shall be defended by legal representative of the Town until the final termination of the proceedings. The Building Official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this chapter.



(I) Approved materials and equipment.

(1) Materials, equipment, and devices approved by the Building Official shall be constructed and installed in accordance with such approval.

(2) Used materials and equipment. The use of used materials which meet the requirements of this chapter for new materials is permitted. Used equipment and devices shall not be reused unless approved by the Building Official.

(J) Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this chapter, the Building Official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the Building Official shall first find that special individual reason makes the strict letter of this chapter impractical and the modification is in compliance with the intent and purpose of this chapter and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of the action granting modifications shall be recorded and entered in the files of the Department of Building Services.

(K) Alternative materials, design and methods of construction and equipment. The provisions of this chapter are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this chapter, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the Building Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this chapter, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this chapter in quality, strength, effectiveness, fire resistance, durability, and safety.

(1) Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this chapter, shall consist of valid research reports from approved sources.

(2) Tests. Whenever there is insufficient evidence of compliance with the provisions of this chapter, or evidence that a material or method does not conform to the requirements of this chapter, or in order to substantiate claims for alternative materials or methods, the Building Official shall have the authority to require tests as evidence of compliance to be made at no expense to the Town. Test methods shall be as specified in this chapter or by other recognized test standards. In the absence of recognized and accepted test methods, the Building Official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the Building Official for the period required for retention of public records.

(L) Evacuation. The Building Official and/or the Fire Department Official in charge of an incident shall be authorized to order the immediate evacuation of any occupied building deemed unsafe when such building has hazardous conditions that present imminent danger to building occupants. Persons so notified shall immediately leave the structure or

premises and shall not enter or re-enter until authorized to do so by the Building Official and/or the Fire Department Official in charge of the incident.

(Ord. 2016-14, passed 1-19-2017) Penalty, see § 150.99

#### § 150.05 PERMITS.

##### (A) Required permits.

(1) Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this chapter, or to cause any such work to be done, shall first make application; to the Building Official and obtain the required permit.

(2) Additional required permits. The Building Official is authorized to issue permits for work as set forth in divisions (A)(2)(a) through (A)(2)(c) of this section.

(a) Automatic fire-extinguishing systems. A permit is required for installation of or modification to an automatic fire-extinguishing system. Maintenance performed in accordance with this chapter is not considered a modification and does not require a permit.

##### (b) Fire alarm and detection systems and related equipment.

1. A permit is required for installation of or modification to fire alarm and detection systems and related equipment. Maintenance performed in accordance with this chapter is not considered a modification and does not require a permit.

2. Exception: Residential type smoke detectors installed individually or wired in series in single-family residences.

(c) Fire pumps and related equipment. A permit is required for installation of or modification to fire pumps and related fuel tanks, jockey pumps, controllers, and generators. Maintenance performed in accordance with this chapter is not considered a modification and does not require a permit.

(d) Hazardous materials. A permit is required to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a storage facility or other area regulated by Chapter 27 of the International Fire Code.

(e) Private fire hydrants. A permit is required for the installation or modification of private fire hydrants and their systems.

(f) Standpipe systems. A permit is required for the installation, modification, or removal from service of a standpipe system. Maintenance performed in accordance with this chapter is not considered a modification and does not require a permit.

(g) Special permits. In addition to the required permits, the following permits are required for the following installation and/or repairs; vinyl siding, insulation, roofing, floor covering/carpet, masonry, drywall, carpentry, stucco, paint/wallpaper, low voltage electrical, and elevators, ~~landscape/site development~~.

(B) Work exempt from permit.

(1) Exemptions from permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of this Town. Permits shall not be required for the following:

(a) Building.

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m<sup>2</sup>).

2. Fences not over six feet (1829-mm) high.

3. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2:1.

4. Retaining walls that are not over four feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or IIIA liquids.

5. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.

6. Temporary motion picture, television and theater stage sets and scenery.

7. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (19,000 L) and are installed entirely above ground.

8. Shade cloth structures constructed for nursery or agricultural purposes, and not including service systems.

9. Swings and other playground equipment.

10. Nonfixed and movable fixtures, cases, racks, counters, and partitions not over five feet nine inches (1753 mm) in height.

11. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.

(b) Electrical.

1. Repairs and maintenance. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

2. Radio and television transmitting stations. The provisions of this chapter shall not apply to electrical equipment used for radio and television transmissions but do apply to equipment and wiring for a power supply and the installation of towers and antennas.

3. Temporary testing systems. A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

(c) Gas.

1. Portable gas equipment of all types that is not connected to a fixed fuel piping system.

2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

3. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

(d) Mechanical.

1. Portable heating appliance.

2. Portable ventilation equipment.

3. Portable cooling unit.

4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this chapter.

5. Replacement of any part that does not alter its approval or make it unsafe.

6. Portable evaporative cooler.

7. Self-contained refrigeration system containing ten pounds (five kg) or less of refrigerant and actuated by motors of one horsepower (746 W) or less.

8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

(e) Plumbing.

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this chapter.

2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

(f) Energy. The following need not comply provided the energy use of the building is not increased:

1. Storm windows installed over existing fenestration.
2. Glass only replacements in an existing sash and frame.
3. Construction where the existing roof, wall or floor cavity is not exposed.

(2) Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the Building Official.

(3) Repairs. Application or notice to the Building Official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

(4) Public service agencies. A permit shall not be required for the installation, alteration, or repair of generation; transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

(C) Application for permit.

(1) Filing of application. To obtain a permit, the applicant shall first file an application [therefore in writing on a form](#) furnished by the Department of Building Services for that purpose. Such application shall:

(a) Identify and describe the work to be covered by the permit for which application is made;

(b) Describe the land on which the proposed work is to be done by address and tax map number (TMS) or property identification number (PID);

(c) Indicate the use and occupancy for which the proposed work is intended;

(d) Be accompanied by construction documents and other information as required in § 150.06.

(e) State the valuation of the proposed work.

(f) Be signed by the applicant, or the applicant's authorized agent.

(g) Submit such other data and information as required by the Building Official.

(2) Action on application. The Building Official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the Building Official shall reject such application in writing, stating the reasons, therefore. If the Building Official is satisfied that the proposed work conforms to the requirements of this chapter and laws and ordinances applicable thereto, the Building Official shall issue a permit therefore as soon as practicable.

(3) Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Building Official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

(D) Validity of permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this chapter or of any other ordinance of the Town. Permits presuming to give authority to violate or cancel the provisions of this chapter or other ordinances of the Town shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the Building Official from requiring the correction of errors in the construction documents and other data. The Building Official is also authorized to prevent occupancy or use of a structure where in violation of this chapter or of any other ordinances of this Town.

(E) Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extensions shall be requested in writing and justifiable cause demonstrated.

(F) Suspension or revocation. The Building Official is authorized to suspend or revoke a permit issued under the provisions of this chapter wherever the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this chapter.

