



AGENDA

Town of James Island, Regular Town Council Meeting
August 15, 2019; 7:00 PM; 1122 Dills Bluff Road, James Island, SC 29412

Notice of this meeting was published and posted in accordance with the Freedom of Information Act and the requirements of the Town of James Island.

Members of the public addressing Council during the Public Comment period must sign in. Comments should be directed to Council and not the audience. Please limit comments to three (3) minutes.

1. Opening Exercises
2. Public Hearing: Ordinance #2019-06: Cost-Sharing Agreement with James Island PSD
3. Public Comment
4. Consent Agenda
 - a. Minutes: July 25, 2019 Regular Town Council Meeting
5. Information Reports
 - a. Finance Report
 - b. Administrator's Report
 - c. Public Works Report
 - d. Island Sheriffs' Patrol Report
6. Requests for Approval
 - Demolition of Unsafe Structure
 - Tree Protection Agreement with Dominion Energy
 - Engineering Proposal for Phase 3 of Dills Bluff Sidewalk
 - Oceanview - Stonepost Drainage Easement Engineering Work, Phase II
 - Old Camp Rd. Library – Community Facility Study
7. Committee Reports
 - Land Use Committee
 - Environment and Beautification Committee
 - Children's Commission
 - Public Safety Committee
 - History Commission
 - Rethink Folly Road Committee Report
 - Drainage Committee

8. Proclamations and Resolutions

- Resolution #2019-14: Island Sheriffs' Patrol Officer of Second Quarter
- Resolution #2019-15: Referendum to Increase Town Council from Four to Six Members

9. Ordinances up for Second/Final Reading:

- Ordinance #2019-04: Proposed Change to Zoning and Land Use Development Regulations to include a Change to Add Sentence to Allow LED Message Board Signage for Civic/Institutional Uses (i.e., churches, schools)
- Ordinance #2019-05: Proposed Zoning Map Amendment (rezoning) for rear portion of two (2) Low-Density Suburban (RS) District Lots (front portion of RSL to remain RSL) to Community Commercial (CC) District to combine with adjacent CC Zoned Lot for Parking Lot Use
- Ordinance #2019-06: Cost-Sharing Agreement with James Island PSD

10. Ordinances up for First Reading:

- Ordinance #2019-07: An Ordinance to Amend Chapter 150 of the Town Building Regulations to Include Fire Prevention and Protection
- Ordinance #2019-08: An Ordinance Replacing Chapter 151 of the Town Regulations Concerning Flood Damage Prevention and Protection

11. New Business

12. Executive Session: The Town Council may/will enter into an Executive Session in accordance with 30-4-70(a) Code of Laws of South Carolina (Council may take action on matters discussed in executive session)

13. Return to Regular Session

14. Adjournment

Frances Simmons

From: Kristen Crane
Sent: Thursday, July 25, 2019 2:31 PM
To: Frances Simmons; Ashley Kellahan
Subject: FW: CASE ZCC 5-19-010 - 813 & 809 Jordan Street

She said she couldn't make the meeting, but wanted to express her support.

Kristen Crane

From: bclinville <bclinville@aol.com>
Sent: Thursday, July 25, 2019 1:01 PM
To: Kristen Crane <kcrane@jamesislandsc.us>
Subject: CASE ZCC 5-19-010 - 813 & 809 Jordan Street

Kristin - I am writing to express my full support for the approval of this rezoning request for Parking use for the two low density lots - 809 & 813 Jordan Street. This is a low density use, and as well prevents another potential new building, which takes up more land mass, something we do not need any more of.

As an adjacent property owner (808 Folly Rd.) , with several rental business's, parking is an ongoing challenge as James Island continues to grow. We find our neighbors who are requesting this rezoning to be very responsible, great care takers of their property and tenants, and the business there is low key and quiet. This parking is very much needed and I sincerely hope you will approve this request. Carol

Carol Linville
1230 Tabby Dr - Box 1002
Folly Beach, S.C. 29439
843 588 9295
bclinville@aol.com

The Town of James Island held its regularly scheduled meeting at 7:00 p.m. in Council Chambers, 1122 Dills Bluff Road, James Island, SC on Thursday, July 25, 2019. The following members of Council were present: Leonard Blank, Mayor Pro-Tem, Garrett Milliken, Joshua P. Stokes, Darren “Troy” Mullinax, and Mayor Bill Woolsey, presided. Also, Ashley Kellahan, Town Administrator, Bonum S. Wilson, Town Attorney, Merrell Roe, Finance Director, Mark Johnson, Public Works Director, Kristen Crane, Planning Director, Flannery Wood, Planner I, Deputy Chris Quinn (for Sgt. Shawn James, Island Sheriff’s Patrol), and Frances Simmons, Town Clerk.

Opening Exercises: Mayor Woolsey called the meeting to order. He led Council in prayer and followed with the Pledge of Allegiance. FOIA: This meeting was published and posted in accordance with the Freedom of Information Act and the requirements of the Town of James Island.

Public Hearing: Ordinance #2019-04: Proposed Change to Zoning and Land Use Development Regulations: to include a change to add sentence to allow LED Message Board Signage for Civic/Institutional Uses (i.e., churches, schools): Mayor Woolsey opened the public hearing. No one signed in to speak. Mayor Woolsey declared the hearing closed.

Public Hearing: Ordinance #2019-05: Proposed Zoning Map Amendment (rezoning) for rear portion of two (2) Low-Density Suburban (RSL) District Lots (front portion of RSL to remain RSL) to Community Commercial (CC) District to combine with adjacent CC Zoned Lot for Parking Lot Use: Mayor Woolsey opened the public hearing. The following persons spoke:

Mark Danelon, 1015 ½ St. Andrews Boulevard: he and his mother owns the lot next to the proposed parking lot and they plan to build on it. He is concerned about noise from the bar at all hours of the night. He is also concerned that the parking lot would devalue his property. He asked Council to reconsider this request.

David Miller, 760 Jordan Street: said ever since the Charleston Pub opened, there has been loud music, and the little quiet neighborhood is not so quiet anymore. He said they could not sit on the front porch on a Friday or Saturday evening without hearing noise; but it gets quiet around 11 pm. He said before the lot was cleared noise was sheltered, but a parking lot would add to the noise. He said another issue with the parking lot is the ditches on that side of the road does not drain properly and asked where would the extra water go?

Joseph Walters, he and his brother owns the lots and feel they have tried to talk to anyone who would talk to them... Council, staff, neighbors, and the residential community for a compromise. He said the parking lot is not necessarily about them. It is about the bigger picture to have safe parking on James Island. They appreciate that the Town has parking across Folly Road, but there is no access. They are trying to create a larger residential lot and absorb a small portion of that into their existing commercial lot. Mr. Walters referenced the comments made about loud noises stating there are ordinances to deal with that. He commented on the ditches and noted the efforts of Senator Senn to help improve them. He added that he and his brother appreciates the Town’s consideration and hopes this would help the parking situation on Folly Road.

David Walters, 2176 Edisto: Mr. Walters said he appreciated Council’s consideration of this request. He and his brother are trying to help the community with parking, an issue on most of James Island. He thanked Kristen Crane and Flannery Wood for helping with this complicated issue. He had no idea where to begin and they helped him through the entire process. Mr. Walters said he and his brother would be happy to answer questions from Council.

§Council received an email in support of the application from Carol Linville. (Attached)

There were no further comments and Mayor Woolsey declared the public hearing closed.

Public Comment:

Bob Westfall, 818 Jordan St. Mr. Westfall showed Council a picture that he took on his cell phone three weeks ago where eleven cars were parked on the lot. He said this is what happens when you allow people to park there. This went on for two nights in a row. He is afraid that approving this request is not going to make things better; it would make things worse. He has witnessed cars trying to drive out of Jordan Street from the parking lot and a tow truck had to lift the entire car out of the ditch. He lives caddy-corner to the lot and that will not increase his property value or help the community. In fact, this will hurt the community and property values ... it is not worth the trouble. He said if the parking cannot be controlled in the back, what would happen when there are 10, 20, or how many spots they are looking for. He wants to make sure that Council know this is not a good idea.

Consent Agenda:

- a. Minutes of June 20, 2019 Regular Town Council Meeting: Motion to approve was made by Councilman Milliken, seconded by Councilman Stokes and passed unanimously.

Information Reports:

- a. Finance Report: Finance Director, Merrell Roe reviewed the written report and gave a brief overview of preliminary year-end income and expenses. Councilman Milliken asked about the spike in legal services for June and Ms. Roe answered it is for an end of year billing from the Town Attorney.
- b. Town Administrator's Report: Town Administrator, Ashley Kellahan reviewed the written report. She noted that a MEOC meeting would be held on Monday, August 5, 9-3 p.m. The OPCON levels have changed and those changes will be presented to Council. Traffic calming meeting for Clearview/Eastwood neighborhoods will be held on August 5 at 6:30 p.m. Mrs. Kellahan said that the Public Charrette meeting was successful. A survey will be placed online for input from the public with a link to the survey sent to Council. Staff is working on the Annual Report and Newsletter.
- c. Public Works Report: Public Works Director, Mark Johnson reviewed the written provided to Council. Mr. Johnson displayed a street sign that the Town now maintains. The sign has a green background with white lettering.
- d. Island Sheriffs' Patrol Report: Deputy Chris Quinn gave the monthly Island Sheriff's Patrol report and Crime Update. Detectives Wieldman and Sinke, along with City Investigator Galka elaborated on crimes on the island. City Investigator Galka informed Council of a joint effort between the City and Town to help combat crime by sharing videos. That has been helpful in making arrests.

Requests for Approval:

Traffic Calming for Lighthouse Point (Schooner Rd., and intersection of Lighthouse/Ft. Johnson): Mrs. Kellahan presented a proposal from Weston & Sampson to implement the scope of work associated with the Lighthouse Point Traffic Calming on Schooner Drive and conceptual traffic safety improvements for intersection at Lighthouse and Ft. Johnson Road. The cost for the Schooner Road Traffic Calming is \$15,110; and the cost for the Lighthouse Point and Ft. Johnson Road intersection safety improvements is \$3,205. Motion in favor was made by Councilman Stokes, seconded by Councilman Mullinax. No discussion. Motion passed unanimously.