(G) Placement of permit. The building permit or copy shall be kept on the site for the work until the completion of the project at an accessible and visible location.

(H) Responsibility. It shall be the duty of every person who performs work for the installation or repair of building systems, for which this chapter is applicable, to comply with this chapter.

(I) Manufactured housing permits. In order for a permit to be issued to install a manufactured home in the Town, a copy of the current license of the installer or contractor, issued by the South Carolina Manufactured Housing Board, must be submitted with the application for the permit. If a retail dealer is installing the home, a current copy of the retail dealer's license, issued by the South Carolina Manufactured Housing Board, must be submitted with the application for the permit. The installer, contractor, or dealer may submit an electronic copy of the license, in an acceptable format such as JPEG or PDF, by email, [or through the online submittal system](#) in place of a copy.

(J) Unauthorized tampering. Signs, tags, or seals posted or affixed by the Building Official shall not be mutilated, destroyed, or tampered with or removed without authorization from the Building Official.

(Ord. 2016-14, passed 1-19-2017) Penalty, see § 150.99

#### § 150.06 CONSTRUCTION DOCUMENTS.

(A) Submittal documents.

(1) Submission of documents.

(a) One paper set of construction documents, statement of special inspections and other data, [and one electronic set of these documents](#), shall be submitted ~~in two or more sets~~ with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the Town in which the project is to be constructed. Where special conditions exist, the Building Official is authorized to require additional construction documents to be prepared by a registered design professional.

(b) Exception: The Building Official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this chapter.

(2) Information on construction documents. Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the Building Official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this chapter and relevant laws, ordinances, rules, and regulations, as determined by the Building Official.

(a) Fire protection system shop drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this chapter and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9 of the IBC.

(b) Manufacturer's installation instructions. The manufacturer's installation instructions, as required by this chapter, shall be available on the job site at the time of inspection.

(3) Means of egress. The construction documents shall show in sufficient detail the location, construction, size, and character of all portions of the means of egress in compliance with the provisions of this chapter. In other than occupancies in groups R-2, R-3, and 1-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

(4) Exterior wall envelope.

(a) Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this chapter. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves, or parapets, means of drainage, water-resistive membrane, details around openings and wind borne debris protection systems.

(b) The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system, which was tested, where applicable, as well as the test procedure used.

(5) Energy requirements. Details shall include, but are not limited to, insulation materials and their R-values; fenestration U-factors and SHGCs; system and equipment efficiencies, types, sizes, and controls; duct sealing, insulation and location; and air sealing details.

(B) Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing, to an engineer's scale, the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The Building Official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

(C) Examination of documents. The Building Official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this chapter and other pertinent laws or ordinances.

(1) Approval of construction documents. When the Building Official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Reviewed for Code



Compliance.” One electronic set of construction documents so reviewed shall be retained by the Building Official. The Building Official may request that an approved paper set of construction documents be kept at the site ~~of work~~ until a Certificate of Occupancy has been issued.

(2) Previous approvals. This chapter shall not require changes in the construction documents, construction, or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this chapter and has not been abandoned. Approvals made by Charleston County, on behalf of the Town of James Island, shall be completed by Charleston County Building Inspection Services. After 180 days from issuance of approval by Charleston County, the Building Official may require a new application be made to the Town of James Island, and may waive any additional fees, in order to issue approval from the Town instead of Charleston County. This provision shall be in effect only during the initial 180-day period after the County is no longer issuing reviews and approvals on the Town’s behalf. After this period, all previous approvals shall be submitted as a new application.

(3) Phased approval. The Building Official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this chapter. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder’s own risk with the building operation and without assurance that a permit for the entire structure will be granted.

(4) Design professional in responsible charge.

(a) General.

1. When it is required that documents be prepared by a registered design professional, the Building Official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The Building Official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

2. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

3. Where structural observation is required by the IBC, the statement of special inspections shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

(b) Deferred submittals.

1. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the Building Official within a specified period.

2. Deferral of any submittal items shall have the prior approval of the Building Official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the Building Official.

3. Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the Building Official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the design and submittal documents have been approved by the Building Official.

(D) Amend construction documents. Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

(E) Retention of construction documents. One set of approved construction documents shall be retained by the Building Official for a period of not less than 180 days from date of completion of the permitted work, as required by state, local laws or in accordance with the Town records retention schedule.

(Ord. 2016-14, passed 1-19-2017) Penalty, see § 150.99

§ 150.07 TEMPORARY STRUCTURES AND USES.

(A) General. The Building Official is authorized to issue a permit for temporary structures and temporary occupancy/uses. Such permits shall be limited as to time of service but shall not be permitted for more than 180 days. The Building Official is authorized to grant extensions for demonstrated cause.

(B) Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation, and sanitary requirements of this code as necessary to ensure public health, safety, and general welfare.

(C) Temporary power. The Building Official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat, or power in the National Electrical Code.

(D) Termination of approval. The Building Official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

(Ord. 2016-14, passed 1-19-2017) Penalty, see § 150.99

§ 150.08 FEES.

(A) Payment of fees. A permit shall not be valid until the permit ~~contractor license~~ license verification/registration (if applicable), ~~and/or~~ business license, and other fees as prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fees, if any, have been paid.

(B) Contractor LLR License Verification/Registration. Any permit application requiring a South Carolina contractor's license (as prescribed by the South Carolina Labor, Licensing, and Registration) shall pay a fee which covers the research required to review the licensee's current registration status prior to permit issuance.

[1] LLR License Verification/Registration Fee: \$10.00

[2] Non-LLR Licensed Contractors Verification/Registration Fee: \$50.00

~~(C)~~ Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the governing authority.

~~(D)~~ Building permit valuations. The applicant for a permit shall provide an estimated permit value at the time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment, and permanent systems. If, in the opinion of the Building Official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Building Official. The final building permit valuation shall be set by the Building Official.

(D) Work commencing before permit issuance. Any person who commences any work on a building or structure before obtaining the necessary permits shall be subject to a double fee.

(E) Related fees. The payment of the fee for the construction, alteration, removal, or demolition for work done in connection to or concurrently with the work authorized by a permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

(F) Refunds.

(1) There shall be no refund unless it is due to a Town mistake. All refunds caused by a Town mistake are to be referred to the ~~Building Official~~ Town Administrator for processing.

(2) Exceptions: Requests for refunds by the applicant's mistake may be made up to financial close of books (~~3:30~~4:00 pm) on the day the funds are paid.

(G) Permit fees. Fees shall be as established by the Town of James Island, as set forth below in this section.

Total Valuation	Fee
\$1,000.00 and less	No fee, unless an inspection is required, in which case a permit is required and a <del>\$75.00</del> <u>\$50.00</u> fee shall be charged
\$1,000.00 to \$2,000.00	<del>\$75.00</del> <u>\$50.00</u>
\$2,001.00 to \$50,000.00	<del>\$75.00</del> <u>\$50.00</u> for the first \$2,000.00 + <del>\$4.50</del> <u>\$4.00</u> per \$1,000.00
\$50,001.00 to \$100,000.00	<del>\$291.00</del> <u>\$242.00</u> for the first \$50,000.00 + <del>\$4.50</del> <u>\$3.75</u> per \$1,000.00
\$100,001.00 to \$300,000.00	<del>\$516.00</del> <u>\$429.50</u> for the first \$100,000.00 + <del>\$4.00</del> <u>\$3.50</u> per \$1,000.00
\$300,001.00 to \$500,000.00	<del>\$1,316.00</del> <u>\$1,129.50</u> for the first \$300,000.00 + <del>\$3.75</del> <u>\$3.35</u> per \$1,000.00
\$500,001.00 and up	<del>\$2,066.00</del> <u>\$1,799.50</u> for the first \$500,000.00 + <del>\$3.50</del> <u>\$3.00</u> per \$1,000.00

(b) Working without permits: Double fee.

(3) Other permit fees.

Permit fee when the contractor is working as a subcontractor for the following activities: painting/wallpaper; floor covering, drywall (unless part of fire related assembly), trim, cabinets, shelving, countertops, closet systems, ~~and shower glass door, and vinyl siding.~~

\$25.00

Exceptions:

(a) When permits are issued for work being done as the prime contractor, the fees shall be based on construction value as in division (G)(2) above, valuation chart, for the appropriate type of work being performed.

(b) Prime contractors permitted and performing subcontractor work utilizing their full-time regular hourly employees will be required to notify the Building Official of what work they are self-performing. be issued trade permits with no fee.

(4) Manufactured housing permit fees.

For setup on a new or existing site

~~\$250.00~~\$100.00

Note: Fees for modular construction as defined by the South Carolina Modular Construction Act shall be based upon the fee schedule for permits based on construction valuations.

(5) Inspection fees.

- |   |  |
|---|--|
| (a) Reinspection                                | When a reinspection fee is required, an additional fee of <del>\$75.00</del> <u>\$50.00</u> will be charged for each inspection. |
| (b) Minimum permit or inspection fee            | <del>\$75.00</del> <u>\$50.00</u>  |
| (c) Floodplain management compliance inspection | <del>\$100.00</del> <u>\$75.00</u>   |
| (d) Hazardous occupant permits                  | \$100.00   |
| (e) Fireworks stand permits                     | <del>\$75.00</del> <u>\$50.00</u>  |
| (f) Structural moving permit fee                | \$100.00   |
| (g) Demolition permit fee                       | <del>\$75.00</del> <u>\$50.00</u>  |

(6) Other fees.

(a)  
Plan review fees:

One-half permit fee based on construction valuations.

(b)

Construction in flood zones/filing fee:

~~\$25.00~~~~\$20.00~~

Note: If a prime contractor has paid a flood zone filing fee, the subcontractor working for the prime contractor will not be charged an additional filing fee.

(c)

~~Fees for replacement of placards shall be~~

~~\$25.00~~

(d) (d)

Variance/appeal application fee

\$100.00

Note: Application fees for appeals successfully granted by ~~the Construction Board of Adjustment and Appeals~~the designated board shall be applied to the required permit or plan review fees associated with the appealed project, or if all fees have been paid, the fees shall be refunded ~~reimbursed~~ to the applicant.

(e)

~~Vehicle decal fee~~

~~\$6.00/vehicle/set~~

(f)

~~Annual vehicle~~

~~\$3.00~~

(7) Penalties. Where work for which a permit is required by this chapter is started or proceeded prior to obtaining said permit, the fees herein specific shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this chapter in the execution of work, nor from any other penalties prescribed herein.

(Ord. 2016-14, passed 1-19-2017)

Editor's Note:

~~The specific fees set forth in this section are those of Charleston County Ordinance 1840, adopted by the county on January 20, 2015, which was adopted by the town's Ordinance 2016-14 on January 19, 2017~~

§ 150.09 INSPECTIONS.

(A) General. Construction or work for which a permit is required, including safety inspections, shall be subject to inspection by the Building Official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this chapter or of other ordinances of the Town. Inspections presuming to give authority to violate or cancel the provisions of this chapter or of other ordinances of the Town shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the Building Official nor the Town shall be liable for the expense entailed in the removal or replacement of any material required to allow inspection.

(B) Preliminary inspection. Before issuing a permit, the Building Official is authorized to examine or cause to be examined building, structures, and sites for which an application has been filed.

(C) Required inspections. The Building Official, upon notification, shall make the inspections set forth in divisions (C)(1) through (C)(12) below.

(1) Footing and foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

(2) Concrete slab and under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the sub floor.

(3) Lowest floor elevation. In flood hazard areas, upon placement of the lowest floor including the basement, and prior to further vertical construction, an elevation certificate as required in Chapter 151, Town Regulations Concerning Flood Damage Prevention, shall be submitted to the Building Official.

(4) Plumbing, mechanical, gas and electrical systems inspection.

(a) Rough inspection of plumbing, mechanical, gas and electrical systems shall be made prior to covering or concealment, before fixtures or appliances are set or installed, and prior to framing inspection.

(b) Exception: Back-filling of ground-source heat pump loop systems tested in accordance with the International Mechanical Code prior to inspection shall be permitted.

(5) Frame and masonry inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking, bracing and masonry are in place and pipes,

chimneys, and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

(6) Fire-resistance-rated construction inspection. Where fire-resistance-rated construction is required between dwelling units or due to location on property, the Building Official shall require an inspection of such construction after all lathing and/or wallboard is in place, but before any plaster is applied, or before wall-board joints and fasteners are taped and finished.

(7) Reinforced masonry, insulating concrete form (ICF) and conventionally formed concrete wall inspection. Reinforced masonry walls, insulating concrete form (ICF) walls and conventionally formed concrete walls shall be inspected after plumbing, mechanical, and electrical systems are embedded within the walls, reinforcing steel is in place and prior to placement of grout or concrete. Inspection shall verify the correct size, location, spacing, and lapping of reinforcing. For masonry walls, inspection shall also verify that the location of grout cleanouts and size of grout spaces comply with the requirements of this chapter.

(8) Fire-resistant penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

(9) Energy efficiency inspections. Inspections shall be made to determine compliance with the International Energy Conservation Code and shall include, but not be limited to inspections for: envelope insulation R and U values, fenestration U value, duct system R value, and HVAC and water-heating equipment efficiency.

(10) Other inspections. In addition to the inspections specified above, the Building Official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this chapter and other laws that are enforced by the Building Official.

(11) Special inspections. Special inspections shall be in compliance with the applicable provisions of this chapter.

(12) Final inspection. The final inspection shall be made after all work required by the applicable permits are completed.

(D) Inspection agencies. The Building Official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

(E) Inspection requests. It shall be the duty of the holder of the building permit or their duly authorized agent to notify the Building Official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspection of such work that are required by this chapter.