Pinckney Park Pavilion Award to Maverick Construction Services: Mrs. Kellahan requested the award of the Pinckney Park Pavilion to Maverick Construction Services. Seven (7) bids were received with Maverick as the low bidder, \$510,500, a savings of \$40,000. Mrs. Kellahan said alternate #2 is not being recommended at this time. Motion in favor was made by Councilman Stokes, seconded by Councilman Mullinax. No discussion. Motion passed unanimously.

Jordan Street Traffic Calming Bid Award to Asphalt Concepts: Mrs. Kellahan requested the award of the Jordan Street Traffic Calming project to Asphalt Concepts. Four (4) bids were received. Asphalt Concepts was the low bidder at \$35,787 that includes speed humps. Motion in favor was made by Councilman Milliken, seconded by Councilman Mullinax. No discussion. Motion passed unanimously.

Committee Reports:

Land Use Committee: No report.

Environment and Beautification Committee: Councilman Milliken reported a successful gorilla trash pickup on Saturday, July 20. Twenty-eight (28) bags of trash was picked up from the boardwalk and along Riverland Drive. A total of 420 pounds of trash was picked up. Councilman Milliken thanked Mark Johnson, Douglas Sparling and ISP Sgt. James for providing traffic control along Riverland Drive. The next Adopt-a-Highway pickup is Saturday, September 14 from 9-11 a.m. lunch served after the pickup. Volunteers are still needed for Helping Hands. The next service date is Saturday, August 31. Contact Stan Kozikowski, Chair, to volunteer (860) 847-0544.

Childrens' Commission: Councilman Stokes announced that plans are underway for the Annual Lights On Afterschool event. This event is co-sponsored with the James Island Kaleidoscope Program and will be held on Thursday, October 24 at 6 p.m. at the Town Hall. The next meeting of the Children's Commission is Thursday, August 8 at 5 p.m.

Public Safety Committee: Councilman Mullinax announced the Annual National Night Out Event on Tuesday, August 6 at 6 p.m. at Town Hall. The next meeting of the Neighborhood Council is Thursday, August 29 at 7 p.m.

History Commission: Mayor Woolsey announced that the History Booklet is in publication and the committee will meet to review once it is received.

Rethink Folly Road Committee Report: Mayor Woolsey reported that the committee met on July 24 and the Toole Design Group discussed how the meetings would be conducted. The next meeting will be held on Wednesday, September 25 at 3:30 p.m.

Drainage Committee: Councilman Stokes reported that the Drainage Committee met on Wednesday, July 10 and discussed coordinating drainage issues across James Island. The next meeting will be held on Wednesday, October 9 at 3 p.m. after the Stormwater meeting.

Proclamations and Resolutions

Resolution #2019-14: Request SCDOT to Install Radar Sign and Flashing Light at Ft. Johnson and Lighthouse Boulevard Intersection: Mayor Woolsey asked for a motion in favor. Councilman Mullinax moved; Councilman Stokes seconded.

Councilman Mullinax recalled the situation from two weeks ago where a family's home was struck by a drunk driver at 2 a.m. He said the driver took the curve too fast causing the car to go into the home. Luckily, no one was injured. Councilman Mullinax said many residents in Lighthouse Point and the surrounding neighborhood are asking that something be done. There has been at least six crashes including one fatality in the past five years. Councilman Mullinax said he is proposing this Resolution as a short-term fix. He explained that there would be a flashing light to alert people, and a radar sign cautioning people to slow down, especially coming onto Mikell Drive from Harborview Road. Councilman Mullinax said if you are not careful, someone could be hit head on. He has had several instances of this by coming around the curve.

He hopes this could be a short-term solution and until the Traffic Calming Plan could provide long-term solutions.

Councilman Stokes said he had no issue with the radar sign, but he does have issue with the installation and long-term use of a flashing light on either side of that intersection. He said it might be better to go through the Traffic Study (just approved by Council) and look at alternative options for short and long-term fixes before moving forward with something as specific as this that could be changed once suggestions are made.

Councilman Blank said he partially disagree with the flashing light because it is very disruptive for people in the neighborhood to have a flashing “yellow” light in a yard, or to see it from a window. He would like to see the Traffic Study completed before deciding to do anything.

Councilman Milliken said it is not mutually exclusive and we could have one of our temporary speed signs with a flashing light to monitor speed while the Traffic Study is being done. He is in favor of anything that would contribute to safety and saving lives.

Mayor Woolsey commented that making resolutions to request the DOT to do anything would most likely result in them saying “no”. He is sure they will look at the Resolution and may come back to us and say they are interested. He said should be careful about how this could affect the immediate neighbors on Ft. Johnson Road.

Councilman Stokes spoke that there is some ambiguity about what a flashing light would be. If it were a radar sign that flashed when someone exceeded the speed limit, he would have no issue with that. When he saw a flashing light, he thought of the one on Harborview Road that flashes constantly. He said where we are talking about on Fort Johnson Road are many tree covers that would not work for solar powered lights like those on Harborview. He said there is a lot of infrastructure that would have to go into running power there.

Councilman Mullinax said he is worried about safety and he does not know how long it would be before the study is completed. He does not want to see someone killed or seriously injured by splitting hairs. Mayor Woolsey asked if anyone would like to offer an amendment to the motion. Councilman Milliken moved to use the Town’s portable battery powered sign to monitor speed coming from around the curve. Mrs. Kellahan and Mr. Johnson joined discussion with Councilman Milliken regarding this matter and afterwards, Councilman Milliken withdrew his amendment. Councilman Stokes offered an amendment to delete reference to “flashing light and Councilman Blank seconded. Councilman Mullinax received clarification that Councilman Stokes supports the radar. After discussion, the amendment offered by Councilman Stokes passed unanimously. Mayor Woolsey called for the vote on the main motion as amended and it passed unanimously.

Ordinances up for Second/Final Reading

Ordinance #2019-03: An Ordinance to Amend Chapter 70: Traffic Regulations: Motion in favor was made by Councilman Stokes, seconded by Councilman Mullinax. Councilman Milliken said he voted against the Ordinance at first reading because it did not have specific criteria. He complimented the staff for doing a good job in putting that information together. He asked that the criteria and reference be added to the Ordinance to know specifically what is being referenced. Motion passed unanimously.

Ordinances up for First Reading:

Ordinance #2019-04: Proposed Change to Zoning and Land Use Development Regulations to include a Change to Add Sentence to Allow LED Message Board Signage for Civic/Institutional Uses (i.e., churches, schools): Motion in favor was made by Councilman Blank, seconded by Councilman Stokes. Councilman Stokes asked if this request was a matter of review or if it was requested. Councilman Blank explained that

this was not an allowed use in the ZLDR, and need has arisen for these types of groups to display messages by LED boards. Motion passed unanimously.

Ordinance #2019-05: Proposed Zoning Map Amendment (rezoning) for rear portion of two (2) Low-Density Suburban (RSL) District Lots (front portion of RSL to remain RSL) to Community Commercial (CC) District to combine with adjacent CC Zoned Lot for Parking Lot Use: Motion in favor was made by Councilman Blank, seconded by Councilman Stokes. Mayor Woolsey asked Planning Director, Kristen Crane to explain the request.

Mrs. Crane stated that the request is for the rear portion of two RSL lots. One of the lots is non-conforming; making it is too small for RSL. The other lot at the rear would be combined with 792 Folly Road to make it one commercial lot. If the request were approved, there would be an ongoing subdivision application that would remove the lot line between the two residential lots to make it one residential lot. The applicant would be required to go through Site Plan Review for the parking lot. The lot would be pervious with no access from Jordan Street. Mrs. Crane noted that per the Folly Road Corridor Overlay, the applicant would install a privacy fence and 12 ft. of rear buffering on the residential side.

Mayor Woolsey asked what about the front and Mrs. Crane said that all along Jordan St. would remain residential. Mrs. Crane explained where the fencing would be placed. It would be a 6ft. opaque privacy fence with buffering on the commercial side.

Councilman Blank recalled similar concerns when Goodwill building was built and commented that vegetative buffers helps to reduce noise. Councilman Milliken asked about drainage from the parking lot. Mrs. Crane answered that it would be a pervious parking lot. Councilman Stokes asked about lots #27 and #28, to which Mrs. Crane replied that they are City of Charleston HUD. Motion passed unanimously.

Ordinance #2019-06: Cost-Sharing Agreement with James Island PSD (JIPSD): Motion in favor was made by Councilman Blank, seconded by Councilman Stokes. Mayor Woolsey asked Council to approve First Reading with the understanding that changes could be made at the Second Reading in August. He said the agreement has not been approved by the PSD and it may need to be modified. He said in order for citizens to receive a tax credit in October the agreement has to be in place.

Councilman Milliken said he did not receive the documents until this morning and he is unsure if our citizens has had an opportunity to review it. He said for that reason he would vote against it because it lacked transparency. He knows there is a deadline but we must be careful and make sure everyone has a chance to voice an opinion. Councilman Blank commented that the citizens could voice their opinions at the August meeting. Councilman Stokes said the agreement is something we have been involved in for some time now, to offer a cost-savings to our citizens and they would have the opportunity to voice their opinions, if they choose, at the next meeting. He said if the deadline is missed, we could pass the ordinance at any time in the next couple of months. He said there could be another year before a cost savings goes into effect because this is a property tax issue. He said it is prudent to approve the agreement now with public input at the Second Reading. Also, modifications may need to be made at the Second Reading. After discussion, motion passed; Councilman Milliken voted No.