(F) Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official. The Building Official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the



permit holder or his or her agent wherein the same fails to comply with this chapter. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Building Official.

(Ord. 2016-14, passed 1-19-2017) Penalty, see § 150.99

#### § 150.10 CERTIFICATE OF OCCUPANCY.

(A) Use and occupancy.

(1) No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Building Official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the Town. Certificates presuming to give authority to violate or cancel the provisions of this chapter or other ordinances of the Town shall not be valid.

(2) Exception: Certificates of occupancy are not required for work exempt from permits.

(B) Change in use. Changes in the character or use of an existing structure shall not be made except in compliance with this chapter.

(C) Certificate issued. After the Building Official Inspects the building or structure and finds no violations of the provisions of this chapter or other laws that are enforced by the Department of Building Services, the Building Official shall issue a certificate of occupancy or certificate of completion that contains the following:

- (1) The permit number.
- (2) Permit issue date.
- (3) The address and tax map (TMS) number or property identification description (PID) of the structure.
- (4) The name of the contractor or permit holder.
- (5) A statement that describes the structure or portion thereof has been inspected for compliance with the requirements of this chapter.
- (6) The name of the Building Official.
- (7) The type of construction if applicable.
- (8) The design occupant load if applicable.
- (9) Flood zone information.
- (10) Any special stipulations and conditions of the building permit.

(D) Temporary occupancy. The Building Official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The Building Official shall set a time period during which the temporary certificate of occupancy is valid.

(E) Revocation. The Building Official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this chapter wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this chapter.

(Ord. 2016-14, passed 1-19-2017) Penalty, see § 150.99

#### § 150.11 SERVICE UTILITIES.

(A) Connection of service utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this chapter for which a permit is required, until released by the Building Official.

(B) Temporary connection. The Building Official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

(C) Authority to disconnect service utilities. The Building Official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this chapter and the codes referenced herein in case of emergency where necessary to eliminate an immediate hazard to life or property. The Building Official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure, or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

(Ord. 2016-14, passed 1-19-2017) Penalty, § 150.99

#### § 150.12 LICENSING AND REGISTRATION.

(A) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BURGLAR ALARM SYSTEM.** The installation service, maintenance or alteration of a system that detects intrusion, burglary, and breaking or entering but does not include home health care signaling devices.

**EMPLOYEE.** A regularly employed, qualified tradespersons on the premises owned or operated by the applicant for a permit.

**FIRE ALARM SYSTEM.** A system or portion of a combination system consisting of components and circuits arranged to monitor and announce the status of fire alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals.

**FIRE SPRINKLER SYSTEM.** A system of overhead or underground piping, or both, to protect the interior or exterior of a building or structure from fire where the primary extinguishing agent is water and designed in accordance with fire protection engineering standards. Fire protection sprinkler systems include the following types: water based or wet-pipe systems, water foam systems, dry-pipe systems, preaction systems, residential systems, deluge systems, combined dry-pipe and preaction systems, non-freeze systems, and circulating closed loop systems.

**LOW VOLTAGE.** A system consisting of an isolating power supply, the low-voltage luminaries, and associated equipment that are all identified for the use. The output circuits of the power supply are rated for not more than 25 amperes and operate at 30 volts (42.4 volts peak) or less under all load conditions.

**OWNER.** The property owner, owner's parents, sisters and brothers, children of the owner and owner's sisters and brothers, and those married to these family members; however, when actual hardship is caused by these limitations, the Building Official may waive these requirements.

**SIGN OR OUTDOOR ADVERTISING SIGN.** Any outdoor sign, display, device, figure, painting, drawing, message, plaque, poster, billboard, or other thing which is designed, intended or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main traveled way of any road, street or highway for the purpose of this chapter.

**SITE CONSTRUCTION WORK.** Work is considered the act or process of altering the natural cover or topography and alters the quality or quantity of stormwater runoff.

**SWIMMING POOLS.** Any structure intended for swimming, recreational bathing or wading that contains water over 24 inches (610 mm) deep. This includes in-ground, above-ground and on-ground pools; hot tubs; spas and fixed-in-place wading pools.

~~**TOWN CONTRACTOR'S LICENSE LICENSE VERIFICATION.** Duty of permit issuer to verify a~~ Authorization for a holder of a South Carolina license or registration issued by the South Carolina Contractors' Licensing Board, the South Carolina Residential Builders Commission, ~~or~~ the South Carolina Manufactured Housing Board, or an individual or company that installs, alters or repairs signs, low-volt electrical systems, or elevators to contract and/or perform construction work in the Town within the limits prescribed by the South Carolina Code of Laws or as established by Town ordinance.

~~—**TOWN CONTRACTOR'S REGISTRATION.** Authorization for a holder of a South Carolina registration issued by the South Carolina Residential Builders Commission or an individual or company that installs, alters or repairs swimming pools, signs, low-volt electrical systems, elevators or landscaping/site development, to contract and/or perform~~

~~construction work in the town within the limits prescribed by the South Carolina Code of Laws or as established by the town ordinance.~~

(B) ~~Town license or registration required~~License verification required. Before any person shall engage in the business of construction, alteration or repairs in any building or structure in the Town, he or she must obtain a license or registration from the ~~Town as required~~appropriate entity as required by law. It shall be the duty of every contractor or builder who shall make contracts for erection or construction or repair of a building for which a permit is required in the Town, and every contractor or builder making such contracts and subletting the same or any part thereof, to secure a license or registration as provided herein.

(1) Anyone required to be licensed or registered by the Town as South Carolina LLR shall present a copy of his or her state license or registration, if required by state statutes. ~~If the application is satisfactory, a Town license or registration shall be issued to the applicant within the limitations of the state license or registration is required by state statutes, or as established by the Construction Board of Adjustment and Appeal and upon payment of the required license and registration fee.~~

(2) Plumbing and electrical journeymen are limited to working only under a licensed plumber or licensed electrician and shall not be issued permits.

(C) Grounds for revocation; procedure for filing charges. The ~~Construction Board of Adjustment and Appeals~~Licensing Official for the Town may revoke ~~the license or registration permits~~ of any building contractor who is found guilty of fraud or deceit in obtaining a license or registration, or gross negligence, incompetence, or misconduct in conducting his business as a contractor. Any person, who prefers charges of gross negligence, incompetence, or misconduct against any contractor licensed or registered under the provisions of this division, shall submit such charges in affidavit form and file same with the Licensing Official~~Secretary of the Construction Board of Adjustment and Appeals~~.

~~-(D) License identification. All holders of a license or registration in the town shall display a current license or registration identification decal issued by the Building Official. This decal shall be displayed on the left and right sides of work vehicle(s).~~

(E) Limitations of work by owner. The performance of any kind of construction, alteration, or repair upon any property by the owner thereof shall be contingent on verification by the owner of his or her working knowledge of the kind of construction to be done prior to issuing a permit, such verification to be accomplished by such means as deemed sufficient by the Building Official. In the event the owner does not qualify as to the knowledge required to perform the work, the owner must then have a licensed or registered contractor secure a permit and do the work.