New Business

Dominion Energy Tree Maintenance and Trimming/TOJI Agreement/S.581: Councilman Milliken thanked Senator Senn for coming to our meeting to discuss Bill S-581. Senator Senn has proposed this Bill in the General Assembly that would require a trained arborist to oversee tree trimmings. Councilman Milliken said he requested this item on the agenda because of the energized meeting at Town Hall in February where SCE&G representatives talked about tree trimmings on James Island. The public was very interested in how this was being done and this is a big issue for the entire James Island. He said that SCE&G is now

Dominion Energy and this would be a good beginning to develop an Ordinance to request a certified arborist to oversee tree trimmings on our island.

Senator Senn spoke before Council and gave them the background of legislation (S-581) that was filed in the General Assembly. She informed Council of the situation that occurred in the Brynes Down/ Old Windermere subdivision on James Island. SCE&G had been trimming trees in the subdivision and the neighbors were very frustrated at how they were being trimmed/pruned. Senator Senn said she was receiving numerous complaints from citizen daily about how the trees were trimmed. The trees were trimmed at a 15 ft. standard; but it should have been at a 10 ft. standard. Because of the numerous complaints, Senator Senn said she contacted SCE&G to discuss this matter and to request the name of a supervisor or someone on the ground that she could talk to when citizens complained. She also requested a map of where trimmings were to occur. Once she received the map, it was illegible and it did not show where trimmings were going to take place. Senator Senn said the situation was out of control, and it came into control through contact with the Old Windermere HOA President, Thomas Rhode. Mr. Rhode was able to meet with representatives at SCE&G for dialogue and citizen complaints. This also included the City of Charleston's Attorney, Susan Herdina. The City has drafted an agreement to require a trained arborist to oversee tree trimmings. SEC&G is now Dominion Energy. The agreement is not yet finalized. Senator Senn urged Town Council to have an agreement because there is no bargaining power on how trees should be trimmed without one. She noted that the City's agreement includes a 10 ft. clearance; 24-hour notification of the contractor's location; a list of subcontractors, a list of competing arborists, and the removal of debris. Senator Senn said she would continue to push Bill S.581.

Councilman Milliken said SCE&G announced in January 2019 that upcoming tree trimmings would include the Town, so they could begin trimming at any time this year. It was requested that Attorney Wilson communicate with City Attorney Herdina on the City's agreement and the Town draft an agreement. Mayor Woolsey said it could be similar to the City's and have it on the August Town Council agenda.

There were no further business to come before the body. The meeting adjourned at 8:08 p.m.

Respectfully submitted:

Frances Simmons
Town Clerk

Town of James Island Complete 8%

Monthly Budget Report

Fiscal Year 2019-2020

1st Quarter

July TOTAL BUDGET

GENERAL FUND REVENUE

Accommodations Tax		-	15,000
Brokers & Insurance Tax		-	620,000
Building Permit Fees		-	15,000
Business Licenses	1,919	1,919	365,000
Contributions/Donations-Park			
Grant Reimbursement			5,187
Franchise Fees	161,254	161,254	341,000
Interest Income		-	
Alcohol Licenses -LOP			15,550
Local Assessment Fees		-	3,000
Local Option Sales Tax (rev)		-	400,000
Miscellaneous		-	500
Planning & Zoning Fees	1,326	1,326	12,500
State Aid to Subdivisions		-	260,200
Telecommunications		-	30,000
		164,499	2,082,937
			8%

ADMINISTRATION

Salaries	20,248	20,248	273,130
Fringe Benefits	7,917	7,917	103,500
Copier	319	319	5,000
Supplies	338	338	10,000
Postage	296	296	6,000
Information Services	22,688	22,688	65,000
MASC Membership		-	5,500
Insurance		-	35,000
Legal Services		-	50,000
Town Codification		-	2,500
Advertising		-	5,000
Audit		-	16,000
Elections		-	
Mileage Reimbursement		-	800
Bonding		-	2,150
Employee Training / Screening	90	90	850
Dues and Subscriptions		-	1,500
Training & Travel		-	3,000
Employee Appreciation	53	53	500
Mobile Devices	73	73	2,300
Bank Charges	201	201	2,000
		52,224	589,730
			9%

ELECTED OFFICIALS

Salaries	3,769	3,769	50,000
Fringe Benefits	2,409	2,409	34,000
Mayor Expense	444	444	2,000
Council Expense		-	4,000
Mobile Devices		-	2,100
		6,622	92,100
			7%

GENERAL OPERATIONS

Salaries	25,778	25,778	351,765
Fringe Benefits	8,996	8,996	128,360
		34,774	480,125
			7%

PLANNING

Supplies	26	26	600
Advertising		-	1,500
Mileage Reimbursement		-	200
Dues and Subscriptions	267	267	1,040
Training & Travel		-	1,800
Mobile Devices	55	55	660
Uniform / PPE		-	500
Planning Commission	250	250	4,000
Board of Zoning Appeals		-	4,000
		598	14,300
			4%

BUILDING INSPECTION

Mileage Reimbursement		-	500
Community Outreach		-	500
Mobile Devices	55	55	660
Supplies		-	500
Equipment / Software		-	500
Uniform / PPE		-	250
Dues & Subscriptions		-	800
Travel & Training		-	1,800
		55	5,510
			1%

PUBLIC WORKS

Mileage Reimbursement		-	300
Training & Travel		-	1,925
Public Outreach		-	500
Projects	330	330	100,000
Mobile Devices	91	91	1,200
Traffic Control Devices		-	
Uniform / PPE		-	700
Supplies	930	930	5,500
Emergency Management		-	15,000
Dues and Subscriptions		-	425
Groundskeeping	3,555	3,555	50,000
		4,907	175,550
			3%

CODES & SAFETY

Mileage Reimbursement		-	100
Equipment		-	900
Radio Contract		-	1,400
Training		-	1,000
Supplies	21	21	250
Uniform / PPE		-	250
Other Security	53	53	4,320
Sheriff's Office Contract	25,168	25,168	265,460
Deputy Fringes	7,012	7,012	73,950
Unsafe Buildings Demolition		-	20,000
Overgrown Lot Clearing		-	4,000
Animal Control		-	500
Crime Watch Materials		-	250
Membership/Dues		-	250
	32,254	32,254	372,630
			9%

PARKS & RECREATION

JIRC Contribution		-	4,750
Pinckney Park		-	2,500
Special Events		-	10,000
Dock Street Park		-	1,500
Youth Sports Program		-	14,725
		-	33,475
			0%

FACILITIES & EQUIPMENT

Utilities	1,862	1,862	28,200
Security Monitoring		-	1,200
Janitorial	617	617	7,000
Equipment / Furniture	1,451	1,451	7,500
Facilities Maintenance	471	471	6,500
Vehicle Maintenance Expense	304	304	6,000
Generator Maintenance		-	3,500
Street Lights	10,346	10,346	154,000
	15,050	15,050	213,900
			7%

COMMUNITY SERVICES

Repair Care Program		-	35,000
Teen Cert Program			500
Drainage Committee			500
History Commission		-	4,880
Neighborhood Council		-	1,500
Children's Commission		-	4,000
Community Service Contributions		-	30,000
		-	76,380
			0%

CAPITAL PROJECTS

<u>INFRASTRUCTURE</u>			
Quail Drive Sidewalk	61200	61200	61200
Dills Bluff Sidewalk Phase III		0	26500
Dills Bluff Sidewalk, Phase III & IV		0	66500
Lighthouse Point Blvd Sidewalk and Drainage Phase I		0	55000
Regatta Road Sidewalk		0	17000
Town Hall - Second Floor		0	45000
Town Hall Sidewalks to Hillman and to Camp		0	211500
Capital Improvement Projects	3985	3985	100000
Traffic Calming Projects			30000
		0	
<u>PARK IMPROVEMENTS</u>			
Pinckney Park	2576	2576	347775
Greenbelt Park Project	2250	2250	63750
<u>DRAINAGE PROJECTS</u>			
Greenhill/Honey Hill Drainage Phase i			49657
Lighthouse Pt. Sdwalk & Drainage Phase 1			55000
Oceanview Stonepost Drainage Basin			20000
Hazard Mitigation Project			150000
Drainage Improvement Projects			50000
Santee St. Drainage Improvements		0	75600
	70,011	70,011	1,424,482
			0.0

LOCAL OPTION SALES TAX ROLLBACK FUND

LOST Rollback		-	1,025,000
LOST Rollback - Interest Income	220	220	3,000
		220	1,028,000

JIPSD FIRE & SOLID WASTE SERVICES

†Tax Relief		-	1,000,000
Admin Expense		-	10,000
Auditor Expense			10,000
		-	1,020,000

HOSPITALITY TAX

<u>GENERAL</u>			
Hospitality Tax Revenue		-	510,000
The Town Market	866	866	10,000
Guide to Historic James Island		-	15,000
Rethink Folly Phase I-III, Staff Cost-Sharing			20,000
Santee Street Public Parking Lot	13,200	13,200	27,000
Events		-	5,000
<u>PROJECTS</u>			
Camp/Folly Bus Shelter			41,843
Wayfinding Signage		-	12,000
Rethink Folly Road-Phase I-III		-	
Lighting Camp/Dills Bluff			54,683
Folly Road Beautification			25,000
Pinckney Park Pavillion	644		110,925
Greenbelt Park Project	563	563	21,250
1248 Camp Road Building	103		50,000
Decorative Banners			8,400
Other Tourism-Related Projects		-	108,900

TREE MITIGATION FUND

Tree Mitigation revenue		1,392	500
Tree Mitigation expense		-	500
	-	1,392	

JAMES ISLAND PRIDE

James Island Pride revenue/donations		391	3,100
Jsmes Island Pride expense	-	-	
Helping Hands Donations		423	400
Helping Hands Expense		-	
			-

ADMINISTRATOR'S REPORT

Jul-19

ADMIN NOTES

- 1) May mtgs at Town Hall - 11 total- 8 were Town Mtgs
- 2) The Notice of Election for Nov. 5, 2019 for the Mayor and Town Council seats has been advertised and the filing period will be at Town Hall from August 22nd at Noon until Sept. 5th at Noon.
- 3) Brantley Park - Greenbelt closing still on schedule for end of August. City will be giving their final approval at their next meeting and we are working through MOU with their attorneys.
- 4) The Town now has a new tool called GeoThink, and we had staff training on it last week. It's a web-based GIS software with many applications we can utilize
- 5) We had great attendance (74 residents) at the Clearview/Eastwood traffic calming mtg. Moving forward as we have plan review mtgs, we will divide those meetings up amongst the neighborhoods.

Business Licenses **43**

*19 of those processed at Town hall

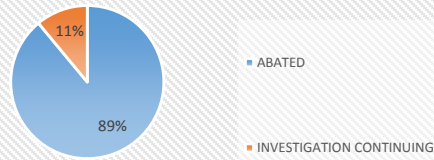
Code Enforcement Cases

TOTAL CASES	490
ABATED	436
INVESTIGATION CONTINUING	54
RANK VEGETATION / SOLID WASTE	128
INOPERABLE VEHICLE	90
TREE CASES	40
NUISANCE PROPERTY	36

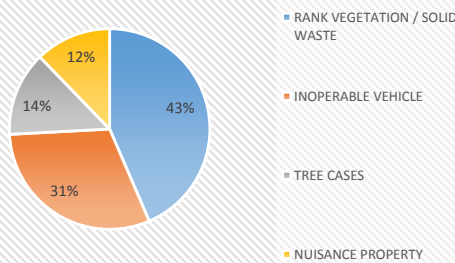
Building Permits & Inspections

	Permits	Inspections
	76	155
Building	17	65
Electrical	15	25
Plumbing	9	31
Mechanical	11	14
Gas	8	19
Pool	-	-
Roofing	10	-
Fire System	-	1
Sign	-	-
Trades	6	-
Previous Month	85	132

Code Enforcement - Case Status



Code Enforcement - Case Type

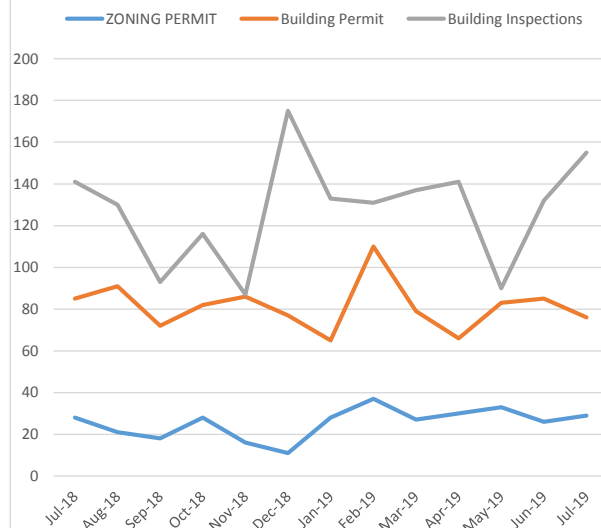


PERMIT TYPE	Jul-19
ACCESSORY STRUCTURE	
CLEARING & GRUBBING	
DEMOLITION PERMIT	
EXEMPT PLATS	
FIREWORK STAND	
HOME OCCUPATION	
LSPR	
NON-EXEMPT PLAT	
PD AMENDMENT (REZONING)	
RESIDENTIAL ZONING	13
REZONING	
SPR	
SIGN PERMIT	3
SITE PLAN REVIEW	
SPECIAL EVENT	
SPECIAL EXCEPTION	
TEMPORARY ZONING	
TREE REMOVAL	11
TREE TRIMMING	
VARIANCE	
ZONING PERMIT	2
TOTAL	29

PUBLIC WORKS NOTES

- 1) 1 new request for service in July, not drainage related and Town Staff have responded to the request.
- 2) Fort Johnson at Lighthouse Blvd.: Plans 60% complete and will have to be submitted for permitting with OCRM & DOT.
- 3) Construction is underway for Quail Drive sidewalk. Contractor and utilities working to resolve conflicts with locations.
- 4) Santee St. Drainage Project is currently in permitting with DOT. Highland Drainage Improvements Plans are under development.
- 5) The James Island Comprehensive Drainage Plan group: Town, City and County reviewed total project and made comments to Thomas and Hutton. Plans for public mtg in Sept.
- 6) Dills Bluff Sidewalk Phase II (Boardwalk) still under construction.
- 7) The engineering firm of Weston and Sampson continued to work on proposed recommendations to the Town Stormwater Ordinances.
- 8) Staff continued to water and care for roadside landscaping with in-house resources and remove unwanted vegetation from right of way.
- 9) Town Staff replaced 1 STOP signs that were damaged/faded or otherwise illegible. Staff cleaned an additional 6 traffic signs to extend their service life. 1 potholes was repaired using 3 bags of material.

PERMITS - 13 MONTH HISTORY



Email: jporcelli@jamesislandsc.us

July 26, 2019 updated from 6-9-19, & 4-10-18

Quote

Berry Demolition Inc

454 Geddes Ave Charleston SC 29407

Office # **843-766-5309**

Email: BerryDemo@comcast.net / www.BerryDemo.com

Client: **Town of James Island**

Mailing address: 1238 Camp Rd, James Island SC 29412 / (O) 843-795-4141

Contacted by: John Porcelli – building official / cell # **843-452-5749**

Email: jporcelli@jamesislandsc.us

Job site: **1261 Fort Johnson Rd, James Island 29412**

TMS # **4280300040** – in Charleston County

Present listed owner: Samuel Watson, 1264 Fort Johnson Rd A, Chas SC 29412-8814

Description

Demolition and removal of dilapidated SFR 3-apartment building rental structure

Includes: hauling off building debris and smoothing work site area only

Includes: SCDHEC & Town of James Island demolition permit and business license fees up to \$250

Includes: track-hoe with operators, roll off truck and containers, and hauling debris to approved landfill or recycle center and landfill fees

Excludes: all environmental issues, air monitoring, underground items, erosion control, silt fencing, barricading, site work, damage to sidewalk, trees, & any additional buildings on this site, and below listed exclusions – if applies

Owner to call Dominion 1-800-251-7234 opt 0,0, to terminate underground or overhead utility lines: electrical & gas line – cap gas at street / mark all underground items (septic, etc.) – if applies
This bid is for SRF zoned area with an apartment building without abatement / owner responsible for air monitoring – if required / no environmental survey provided at this time, but required

Total = \$ 11,500 – demo only of apt building without abatement

This price is good for 45 days and then needs updating

Environmental Building Survey – The Town of James Island would like to have this 3-unit demolished. We recommend the below and have asked Robin with TES to provide a guesstimate when possible on an environmental survey that you requested. She will need to get inside with building official to give a true estimate for the environmental survey. Please call TES – **Trident Environmental Service** – Robin Brown (O) 843-873-3648 to set this up.

For abatement after building survey is completed **if needed** – **Chembion Environmental LLC** / website: www.chembion.com / Courtney G. Andrews - Project Mgr. Office (direct): 843.414.2973 / C: 843.345.5510 / cgandrews@chembion.com

Standard terms – half the amount is due 3 working days ahead to clear check and mobilize equipment. The balance is due on site or mailed to receive within 3 days from completion - unless otherwise stated

Licensed and Insured - we recycle

Berry Demo will do an excellent job for you!

Local family owned and operated with over 45 years' experience

*Please sign and return by email BerryDemo@comcast.net or to mail see above address- need signature to pull a demo permit and set the schedule

Owner(s) signature or responsible party (s): _____ date: _____

Print name(s): _____ date: _____

By signing I agree that Berry Demolition Inc will perform the services described above, and I further agree to the total cost of services.

Any unforeseen occurrences may constitute a price renegotiation.

We look forward to serving you and appreciate your business – Thank you!

Standard exclusions for commercial and residential:

All items not mentioned above. All underground items and tanks: oil, propane, grease trap, septic tanks along with pumping out. All utilities and capping's must be disconnected before demolition begins, marking of underground utilities, or utilities needing capped, removing, or reconnecting before and after work completed. Not responsible for damage to surfaces remaining that are worked on with heavy equipment: asphalt, concrete, driveways, walkways, curbing, partial buildings, remaining buildings, grassy areas, sprinkler system, trees, lights, underground items, and utilities remaining, etc. Standard slabs of more than 6" and foundations below grade of 12" standard or more may require additional fees, along with piers, pilings, curbing, large and commercial footers, and basements. Remobilization, erosion control, barricades, chain fencing, tree barricades, silt sacks, inlet tubes and protection, dust barriers, extra debris, trees, bushes, prepping, seeding, mucking, back fill, fill dirt, and rock – extra. All environmental issues: contaminated soil, chemical abatement, surveys, hazardous materials, abatement: asbestos and lead, special permitting, testing, reports, survey's, air monitoring, fees, are the responsibility of the owner. Owner's responsible for all local municipality fees: special board of approval, tree approval, storm water, sewer fees, bonds, additional fees, etc. – if required. Owner is responsible for all municipality and utility issues or fees, property fees, and additional entry fees, HOA, etc. if applies. Owners responsible for providing environmental surveys, testing, sampling, air monitoring, chemical removal, etc. on all commercial properties and any property that requires it. For mostly commercial property additional insurance, additional insured's or addendums waivers will require additional fees, and it's just the cost of what the insurance company charges - if requested. We are not reasonable for all legal issues or fees arising out of the demolition by us for the owners, sellers, GC, and other parties. We are not in business with recyclers and do not extended liability or insurability for recycled items. We are not builders and do not provide a warranty since we are only providing a service to remove items. Some municipalities inspectors may require additional things before the demolition such as silt fencing, abatement, etc., if applies.

This contains information intended solely for the recipient(s). Any use by others is prohibited. If you are not the intended recipient, please contact the sender and shred all copies of this message and attachments. We can withdraw this quote at any time. If not signed promptly can void. If we are doing the work and even if this quote is not signed by any and all parties involved, they are still bound by the above. Includes all salvage rights.