(F) Residential work by owner. Pursuant to S.C. Code, § 40-59-260 as amended, the following provisions shall apply to homeowners obtaining permits to perform construction-related work on their own homes:

(1) The owner shall do the construction-related work himself, with his own employees, or with licensed or registered contractors or individuals;

(2) The structure, group of structures, or appurtenances, including the improvements, shall be intended for the owner's sole occupancy or occupancy by the owner's family, and shall not be intended for sale or rent for a minimum of two years after completion or issuance of a certificate of occupancy;

(3) The term "sale" or "rent" includes an arrangement by which an owner received compensation in money, provisions, chattel, or labor from the occupancy, or the transfer of the property or the structures on the property;

(4) The general public shall not have access to this structure;

(5) This section does not exempt a person who is employed by the owner and who acts in the capacity of a builder of any kind;

(6) The homeowner shall personally appear and sign the building permit application and shall provide the Town of James Island with a disclosure statement provided by the Building Official or his designee; and

(7) The owner shall promptly file as a matter of public record a notice with the Register of Deeds, indexed under the owner's name in the grantor's index, stating that the residential building or structure was constructed by the owner as an unlicensed builder.

(Ord. 2016-14, passed 1-19-2017) Penalty, see § 150.99

#### § 150.13 UNSAFE DWELLINGS AND EQUIPMENT.

(A) Authority. The provisions of this section are adopted pursuant to "Building Code" by S.C. Code § 31-15-~~310~~ [310 for municipalities in counties](#) and S.C. Code § 6-9-10.

(B) General. Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation or which constitute a fire hazard or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the Building Official deems necessary and as provided for in this section.

(1) Investigation and filing of a complaint. Whenever it appears to the Building Official (on his own motion) that any dwelling is unfit for human habitation, the Building Official shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and all parties in interest in such dwelling a complaint stating the charges in that respect and containing a notice that a hearing will be held before the Building Official or his designated agent at a place therein fixed not less than ten days nor more than 30 days after the serving of such complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person

or otherwise and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Building Official;

(2) Powers of the Building Official. The Building Official may exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this section, including the following powers in addition to others herein granted:

(a) To investigate the dwelling conditions in the Town in order to determine which dwellings therein are unfit for human habitation;

(b) To administer oaths and affirmations, examine witnesses and receive evidence;

(c) To enter upon premises for the purpose of making examinations, provided such entries be made in such manner as to cause the least possible inconvenience to the persons in possession;

(d) To appoint and fix the duties of such officers, agents and employees as deemed necessary to carry out the purposes of this chapter; and

(e) To delegate any of his functions and powers to such officers and agents as he may designate.

(3) Service of complaints or orders; posting and filing copies. Complaints or orders issued by the Building Official pursuant to this chapter shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and cannot be ascertained by the Building Official in the exercise of reasonable diligence and the Building Official shall make to that effect, then the serving of such complaint or order upon such persons may be made by publishing it once each week for two consecutive weeks in a newspaper printed and published in the municipality or, in the absence of such newspaper, in one printed and published in Charleston County and circulating in the [Town of James Island](#). A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed with ~~the clerk of the~~ [Magistrate's Court](#) in which the dwelling is located and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.

(4) Determination of Building Official.

(a) That if, after such notice and hearing, the Building Official determines that the dwelling under consideration is unfit for human habitation he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

1. If the repair, alteration or improvement of the dwelling can be made at a reasonable cost in relation to the value of the dwelling (as determined by the Building Official), requiring the owner, within the time specified in the order, to repair, alter or improve such dwelling to render it fit for human habitation or to vacate and close the dwelling as a human habitation; or

2. If the repair, alteration, or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling (as determined by the Building Official), requiring the owner, within the time specified in the order, to remove or demolish such dwelling;

(b) That, if the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the Building Official may cause such dwelling to be repaired, altered or improved or to be vacated and closed; that the Building Official may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful";

(c) That, if the owner fails to comply with an order to remove or demolish the dwelling, the Building Official may cause such dwelling to be removed or demolished; and

(d) That the amount of the cost of such repairs, alterations, or improvements, vacating and closing, or removal or demolition by the Building Official shall be a lien against the real property upon which such cost was incurred and shall be collectible in the same manner as municipal taxes.

(C) Unsafe conditions.

(1) A vacant structure that is not secured against entry is considered an unsafe structure.

(2) The building, structure or portion thereof constitutes a fire hazard having received damage by fire, flood, earthquake, wind, or other cause to the extent that the structural integrity of the building or structure is less than it was prior to the damage and is less than the minimum requirement established by this chapter, for new buildings.

(3) Any accessory structure and exterior appendage or portion of the building or structure, shall be maintained and kept in good repair and sound structural condition and must be securely fastened, attached, or anchored such that it is capable of resisting wind, seismic or similar loads must meet the requirements of this chapter.

(4) If for any reason the building, structure or portion thereof is manifestly unsafe or unsanitary for the purpose for which it is being used.

(5) The building, structure, or portion thereof as a result of decay, deterioration or dilapidation is likely to fully or partially collapse.

(6) The building, structure or portion thereof has been constructed or maintained in violation of specific requirements of this chapter.

(7) Any building, structure, or portion thereof that is in such a condition as to constitute a public nuisance.

(8) The stress in any material, member, or portion thereof, due to all imposed loads including dead load exceeds the stresses allowed in this chapter for new buildings.

(9) Any means of egress or portion thereof, such as but not limited to fire doors, closing devices and fire resistive ratings, is in disrepair or in a dilapidated or nonworking condition such that the means of egress could be rendered unsafe.

(10) Roofs shall be structurally sound and maintained in a safe manner and have no defects which might admit rain or cause dampness in the walls or interior portion of the building.

(11) Every inside and outside stair, porch and any appurtenance thereof shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon, shall be kept in sound condition, and good repair.

(D) Minimum standards.

(1) Windows and doors. Every window and door shall be substantially weather-tight, watertight and rodent-proof, and shall be kept in sound working condition and good repair.

(2) Wood surfaces and masonry joints. All exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. All masonry joints shall be sufficiently tuck pointed to insure water and air tightness.

(3) Skirting. Existing skirting shall be maintained free from broken or missing sections, pieces or cross members. Skirting shall be securely attached and sized from the ground to the lower outside perimeter of the structure.

(4) Floors, walls, and ceilings. Every floor, interior wall and ceiling shall be substantially rodent proof, shall be kept in sound condition and good repair and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

(5) Bathroom. Every bathroom shall comply with the light and ventilation requirements for habitable rooms except that no window or skylight shall be required in adequately ventilated bathrooms equipped with an approved ventilation system.

(6) Bathroom doors. Privacy of bathrooms shall be afforded by doors complete with privacy hardware intended by the manufacturer for that purpose.