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

TREE PROTECTION AGREEMENT

THIS TREE PROTECTION AGREEMENT (the “Agreement”) is entered into on the Effective Date (as hereinafter defined), by and between the Town of James Island, a South Carolina municipality (the “Town”), and Dominion Energy South Carolina, Inc., formerly known as South Carolina Electric & Gas Company (the “Company”).

RECITALS

WHEREAS, the Town and the Company agree that trees are an important natural, economic, and aesthetic resource;

WHEREAS, the Town and the Company agree that Grand Trees, which are the most important trees, serve as an integral part of the Town’s historic fabric, significantly enhance the livability of the Town’s residential neighborhoods, and contribute to the enjoyment of the Town’s public places;

WHEREAS, the Town has adopted tree protection ordinances (the “Ordinances”) regulating the pruning, cutting down, damaging, planting, and replacement of trees, including Grand Trees, on private property, within Town rights-of-way, and on property owned by the Town, the purposes of which are to protect the health of trees, to preserve the aesthetics of the Town and areas which benefit from these trees, and to balance modern infrastructure with natural resources;

WHEREAS, among other things, the Ordinances provide that utility companies and electric suppliers will be exempt from the tree protection requirements in Chapter 153.334 of the Town Code if they enter into a tree protection agreement addressing the specific criteria set forth in Sec. 153.334 of the Town Code;

WHEREAS, good pruning techniques are crucial for the health of trees, and this Agreement is intended to ensure that proper pruning techniques are utilized to maintain the aesthetics and the practical value of trees;

WHEREAS, the Company desires to provide, and does provide, electric and natural gas service in a timely, safe, efficient, economical, and reliable manner and must, therefore, prune, substantially alter, and/or remove trees; and

WHEREAS, pursuant to this Agreement, the Town and Company acknowledge the benefits of providing safely-maintained electric and other utility services to the Town’s residents, while protecting and preserving the Town’s trees and other natural resources.

NOW, THEREFORE, BE IT RESOLVED, in consideration of foregoing recitals and the mutual promises contained herein, the Town and the Company agree as follows:

ARTICLE I: DEFINITIONS

The following definitions shall apply to this Agreement:

1.1 “ANSI A300 Standards” means the most current version of the voluntary industry consensus standards for managing trees, shrubs, and woody plants, published by the American National Standards Institute (“ANSI”). ANSI A300 Standards are divided into multiple parts, each focusing on a specific aspect of woody plant management. ANSI requires that approved standards be developed according to accepted principles, and that such standards must be reviewed and, if necessary, revised, every five (5) years.

1.2 “Town Code” means the Code of the Town of James Island, South Carolina.

1.3 “Town Designee” means a representative of the Town, who may be a Town employee or third-party contractor, designated by the Administrator (as hereinafter defined). If no such person has been designated, the “Town Designee” shall mean the Town Administrator. The Town Designee shall be responsible for administering this Agreement on behalf of the Town. Without limiting the foregoing, the Town Administrator, in the Administrator’s discretion, may designate a separate Town Designee for each Project. Except for the Town Administrator, any Town Designee shall be an ISA-certified arborist.

1.4 “Company Designee” means a designated representative of the Company who is available for coordination and communication with the Town Designee at all times, as determined necessary by the Town Designee, with respect to each Project. Without limiting the foregoing, the Company, in the Company’s discretion, may designate a separate Company Designee for each Project.

1.5 “Diameter Breast Height” or “DBH” means the total diameter, in inches, of a tree trunk or leaders, measured four and one-half feet (4½’) above existing grade. In instances where a tree splits into leaders below four and one-half feet (4½’) above existing grade and the leaders are physically attached above the ground and of the same species of tree, all leaders equal to or greater than six inches (6’) inches D.B.H. shall be measured separately and count as one tree.

1.6 “Administrator” means the Town Administrator.

1.7 “Grand Tree” means a tree twenty-four inches (24”) or greater D.B.H, except pine, sweet gum and any invasive tree species as referred by Clemson Extension and the South Carolina Exotic Pest Plant Council.

1.8 “ISA” means International Society of Arboriculture.

1.9 “Project” means activities involving the pruning of trees in and around Utility Lines and Facilities by the Company, with each such Project being identified by the Company as part of the procedures outlined in Article III of this Agreement.

1.10 “Pruning” or “pruning” means cutting, trimming, substantial alteration, and/or pruning of trees.

1.11 “Utility Lines and Facilities” means lands, structures, and other facilities used in the generation, transmission, or distribution of electricity or natural gas.

ARTICLE II: TREE PROTECTION REQUIREMENTS

2.1 Generally. The Town and the Company recognize the need to minimize the pruning and removal of trees, especially Grand Trees, which do not frustrate or substantially interfere with the intended purpose of construction or maintenance of Utility Lines and Facilities. Grand Trees are the most important trees, and the Company shall protect Grand Trees when reasonably feasible, consistent with the Company’s responsibility to maintain safe clearance around Utility Lines and Facilities. Pruning of trees shall comply with accepted arboricultural practices, including ANSI A300 Standards.

2.2 Clearances.

2.2.1 Generally. Unless otherwise provided by federal or state law, existing contracts between the Company and its contractors, or due to safety considerations, the Company agrees to use reasonable efforts to implement a standard side clearance of ten feet (10’), a standard top clearance of twenty feet (20’), and a standard bottom clearance of ten feet (10’).

2.2.2 Conditions and Limitations. Notwithstanding the standard clearances identified in Section 2.2.1 of this Agreement, pruning cuts shall continue to be made at the closest parent limb in order to preserve the long-term health of the tree. Certain conditions may also exist which militate in favor of a lesser clearance area around trees, including the following:

a. When parent limbs/leaders are of such significant size, i.e., ten-inch (10”) diameter or greater, that removal of such parent limbs/leaders would jeopardize the health of the tree or substantially change the tree’s appearance, such parent limbs/leaders should be preserved.

b. When significant-sized limbs, i.e., ten-inch (10”) diameter or greater, push the neutral conductor wire down far enough that it may be more reasonable to relocate the neutral wire above such limb than to remove the limb, the neutral wire should be relocated to preserve such limbs.

c. Significantly large tree trunks which are less than ten feet (10’) from the outermost primary conductor generally should be preserved.

d. When pruning Grand Trees, effort shall be made to maintain standard clearance whenever possible; however, cuts shall continue to be made at the closest parent limb in order to preserve the long-term health of the tree. The

Town Designee may elect to have an arborist working on behalf of the Town to be present when pruning activities are taking place on Grand Trees and may require twenty-four (24) hour notice for any work to be performed on trees, including Grand Trees, identified by the Town Designee to be special in nature.

e. The Company will use reasonable efforts to cut no more of the canopy in one (1) growing season than is necessary to meet applicable ANSI A300 Standards.

2.3. Foreman. The Company shall have one (1) “top trimmer/foreman,” possessing appropriate qualifications, present at all times with each tree pruning crew for each Project. The Company shall make the qualifications of such “top trimmer/foreman” available to the Town upon request.

2.4. Company Designee. The Company shall have at least one (1) Company Designee available to coordinate with the Town Designee for each Project at all reasonable times, as determined necessary by the Town Designee.

2.5. Town Designee. The Town shall have at least one (1) Town Designee available to coordinate with the Company Designee for each Project at all reasonable times, as determined necessary by the Company Designee.

2.6. Rehabilitation of Damaged Trees. The Town Designee may require the Company, at the Company’s sole cost and expense, to take appropriate action to rehabilitate any trees damaged due to improper pruning techniques under the ANSI A300 Standards.

2.7. Tree Removal. If the Town Designee determines, following a Project, that a tree displays questionable viability, structural integrity, or that a tree may display grossly compromised aesthetics due to improper pruning techniques, the Company will coordinate with the Town and, if the tree is located on private property, the property owner(s), regarding the possible removal of the tree. The party removing the tree will be responsible for removal of all resulting debris.

2.8. Conflicts. If the pruning of trees on a particular property is delayed due to a conflict involving the Town, a property owner, or the Company, then a follow-up meeting will be scheduled within a reasonable time among the property owner, the Town Designee, and the Company Designee.

2.9. Removal of Debris. The Company shall timely remove all debris resulting from the pruning of trees.

2.10. Procedures. The Company shall implement and follow the “Procedures for Contractor Pruning Communication,” set forth in Article III of this Agreement, within the requested timeframes.

2.11 Communication. For each Project, the Company shall post on its website a phone number and email address for concerned parties, including Town residents, to use to communicate with the Company with respect to the Project.

2.12 Notice of Complaints. The Company shall use reasonable efforts to notify the Town of any significant complaints received by the Company regarding the pruning or removal of trees within the Town and to invite the Town Designee and/or other Town representative to attend any meetings with concerned residents.

ARTICLE III: PROCEDURES FOR CONTRACTOR PRUNING COMMUNICATION

3.1 Annual Procedures for Trimming in 2020 and Thereafter. For trimming during and after the year 2020, before the first of each year, and on a continuing basis thereafter with respect to any proposed changes, alterations, modifications, or amendments to the Company's planned tree pruning for such year, the Company shall provide to the Administrator the following information:

3.1.1 A map of pruning circuits for the next six (6) months to one (1) year.

3.1.2 A list of possible areas, locations, and target dates to commence and conclude pruning for each Project.

3.1.3 A list of possible contractors the Company may use.

3.1.4 Any changes in pruning standards.

3.1.5 A copy of pruning guidelines and contract specifications to be followed by each contractor.

3.1.6 The dates for any pre-pruning meetings with contractors.

3.2 Monthly Procedures. During the month prior to the commencement of a Project, and on a continuing basis thereafter with respect to any changes, alterations, modifications, or amendments to the Company's planned tree pruning for such month, the Company shall provide to the Administrator the following information:

3.2.1 The name and contact information of the Company Designee for each Project.

3.2.2 The dates on which the Company will provide or has provided notification to residents by postcards, including phone and email contact information.

3.2.3 The dates on which the Company will provide or has provided any press releases with respect to pruning.

3.2.4 A copy of all materials, which will be sent or has been sent by the Company to residents regarding pruning.

3.2.5 A smaller map for pruning in specific locations with respect to each Project.

3.2.6 Approximate timeframes for the commencement and completion of each Project.

3.2.7 The dates of all public meetings with respect to each Project. The Company shall have a Company Designee attend each such meeting.

3.3 Procedures During Projects. During each Project, the Company shall provide the Town Designee updates or other reasonable notification regarding pruning activities, timing of pruning, the location of pruning, prior notification of the pruning of any Grand Trees which the Town has determined to be special in nature and for which the Town has communicated that determination to the Company Designee, the timing for removal of debris, and other information the Town Designee shall reasonably request regarding the Project.

3.4 Coordination.

3.4.1 Town Designee. The Administrator shall provide the Company with the name and contact information of the Town Designee for each Project within a reasonable time; provided, however, if the Administrator does not provide such information, the Administrator shall serve as the Town Designee for the Project unless and until such information is provided to the Company.

3.4.2 Review. The Town Designee shall coordinate and cooperate with the Company Designee in reviewing the information provided by the Company under this Article III, notifying the Company Designee of any objections or requests for additional information within a reasonable time, and meeting with the Company Designee in a timely manner to address and resolve any conflicts regarding the information provided.

ARTICLE IV: MITIGATION

Landscaping and other measures are recognized as valuable techniques to help mitigate the adverse impacts of removing trees for construction and maintenance. Mitigation may be required as a condition for approving the removal of Grand Trees. Mitigation is recognized to be especially important where planned Utility Lines and Facilities will cross, or run adjacent to, planned or existing public rights-of-way, or when the removal of a Grand Tree or Grand Trees will result in a substantial change in the appearance of landscaping along public rights-of-way or other public lands. Mitigation includes, but is not limited to, the planting of shrubs or understory trees to screen views or disrupt the uniformity along cleared utility rights-of-way, directional changes in the alignment of Utility Lines and Facilities at road crossings to disrupt straight views along cleared rights-of-way, and the bridging of lines over, or the tunneling of lines under, Grand Trees.

ARTICLE V: EMERGENCY PROVISIONS

In times of emergency, trees may be removed without prior approval of the Town, consistent with the Company's responsibility to maintain safe clearance around Utility Lines and Facilities. The Company shall file a report with the Town Designee indicating the number and location of trees removed and the nature of the emergency, within twenty-one (21) calendar days of the emergency. In times of major emergencies, caused by disasters and acts of nature, the report-filing period shall be extended.

ARTICLE VI: TERM

6.1 Term. The initial term of this Agreement (the "Initial Term") shall commence on the Effective Date and conclude on July 31, 2021. Upon conclusion of the Initial Term, this Agreement shall continue in full force and effect from year to year thereafter, until properly terminated by either party. Either party may terminate this Agreement at the end of the Initial Term, or its anniversary date any year thereafter, by giving written notice of its intention to terminate no less than 60 days prior to the proposed termination date.

6.2 Progress. Without limiting Section 6.2 of this Agreement, the parties agree to continue with good faith efforts on evaluating any proposed amendments to this Agreement and the feasibility of undergrounding.

ARTICLE VII: BREACH OF AGREEMENT

Upon the Company's breach of this Agreement, the Company shall lose its exemption from the requirements of Part 6 under Sec. 54-326.g of the Town Code. Otherwise, the Town's remedies for the Company's breach of this Agreement shall be limited to declaratory and/or injunctive relief or mitigation in accordance with Article IV or the Town's other ordinances relating to tree protection. The Town may reinstate the Company's exemption under Sec. 54-326.g of the Town Code if the Town Designee determines that acceptable mitigation or other measures have been taken to remedy the breach. The Company's remedies for the Town's purported breach of this Agreement shall be limited to declaratory and/or injunctive relief. A non-breaching party may terminate this Agreement due to the material breach of this Agreement by the other party upon sixty (60) days written notice if the party in material breach of this Agreement fails to cure the breach within such notice period.

ARTICLE VIII: MISCELLANEOUS

8.1 No Waiver of Exemption. By entering into this Agreement, the Company does not waive any exemption to the Ordinances to which the Company may be entitled by operation of federal, state, or local laws.

8.2 Notices. All notices, demands and requests which may be given or which are required to be given by either party to the other under this Agreement, and any exercise of a right of termination provided by this Agreement, shall be in writing and shall be deemed effective when either: (i) delivered in person to the address set forth below for the party to whom the notice was

given; (ii) three (3) business days after having been sent, by certified mail, return receipt requested, addressed to the intended recipient at the address specified below; (iii) on the next business day with respect to any notification provided to the recipient by electronic mail to the electronic mail address specified below; or (iv) at noon of the business day next following after having been deposited into the custody of a nationally recognized overnight delivery service, addressed to such party at the address specified below. Any notice sent as required by this provision and refused by the recipient shall be deemed delivered as of the date of such refusal. For purposes of this provision, the addresses of the parties for all notices are as follows:

If to the Company: Dominion Energy South Carolina, Inc.
Attention: _____

Email: _____

With a copy to: Dominion Energy South Carolina

Attention: _____

E-mail: _____

If to the Town: Town of James Island
Office of the Mayor
PO Box 12240
Charleston, SC 29422
Email: mayorwoolsey@gmail.com

With a copy to: Town of James Island
Attention: Town Administrator
PO Box 12240
Charleston, South Carolina 29422
Email: akellahan@jamesislandsc.us

Either party may, from time to time, by notice in compliance with this paragraph, designate a different name and/or address to which notices shall be sent.

8.3 Days; Dates. Unless other specified herein, all references to “day” or “days” in this Agreement shall mean a calendar day or calendar days. If any date set forth in this Agreement or computed pursuant to this Agreement falls on a Saturday, Sunday, or Town holiday, such date shall be deemed automatically amended to be the first business day following such weekend day or Town holiday.

8.4 Governing Law. This Agreement shall be governed by, construed, and enforced in accordance with the laws of the State of South Carolina.

8.5 Severability. Wherever possible, each provision of this Agreement shall be interpreted in such manner as to be effective and valid under applicable law, but if any provision of this Agreement shall be prohibited by or invalid under applicable law, such provision shall be ineffective to the extent of such prohibition or invalidity, without invalidating the remainder of such provision or the remaining provisions of this Agreement, except that Section 8.6 and Section 8.10 of this Agreement shall not be severable, and this Agreement shall be void and of no effect if Section 8.6 or Section 8.10 of this Agreement are declared to be ineffective or invalid under applicable law.

8.6 Entire Agreement. This Agreement embodies the entire agreement and understanding between the parties hereto with respect to the pruning and/or removal of trees by the Company under the Ordinances and supersedes all prior agreements and understandings, oral, written or otherwise, relating to thereto. Notwithstanding the foregoing, this Agreement shall not supersede any of the following: (1) the jurisdiction of the Federal Energy Regulatory Commission with respect to transmission vegetation management or otherwise; (2) the jurisdiction of the South Carolina Public Service Commission to regulate electric and gas utilities or suppliers; (3) the franchise agreements between the Town and the Company, which are not changed, altered, amended, extended, superseded, or modified by this Agreement; (4) any easements, leases, licenses, or other agreements between the parties, whether or not recorded; and (5) any other provisions of the Town Code which may apply to the Company. Nothing in this Agreement restricts the ability of the Company to maintain safe clearance around utility lines and facilities.

8.7 Amendment. This Agreement may be amended only by a written instrument executed by the parties. An implied amendment, modification, or repeal of this Agreement shall not be presumed by a merger or integration clause in a subsequent written agreement between the parties unless this Agreement is expressly referenced as being amended, modified or repealed in the subsequent written agreement or the pertinent provisions of the subsequent written agreement would be completely inconsistent with pertinent provisions of this Agreement, in which case the pertinent provisions of the subsequent written agreement shall control, but the remainder of this Agreement shall remain in full force and effect.

8.8 Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed to be an original, and all of which together shall constitute one and the same instrument.

8.9 Recitals. The recitals are an integral part of this Agreement.

8.10 No Third Party Rights. Notwithstanding any other provision of this Agreement, this Agreement shall not be construed to create any rights enforceable by the general public or others who are not parties to this Agreement, and this Agreement shall not be construed to alter, limit, amend, abrogate, or eliminate any existing rights enforceable by the general public or others against the Town or the Company under applicable laws. This Agreement does not confer any new right, title, or interest in private property, property owned by the Town, Town rights-of-way, or the property of the Company to the Town or the Company.

8.11 Effective Date. This Agreement will become effective when all parties have signed it. The date of this Agreement (the “Effective Date”) will be the date this Agreement is signed by the last party to sign it (as indicated by the date associated with that party’s signature).

[REMAINDER OF PAGE INTENTIONALLY BLANK]

[COMPANY'S SIGNATURE PAGE TO TREE PROTECTION AGREEMENT]

IN WITNESS WHEREOF, Dominion Energy South Carolina, Inc. has caused these presents to be executed as of the date set forth below.

Signed, Sealed and Delivered in the Presence of:

DOMINION ENERGY
SOUTH CAROLINA, INC.

First Witness

By: _____

Print Name: _____

Its: _____

Second Witness

Date: _____

[REMAINDER OF PAGE INTENTIONALLY BLANK]

[TOWN'S SIGNATURE PAGE TO TREE PROTECTION AGREEMENT]

IN WITNESS WHEREOF, the Town of James Island, a South Carolina municipality, has caused these presents to be executed as of the date set forth below.