(7) Electric lights and outlets. Where there is electric service available to the building structure, every habitable room or space shall contain at least two separate and remote receptacle outlets. Bedrooms shall have, in addition, at least one wall switch controlled lighting outlet, in kitchens, two separate circuits and controlled lighting outlets shall be provided (receptacles rendered inaccessible by appliances fastened in place or by appliances occupying dedicated space shall not be considered as these required outlets) and a wall or ceiling lighting outlet controlled by a wall switch shall be provided. Every hall, water closet compartment, bathroom, laundry room or furnace room shall contain at least one ceiling-mounted or wall-mounted lighting outlet in every bathroom and laundry room there shall be provided at least one receptacle outlet. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.



(8) Light on public halls and stairways. Every electrical outlet and fixture, and all electrical wiring and equipment shall be installed, maintained and connected to a source of electric power in accordance with the provisions of the electrical code of the Town of James Island.

(9) Garbage disposal. Every owner or tenant shall dispose of all his garbage and any other organic waste which might provide food for rodents and all rubbish in a clean and sanitary manner.

(E) Additional minimum residential standards.

(1) General. No person shall occupy as owner-occupant or let or sublet to another for occupancy any dwelling or dwelling unit designed or intended to be used for the purpose of living, sleeping, cooking, or eating therein, nor shall any vacant dwelling building be permitted to exist which does not comply with the following requirements.

(a) Sanitary facilities. Every dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, and a water closet all in good working condition and properly connected to an approved water and sewer system. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition free from defects, leaks, and obstructions.

(b) Location of sanitary facilities. All required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of same. The water closet, tub or shower and lavatory shall be located in a room affording privacy to the user and such room shall have a minimum floor space of 30 square feet (2.8 m) with no dimension less than four feet. (1219 mm). Bathrooms shall be accessible from habitable rooms, hallways, corridors or other protected or enclosed area.

(c) Hot and cold water supply. Every dwelling unit shall have an adequate supply of both cold and hot water connected to the kitchen sink, lavatory and tub or shower. All water shall be supplied through an approved distribution system connected to a potable water supply.

(d) Water heating facilities. Every dwelling unit shall have water heating facilities which are properly installed and maintained in a safe and good working condition and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120°F (49°C). Such water heating facilities shall be capable of meeting the requirements when the dwelling or dwelling unit heating facilities required under the provisions of this chapter are not in operation. Apartment houses may use a centralized water heating facility capable of heating an adequate amount of water as required by the International Plumbing Code to not less than 120°F (49°C).

(e) Heating facilities. Every dwelling unit shall have permanent heating facilities which are properly installed, are maintained in safe and good working conditions, and are capable of safely and adequately heating all habitable rooms and bathrooms. Where a

central heating system is not provided, each dwelling unit shall be provided with facilities whereby heating appliances may be connected.

(f) Kitchen facilities. Every dwelling unit shall contain a kitchen equipped with the following minimum facilities:

1. Food preparation surfaces impervious to water and free of defects which could trap food or liquid.

2. Shelving, cabinets, or drawers for the storage of food and cooking and eating utensils, all of which shall be maintained in good repair.

3. Freestanding or permanently installed cook stove. Portable electric cooking equipment shall not fulfill this requirement. Portable cooking equipment employing flame shall be prohibited.

4. Mechanical refrigeration equipment for the storage of perishable foodstuffs. Exception: Nothing herein shall preclude a written agreement between the owner and tenant that the tenant will furnish mechanical refrigeration equipment and/or a cook stove as required in this section. It shall be an affirmative defense available to an owner charged with a violation of this section if such an agreement exists.

(g) Smoke detector and/or carbon monoxide systems. Every dwelling unit shall be provided with an approved listed detector, installed in accordance with the manufacturer's recommendations and listing. When activated, the detector shall provide an audible alarm. The detector shall be tested in accordance with and meet the requirements of UL 217, single and multiple station smoke detectors.

(2) Minimum requirements for light and ventilation.

(a) Windows.

1. Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be 8% of the floor area of such room. Whenever wall or other portions of structures face a window of any such room and such light-obstruction structures are located less than three feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least 15% of the total floor area of such room.

2. Exception: Where adequate artificial light is provided and controlled by a wall switch.

(b) Ventilation. The total of openable window area in every habitable space shall equal to at least 45% of the minimum window area or shall have other approved, equivalent ventilation. Year round mechanically ventilating conditioned air systems may be substituted for windows, as required herein, in rooms other than rooms used for sleeping purposes. Window type air-conditioning units are not included in this exception. Where

mechanical year round ventilation is not provided screens over opening must be in good working condition. Every habitable room shall have at least one window or skylight which can be easily opened or such other device as will adequately ventilate the room.

(3) Minimum dwelling space requirements.

(a) Required space in dwelling unit. Every dwelling unit shall contain at least 150 square feet (13.9 m<sup>2</sup>) of floor space for the first occupant thereof and at least an additional 100 square feet (9.3 m<sup>2</sup>) of floor area per additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.

(b) Required space in sleeping rooms. In every dwelling unit, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet (4.6 m<sup>2</sup>) of floor space for each occupant thereof.

(c) Minimum ceiling height. Habitable (space) rooms other than kitchens, storage rooms and laundry rooms shall have a ceiling height of not less than seven feet (2134 mm). Hallways, corridors, bathrooms, water closet rooms and kitchens shall have a ceiling height of not less than seven feet (2134 mm) measured to the lowest projection from the ceiling. If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the room area. No portion of the room measuring less than five feet (1524 mm) from the finished floor to the finished ceiling shall be included in any computation of the minimum room area.

(d) Occupancy of dwelling unit below grade. No basement or cellar space shall be used as a habitable room or dwelling unit unless:

1. The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness;
2. The total window area in each room is equal to at least the minimum window area size as required;
3. Such required minimum window area is located entirely above the grade of the ground adjoining such window area; and
4. The total of openable window area in each room is equal to at least the minimum as required, except where some other device affording adequate ventilation is supplied.

(4) Sanitation requirements.

(a) Sanitation. Every owner of a multiple dwelling shall be responsible for maintaining in a clean and sanitary condition the shared or common areas of the dwelling and premises thereof.

(b) Cleanliness. Every tenant of a dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupies, or which is provided for his particular use.

(c) Extermination. Every owner of a single dwelling building and every owner of a building containing two or more dwelling units shall be responsible for the extermination of any insects, rodents, wood-destroying organisms, or other pests within the building or premises.

(5) Rooming houses.

(a) Compliance exceptions. No person shall operate a rooming house or shall occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the provisions of every section of this chapter.

(b) Water closet, lavatory and bath facilities. At least one flush water closet, lavatory basin, and bathtub or shower, properly connected to a water and sewer system and in good working condition, shall be supplied for each four rooms within a rooming house wherever such facilities are shared. All such facilities shall be located on the floor they serve within the dwelling so as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities.

(c) Water heater required. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times.

(d) Minimum floor area for sleeping purposes. Every room occupied for sleeping purposes by one person shall contain at least 70 square feet (6.5 m<sup>2</sup>) of floor space and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet (4.6 m<sup>2</sup>) of floor space for each occupant thereof.

(e) Exit requirements. Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the building code.

(f) Sanitary conditions. The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for maintenance of a sanitary condition in every other part of the rooming house, and shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.

1. The building shall be ordered repaired in accordance with this chapter or demolished in accordance with procedures as established within this chapter.

2. If the building or structure poses an immediate hazard to life or to the safety of the public it shall be ordered vacated immediately.

(Ord. 2016-14, passed 1-19-2017) Penalty, see § 150.99

§ 150.14 BOARD DESIGNATED TO HEAR APPEALS OF DECISIONS MADE BY THE BUILDING OFFICIAL. CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS.

(A) General. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the licensing and/or application and interpretation

of this chapter, the Board of Zoning Appeals (BZA) shall be the designated board of officials appointed by the governing body, as established in Section 153.047 of the Zoning and Land Development Ordinance. ~~re shall be and is hereby created a Construction Board of Adjustment and Appeals. The Construction Board of Adjustment and Appeals shall be appointed by the governing body and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business.~~

(1) Decision-making authority. ~~The Town of James Island~~ The Charleston County Board of Zoning Appeals ~~Construction Board of Adjustment and Appeals~~ shall have final decision-making authority on the following matters:

- (a) Appeals of orders, decision or determination made by the Building Official.;
- ~~—(b) Appeals of revocation of Licensing or registration of building contractors;~~
- ~~—(c) Adjustments and appeals for stormwater management utility fees; and~~
- ~~—(d) Appeals and variances of flood plain management in reference to Chapter 151 of the Code of Ordinances of the Town of James Island entitled “Town Regulations Concerning Flood Damage Prevention”.~~

~~(ce)~~ The Town of James Island Board of Zoning Appeals ~~Charleston County Construction Board of Adjustment and Appeals~~ (“Board”) does not act in a review or recommending capacity.

(2) Officers, rules, meetings and minutes. The composition of the Board, rules, meeting and minutes shall be those set forth in Section 153.27 of the Zoning and Land Development Regulations Ordinance. In cases of appeal, the Building Official shall serve as the Town’s designee who shall provide a case number, a staff report documenting the facts of the case and present that report and any other pertinent information to the Board. ~~The Charleston County Town of James Island Construction Board of Adjustments and Appeals shall elect one of its members as Chairperson and another as Vice-Chairperson, both who shall serve for one year or until re-election or a successor is elected and qualified. The Charleston County Town of James Island Construction Board of Adjustment and Appeals shall adopt rules and procedures in accordance with the provision of this chapter and shall keep a record of its resolutions, findings and determinations, all of which, upon approval, shall be filed immediately in the office of Building Official. Such records shall be available for public review and inspection during normal business hours. The Building Official shall be a non-voting member of the Board and shall serve as the Secretary. Meetings of the Board shall be at the call of the Chairperson or at such other times as a majority of the Board may determine. Public notice of all meetings of the Board shall be provided by at least electronic deliver to the major news television stations, the major newspaper of general circulation, the major radio communication companies, and several individual town/jurisdiction papers. A quorum for the transaction of official business by the Board shall consist of six members. The decision of the Board shall be final unless the petitioner appeals the decision~~

~~to the circuit court in Charleston County within 30 days after the date of the decision of the Board.~~

(B) Adjustments and appeals.

(1) The ~~Board of Zoning Appeals - Construction Board of Adjustment and Appeals~~ shall hear and decide requests for adjustment and appeals meeting all of the following provisions:

(a) Decisions on which an adjustment or appeal is requested shall be those made by the Building Official or his designee.

(b) The ~~Board of Zoning Appeals Construction Board of Adjustment and Appeals~~ is authorized to hear requests for adjustment or appeal to this code and other codes, regulations, or ordinances as specifically authorized in the Code of Ordinances, Town of James Island, South Carolina, ~~or determined by the Building Official to be within the scope of the Construction Board of Adjustment and Appeals.~~

(2) Right to appeal. Appeals of administrative orders, decisions or determinations causing the appeal or variance as required may be filed by the owner of the property affected by the decision or his or her duly authorized representative, or by any person with a substantial interest in a decision of the Building Official.

(3) Application filing; timing. Requests for a hearing for an adjustment or appeal of a decision shall be in writing, and shall be received in the office of the Building Official within 20 calendar days of notice of the decision causing the filing of the adjustment or appeal. The case will be added to the next regularly scheduled Board of Zoning Appeals meeting. Proper notification requirements and timelines shall be met; if they are not able to be met then the case will be scheduled for the next available scheduled meeting date.

(C) Decisions. The decisions of the ~~Board of Zoning Appeals - Construction Board of Adjustment and Appeals~~ shall be final unless the applicant appeals the decision to the circuit court in Charleston County within ~~30~~ 20 days after the date of the decision of the ~~Board of Zoning Appeals Construction Board of Adjustment and Appeals~~.

(D) Limitations on authority. An application for appeal shall be based on a claim that the true intent of this chapter or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this chapter do not fully apply or an equally good or better form of construction is proposed. The Board shall have no authority to waive requirements of this chapter.

~~(E) Qualifications. The Construction Board of Adjustment and Appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction~~

;

~~(F) Composition. The Charleston County Construction Board of Adjustment and Appeals shall consist of eleven members appointed by Charleston County Council for a term of four~~

years each. The term of office shall be staggered so no more than one-third of the Board is appointed or replaced in any year. Members shall serve without compensation for the county. Any vacancy which may occur on the Board shall be filled by County Council appointing a successor to serve out the unexpired term of the vacancy. No member of the Board may hold an elected public office in Charleston County. The eleven-member Board shall consist of the following:

- (1) Two must be registered architects;
- (2) One must be a registered structural engineer;
- (3) One must be a registered mechanical engineer;
- (4) Two must be registered civil engineers;
- (5) One must be a licensed general contractor;
- (6) One must be a mechanical contractor;
- (7) One must be a licensed electrical contractor;
- (8) One must be a licensed plumbing contractor; and
- (9) One licensed residential home builder.

— (G) Established; composition. The Construction Board of Adjustment and Appeals appointed by ~~County Council~~ Town Council shall consist of 11 appointed members and the Building Official shall be a non-voting member of the Board and shall serve as the Secretary. All appointments shall be for a term of four years. The terms of office shall be staggered so no more than one-third of the Board is appointed or replaced in any year. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Absence of a member in excess of three consecutive meetings may render any such member liable to immediate removal from office.

— (H) Quorum. Six members of the Board shall constitute a quorum.

— (I) Establish rules for the carrying out responsibilities. The Construction Board of Adjustment and Appeals shall establish rules, as appropriate, for carrying out these assigned responsibilities.