Signed, Sealed and Delivered in the Presence of:

TOWN OF JAMES ISLAND

First Witness

By: _____
Print Name: Bill Woolsey
Its: Mayor

Second Witness

Date: _____



FEE PROPOSAL

PROPOSAL #: Task Order #1

DATE: August 8, 2019

To: Ashley Kellahan
Town Administrator
Town of James Island

SENT BY: Phone 843-795-4141
 Fax
 Email akellahan@jamesislandsc.us

RE: Dills Bluff Sidewalk Project- Phase 3

BY: Herbert W. Gilliam, P.E.

SCOPE OF SERVICES:

Johnson, Laschober & Associates, P.C. (JLA) is pleased to submit a proposal for the design, implementation and construction drawings for the Dills Bluff Sidewalk – Phase 3 project. This portion of the sidewalk is from Seaside Lane to Condon Drive.

Total length is approximately 1700 LF with challenges of wetland areas, drainage, and insufficient clearance. Breakdown of the fee is as follows:

(1) Construction Documents	\$19,000
a. Sidewalk	\$10,000
b. Retaining Wall	\$5,000
c. Storm Sewer	\$2,000
d. Specifications	\$2,000
(2) Permitting	\$4,500
a. SCDHEC	\$2,000
b. SCDOT	\$2,500
(3) Bidding Services:	\$3,000

Total: \$26,500 (Lump Sum)

Thank you for the opportunity to submit this proposal. We look forward to working with you on this project.

Sincerely,

JOHNSON, LASCHOBER & ASSOCIATES, P.C.

Herbert W. Gilliam P. E.

Please return a signed copy of this proposal, a purchase order, or a contract before work commences. This proposal will be considered in effect if work commences without a signed copy being received by JLA. The terms and conditions on the following page of this proposal are part of this agreement.

ACCEPTED BY:

Johnson, Laschober & Associates, P.C. 1296 Broad Street P.O. Box 2103 Augusta, GA 30903	K:\30821601\ADMIN\GENERAL\CONTRACT DOCS\2019 IDC\REVISED PROPOSAL FOR DILLS BLUFF SIDEWALK PH 3 TASK ORDER 001.DOCX	Telephone: 706-724-5756 FAX: 706-724-3955 Web Site: www.theJLAGroup.com
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August 7, 2019

Ms. Ashley R. Kellahan, Town Administrator
Town of James Island
1122 Dills Bluff Road
James Island, SC 29412

RE: **Town of James Island – Old Camp Road Library Study – Community Facility**

Dear Ashley:

Thank you so much for the opportunity to continue our relationship with the Town of James Island, and work with you on visioning studies for the old Camp Road library building. We greatly enjoyed the chance to participate in the community charette, and are excited by the possibilities of this project for the James Island community.

As requested, the following is a proposed scope of services to help the Town navigate options for this new space. We understand that the scope should include:

- Kickoff and Visioning workshop with Town, including discussion of community charette input
- On-site review of existing facility, and review of existing drawings, create basic base plans of existing building for planning purposes (more detailed "as-builts" would be anticipated for full design development/documents for renovation)
- Two additional stakeholder input sessions, for example to include the Children's Museum of the Low Country
- "Mapping" the variety of activities that could take place at the facility, and developing two space program options
- Building Code and Zoning research to identify opportunities and constraints on use, Change in Use code requirements, and potential upgrades needed.
- Develop conceptual plans and sketches for visioning
- Provide conceptual cost estimate for the upfit/renovation to a new community use
- Provide two renderings
- Present the findings/design study to key stakeholders (Town Council)

We propose to provide the above services for a fixed fee of \$18,700 plus reimbursable expenses, and anticipate a 2-3 month duration for the process, depending on community input. We would be able to start work two weeks following the approval / notice to proceed.

At this point we are assuming that structural, civil, and mechanical/electrical/plumbing assessments or designs are not included; please let us know if you would like to incorporate any of those in this study.

Please don't hesitate to let me know any questions or if you would like to refine/tailor this proposed scope to suit your needs and goals for the process. We treasure our collaborative relationship and are grateful for your trust and confidence!

Sincerely,

LIOLLIO ARCHITECTURE

A handwritten signature in black ink that reads "Jennifer Charzewski". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Jennifer Charzewski, AIA, LEED AP
Principal

cc: Elissa Bostain, AIA
File



*A RESOLUTION HONORING ISLAND SHERIFF'S PATROL (ISP) OFFICER OF SECOND
QUARTER 2019
Deputy James "Hank" Carter*

WHEREAS, Deputy Carter has been nominated by his peers as the James Island Sheriff's Patrol Officer of the Second Quarter; and

WHEREAS, during this quarter, Deputy Carter amassed significant seizures that has made a serious impact on crime. Some of Deputy Carter's accomplishments include seizing a gun, numerous arrests, including those for marijuana, cocaine, burglary, and bench warrants. In total he arrested nine subjects in seven shifts while working in the Town; and

WHEREAS, Deputy Carter's dedication, expertise, and drive is what helps the Town stay as safe as it is; and

NOW, THEREFORE, BE IT RESOLVED, that the Town of James Island recognize the outstanding service, commitment, and dedication of Deputy Carter as the Island Sheriff's Patrol Officer of the Second Quarter, 2019.

Enacted this 15 day, August 2019

*Bill Woolsey
Mayor*

ATTEST

*Frances Simmons
Town Clerk*

TOWN OF JAMES ISLAND, SC

RESOLUTION NO: 2019-15

A RESOLUTION CALLING FOR A REFERENDUM TO INCREASE TOWN COUNCIL FROM FOUR TO SIX MEMBERS.

WHEREAS, it is in the best interest of the Town of James Island to allow for:

- a. greater representation and participation of the public in the governing of the Town.
- b. staggered terms such that some members of council will be elected every two years.

THEREFORE, the James Island Town Council hereby resolves:

By this action Council calls a referendum pursuant to SC Code §5-15-30 on the following question:

Shall the Town of James Island change its number of members of Council from four to six with the two additional positions filled at the next municipal election in November of 2021?

Yes []

No []

This referendum shall be included on the ballot for the Town election scheduled for the 5th day of November, 2019.

Mayor

Attest: _____
Town Clerk

Adopted: _____

Effective upon approval.

AN ORDINANCE

AN ORDINANCE AMENDING THE TOWN OF JAMES ISLAND ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 2013-07: SECTION 153.341 SIGNS (EXHIBIT A)

WHEREAS, the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, Sections 6-29-310, et seq., 6-29-510 et seq., 6-29-710 et seq. and 6-29-110 et seq., of the Code of Laws of South Carolina, 1976, as amended, authorizes the Town of James Island to enact or amend its zoning and land development regulations to guide development in accordance with existing and future needs and in order to protect, promote and improve the public health, safety, and general welfare; and

WHEREAS, the Town of James Island Planning Commission has reviewed the proposed text of the Town of James Island Zoning and Land Development Regulations Ordinance (ZLDR) in accordance with the procedures established in State law and the ZLDR, and has recommended that the Town of James Island Council adopt the proposed text amendment of the ZLDR as set forth in Section 153.341 herein; and

WHEREAS, upon receipt of the recommendation of the Planning Commission, Town Council held at least one (1) public hearing and after close of the public hearing, Town Council approves the proposed text amendment based on the Approval Criteria of Section 153.042 (F) of the ZLDR;

WHEREAS, the Town Council has determined the proposed text amendment meets the following criteria:

- (1). The proposed amendment corrects an error or inconsistency or meets the

challenge of a changing condition; and

- (B). The proposed amendment is consistent with the adopted Town of James Island Comprehensive Plan and goals as stated in Section 153.005; and
- (C). The proposed amendment is to further the public welfare in any other regard specified by Town Council.

NOW, THEREFORE, be ordained it, by the Town of James Island Council in meeting duly assembled, as follows:

SECTION I. FINDINGS INCORPORATED

The above recitals and findings are incorporated herein by reference and made a part of this Ordinance.

SECTION II. TEXT AMENDMENT OF THE ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE

The Town of James Island Zoning and Land Development Regulations Ordinance is hereby amended to include the text amendment of Section 153.341, is attached hereto as "Exhibit A", and made a part of this Ordinance by reference.

SECTION III. SEVERABILITY

If, for any reason, any part of this Ordinance is invalidated by a court of competent jurisdiction, the remaining portions of this Ordinance shall remain in full force and effect.

SECTION IV. EFFECTIVE DATE

This Ordinance shall become effective immediately following second reading by the Town Council.

ADOPTED and APPROVED in meeting duly assembled this 15th day of August 2019.

TOWN OF JAMES ISLAND COUNCIL

By: _____
Bill Woolsey
Mayor of the Town of James Island

ATTEST:

By: _____
Frances Simmons
Town Clerk of the Town of James Island

Public Hearing: July 25, 2019
First Reading: July 25, 2019
Second Reading: August 15, 2019

“EXHIBIT A”

§ 153.341 SIGNS.