— (J) The decisions of the Construction Board of Adjustment and Appeals shall be final unless the petitioner appeals the decision to the circuit court in Charleston County within 20 days after the date of the decision of the Construction Board of Adjustment and Appeals.

— (K) Additional responsibilities.

— (1) Licensing.

— (a) Ground for revocation of town license. The Board may revoke the license or registration of any building contractor who is found guilty of fraud or deceit in obtaining a license, or gross negligence incompetence, or gross misconduct in conducting his business

~~as a contractor. Any person who alleges gross negligence, incompetence, or gross misconduct against any contractor licensed or registered hereunder shall submit such allegation in affidavit form and file the same with the Secretary of the Board.~~

~~—(ab) Reissuance of revoked license or registration. The Licensing Official or Building Official may revoke a Town Contractor license. The Board may consider appeals request to reissue the Ttown licenses of any person whose license or registration has been revoked six months after the date of revocation, if a majority of the members of the Board vote in favor of such reissuance for reasons the Board deems sufficient. If the reissuance is denied, the reissuance can be reconsidered at six-month intervals thereafter.~~

~~—(c) Probation. The Board may place any building contractor on probation for a specified period of time in lieu of reissuing a revoked his or her Ttown license or registration when allegations presented do not warrant revocation by the majority of the Board for whatever reasons the Board deems sufficient.~~

~~—(d) Hearing and decision of charges. Grounds detailed in division (K)(1)(a) above, unless they are dismissed without hearing by the Board as unfounded or trivial, shall be heard based on testimony under oath and a determination shall be made by the Board within three months after the date of the hearing. The accused may cross examine witnesses against him and produce evidence or witnesses in his or her defense. A written record shall be made of the proceedings. If, after such hearing, the Board, by majority, votes in favor of finding the accused guilty of any fraud or deceit in obtaining his license or registration, or gross negligence, incompetence, or gross misconduct in conducting his business as a contractor, his or her town license or registration will be revoked.~~

~~(2) Stormwater management. The Construction Board of Adjustment and Appeals shall hear and decide requests for stormwater management utility adjustment and appeals as follows:~~

~~—(a) The Construction Board of Adjustment and Appeals shall hear the petition to determine if the annual stormwater management utility fee does not apportion the fee with approximate equality, based upon a reasonable basis of classification and with due regard to the benefits conferred by providing stormwater management services to the utility customer and the requirements of public health, safety or welfare. The determination of the annual fee by the Construction Board of Adjustment and Appeals is entitled to presumption of correctness and the applicant has the burden of rebutting the presumption of correctness.~~

~~—(b) The Construction Board of Adjustment and Appeals shall render a written decision on each application that is heard, and such written decision shall be issued within 20-calendar days from the day the Board heard the application. The decision of the Construction Board of Adjustment and Appeals shall contain findings of fact and conclusions of law and the decision shall be sent to the petitioner by first class mail.~~

~~—(c) Prior to bringing an action to contest an annual fee, the petitioner shall pay to the treasurer not less than the amount of the annual stormwater fee which he admits in good~~



~~faith owes. Payment of the fee shall not be deemed an admission that the annual fee was due and shall not prejudice the applicant in bringing an action as provided herein.~~

~~—(3) Flood plain management. The Construction Board of Adjustment and Appeals shall hear and decide requests for appeals and variances as referenced in the current ordinance, entitled “The Flood Damage Prevention and Protection.”~~

~~{Ord. 2016-14, passed 1-19-2017}~~

## § 150.15 VIOLATIONS.

### (A) Violations.

(1) The violation of any of the codes or regulations adopted pursuant to the provisions of this chapter is hereby declared to be a misdemeanor, and any person violating such codes or regulations shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished in accordance with this section. In case of any violation of or proposed violation of the codes or regulations adopted pursuant to this chapter, the Building Official or other appropriate authority of the Town, or any adjacent or neighboring property owner who would be damaged by such violation may, in addition to other remedies, apply for injunctive relief, mandamus or other appropriate proceedings to prevent, correct or abate such violation or threatened violation.

(2) Nothing in this chapter or in the codes adopted in this chapter shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired or liability incurred, or any cause of action accrued or existing under any act or ordinance repealed hereby, nor shall any right or remedy of any character be lost, impaired or affected by this chapter.

(3) Each day any violation of this chapter or any such ordinance, resolution, rule, regulation or order shall continue shall constitute, except where otherwise provided, a separate offense.

(B) Service of complaint. Complaints by letter or orders hereunder shall be delivered to and/or served upon such persons either personally or by registered mail (return receipt requested), but if the whereabouts of such persons are unknown and cannot be ascertained in the exercise of reasonable diligence, the Building Official or his designated representative(s) shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing it once each week for two consecutive weeks in a newspaper printed, ~~and published, and in Charleston County and~~ circulating in the Town of James Island. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order.

(C) Rights of persons affected by orders. Any person affected by an order issued by the Building Official or his designated representative(s), may within 60 days after the posting and service of the order, petition the circuit court for an injunction restraining the Building

Official or his designated representative(s) from carrying out the provisions of the order, and the court may, upon such petition, issue a temporary injunction restraining the Building Official pending the final disposition of the cause. Hearings shall be had by the court on such petitions within 20 days or as soon thereafter as possible and shall be given preference over other matters on the court's calendar as authorized by S.C. Code, § 31-15-370, as amended. The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. In all such proceedings, the findings of the Building Official as to the facts, if supported by evidence, shall be conclusive. Costs shall be at the discretion of the court. The remedies herein provided shall be exclusive remedies, and no person affected by an order of the Building Official shall be entitled to recover any damages for action taken pursuant to any order of the Building Official or his designated representative(s) or because of compliance by such person with any order of the Building Official.

(Ord. 2016-14, passed 1-19-2017)

§ 150.99 PENALTY.

Wherever in this chapter or in any ordinance of the Town any act is prohibited or is declared to be unlawful or an offense or misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, and no specific penalty is provided for the violation thereof, the violation of any such provision of this chapter, or any such ordinance, shall be subject to the maximum penalties authorized for the Magistrates' Courts of the State of South Carolina, as from time to time provided in S.C. Code, § 22-3-55, as amended, or successor legislation.

(Ord. 2016-14, passed 1-19-2017)

City of Charleston: BZA: 5pm  
PC: 5pm

Charleston County: BZA: 5pm  
PC: 2pm

Mt. Pleasant: BZA: 6pm  
PC: 5pm

Summerville: BZA: 5pm  
PC: 4pm

Ravenel: BZA: 6pm  
PC: 6pm

Hollywood: BZA: 5pm  
PC: 6:30pm

Folly Beach: BZA: 6pm  
PC: 7pm

Awendaw: BZA: 6:30pm  
PC: 6pm

Edisto Beach: BZA: 5pm  
PC: work sessions 4pm; meetings 5pm