(3) *Prohibited signs.*

(a) Except as otherwise permitted by this chapter, the following signs will be prohibited:

1. Flashing signs;
2. Pennants, streamers, and other animated signs;
3. Signs imitating traffic devices (signal);
4. Signs imitating traffic signs;
5. Signs in marshes;
6. Signs in rights-of-way;
7. Snipe signs;
8. Vehicle signs;
9. Roof signs;
10. Banners (except when permitted per division (E) below);
11. Flutter feather banner flags; and
12. LED message boards **(except for Civic/Institutional uses when approved by Zoning Administrator)**

*All Changes are **highlighted**

*Proposed additions are indicated by ***bold, underlined, italicized*** font

*Proposed redactions are indicated by ~~strikethrough~~

ORDINANCE 2019-05

AN ORDINANCE REZONING REAL PROPERTY LOCATED AT THE REAR PORTIONS OF 813 JORDAN STREET (TMS# 425-08-00-026) AND 809 JORDAN STREET (TMS # 425-08-00-025) FROM LOW-DENSITY SUBURBAN RESIDENTIAL (RSL) ZONING DISTRICT TO COMMUNITY COMMERCIAL (CC) ZONING DISTRICT (EXHIBIT B)

WHEREAS, property located at 813 Jordan Street, identified as Tax Map Number 425-08-00-026, and property located at 809 Jordan Street, identified as Tax Map Number 425-08-00-025; and referenced on the attached exhibit is currently zoned Low-Density Suburban Residential (RSL) Zoning District; and

WHEREAS, the applicant requests the rear portions of these parcels be zoned to Community Commercial (CC) Zoning District to be combined with the adjacent CC zoned lot to allow for the use of the property as a parking lot; and

WHEREAS, the applicant has submitted a complete application for Zoning Map Amendment (rezoning) pursuant to Section 153.043 of the Town of James Island Zoning and Land Development Regulations Ordinance (ZLDR); and

WHEREAS, the Town of James Island Planning Commission has reviewed the proposed Zoning Map Amendment and adopted a resolution, by majority vote of the entire membership, and recommended that the Town of James Island Council (Town Council) approve the proposed Zoning Map Amendment based on the Approval Criteria of Section 153.043 F of the ZLDR; and

WHEREAS, upon receipt of the recommendation of the Planning Commission, Town Council held at least one public hearing and after close of the public hearing, Town

Council approved the proposed Zoning Map Amendment based on the Approval Criteria of Section 153.043 F of the ZLDR; and

WHEREAS, Town Council has determined the Zoning Map Amendment meets the following criteria;

- A. The proposed amendment is consistent with the Comprehensive Plan and the stated purposes of the Ordinance;
- B. The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property;
- C. The Town and other service providers will be able to provide adequate water and sewer supply, storm water facilities, waste disposal and other public facilities and services to the subject property, while maintaining adequate levels of service to existing development;
- D. The applicant provides documentation that the proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tracts or on the environment, including air, water, noise, storm water management, traffic congestion, wildlife and natural resources; and
- E. The subject properties are suitable for the proposed zoning classification considering such things as parcel size, parcel configuration, road access and the presence of natural resources and amenities.

NOW, THEREFORE, be it ordained by the Town of James Island Town Council, in meeting duly assembled, finds as follows:

SECTION 1. FINDINGS INCORPORATED

The above recitals and findings are incorporated herein by reference and made a part of this Ordinance.

SECTION II. REZONING OF PROPERTY

- A. Town of James Island Council rezones the rear portions of the property located at 813 Jordan Street, identified as Tax Map Number 425-08-00-026, and 809 Jordan Street, identified as Tax Map Number 425-08-00-025, and referenced on the attached "Exhibit B", from Low-Density Suburban Residential (RSL) Zoning District to the Community Commercial (CC) Zoning District; and
- B. Any and all development of the subject parcels must comply with the ZLDR and any and all other applicable ordinances, rules, regulations, and laws; and
- C. The Zoning Map for the rear portions of Tax Map Number 425-08-00-026 and Tax Map Number 425-08-00-025 referenced on the attached "Exhibit B", is amended to Community Commercial (CC) in accordance with Section 153.043 H of the ZLDR.

SECTION III. SEVERABILITY

If, for any reason, any part of this Ordinance is invalidated by a court of competent jurisdiction, the remaining portions of this Ordinance shall remain in full force and effect.

SECTION IV. EFFECTIVE DATE

This Ordinance shall become effective immediately upon approval of Town Council following second reading.

ADOPTED AND APPROVED in meeting duly assembled this 15th day of August 2019.

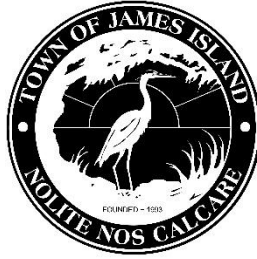
TOWN OF JAMES ISLAND COUNCIL

By: _____
Bill Woolsey
Mayor of the Town of James Island

ATTEST:

By: _____
Frances Simmons
Town Clerk of the Town of James Island

Public Hearing: July 25, 2019
First Reading: July 25, 2019
Second Reading: August 15, 2019



**ZONING/PLANNING
DEPARTMENT**

**Zoning Map Amendment
Case History: ZCC-5-19-010
FIRST READING: JULY 25, 2019
SECOND READING: AUGUST 15, 2019**

Case Information:

Area: 809 & 813 Jordan Street
Parcel Identification: 425-08-00-025, -026

History and Overview:

813 & 809 Jordan Street, are located close to the intersection of Jordan Street and Kemper Avenue, and are adjacent to the mixed-use development at 792 Folly Road (Charleston Sports Pub, Baguette Magic, View Salon, Hurricane Boxing, Charleston Tattoo, offices). The properties currently have no structures located on them. The parcels included in the current Zoning Map Amendment Request are 0.25 and 0.51 acres in size and are located in the RSL Zoning District. 813 Jordan Street is currently considered a legal nonconforming lot due to its lot area and lot width of 50 feet.

The applicant, Mr. Joseph M. Walters, is seeking to rezone the rear portion of both lots from the RSL Zoning District to the Community Commercial (CC) Zoning District to enable the use of this rear portion as a pervious parking lot for surrounding businesses, as it will be combined with the already CC zoned 792 Folly Road property, if approved. The proposed parking lot will only be accessed from the existing rear parking lot of 792 Folly Road. The front portion of the RSL lots are to remain RSL along Jordan Street. If approved, the applicant intends on abandoning the lot line between the two residential lots, resulting in one conforming residential lot of 14,520 square feet, which meets the minimum lot size required for RSL Zoning.

Adjacent Zoning:

Surrounding properties to the north and east side of the subject properties contain undeveloped and developed property in the Low-Density Suburban Residential District in the Town of James Island. Property to the west is also in the Town of James Island, zoned Community Commercial, and owned by the applicant. To the south is residential multi-family property in the City of Charleston, owned by the Housing Authority.

Approval Criteria:

According to Section §153.043 F of the *Zoning and Land Development Regulations Ordinance (ZLDR)*, applications for Zoning Map Amendment (Re-zoning) approval may be approved only if Town Council determines that the following criteria are met:

A. The proposed amendment is consistent with the *Comprehensive Plan* and the stated purposes of this Ordinance.

Staff's response: The Comprehensive Plan, Land Use Element states, "*one issue that should be addressed is the number of parcels currently in a state of legal nonconforming status that should be rezoned.*" Additionally, The Transportation Element of the Comprehensive Plan states that one of the Town's strategies should be to "*coordinate transportation strategies with growth management and land use strategies*".

B. The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property;

Staff's response: The proposed amendment will support the existing uses of nearby and adjacent commercial property, and therefore may be compatible with existing uses. Within 300 feet of the subject parcels are commercial properties, offices, single-family and multi-family. The neighboring multi-family parcel contains a parking lot adjacent to the subject property. Additionally, the front portion of the RSL lots will keep the current zoning of RSL to stay compatible with existing zoning of Jordan Street.

C. The Town and other service providers will be able to provide adequate water and sewer supply, storm water facilities, waste disposal and other public facilities and services to the subject property, while maintaining adequate levels of service to existing development;

Staff's response: The subject properties are vacant and the applicant is seeking rezoning for the rear portion of these lots for a pervious parking lot use that will combine with an existing commercial lot (with existing facilities) and parking area, with no water and sewer supply proposed to the newly combined portion. The resulting residential lot will continue to have access to both water and sewer. Additionally, The Town and other service providers will be able to provide facilities and services while maintaining adequate levels of service to existing or future development.

D. The applicant provides documentation that the proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, storm water management, traffic congestion, wildlife and natural resources; and

Staff's response: A 6' opaque fence and land use landscape buffering will be required to be installed at the rear of the commercial property to protect adjacent residential property to the east. A natural vegetated buffer protects residential property to the north. In addition, the City of Charleston has recently installed a fence along their adjoining property line to the south. The proposed parking lot will be accessed from the existing rear parking area of 792 Folly Road, and should not increase traffic congestion and will not have access to Jordan Street.

E. The subject property is suitable for proposed zoning classification considering such things as parcel size, parcel configuration, road access and the presence of resources and amenities.

Staff's response: The subject properties may be suitable for the proposed zoning classification because the resulting RSL parcel will become one legal conforming lot due to its lot size and width, as previously mentioned.

Planning Commission Meeting: July 11th, 2019

Recommendation: Approval (5-0 vote)

Speakers in support: 0

Speakers in opposition: 0

Notifications:

A total of 97 notification letters and emails were sent to owners of property within 300 feet of the boundaries of the proposed zoning map amendment and to the James Island Interested Parties List on July 10, 2019. Additionally, this request was noticed in the Post & Courier on July 10, 2019 and the property was posted on July 9, 2019.

Since 1991



A.H. SCHWACKE & ASSOCIATES
 LAND SURVEYING & CONSTRUCTION LAYOUT
 1975 FRAMPTON AVE PH: 843-762-7005 FAX 843-762-0109
 P.O. BOX 13077, CHARLESTON, SOUTH CAROLINA 29422-3077

- REFERENCE:
- 1). PLAT BY HAROLD J. LeMOND DATED NOVEMBER 2, 1984 PLAT BOOK BC PAGE 79 RMC CHAS. CO.
 - 2). PLAT BY CLARENCE S. MATTHEWS DATED JANUARY 23, 1987 PLAT BOOK BM PAGE 105 RMC CHAS. CO.
 - 3). PLAT BY WILLIAM M. FERUSON DATED MARCH 22, 2000 PLAT BOOK DC PAGE 506 RMC CHAS. CO.
 - 4). PLAT BY A.H. SCHWACKE III DATED JUNE 29, 2001 PLAT BOOK DC PAGE 885 RMC CHAS. CO.
 - 5). PLAT YOUNGBLOOD & CO. DATED NOVEMBER, 1945 PLAT BOOK F PAGE 228 RMC CHAS. CO.
 - 6). PLAT BY W.L. GAILLARD DATED NOVEMBER 27, 1979 PLAT BOOK U PAGE 128 RMC CHAS. CO.
 - 7). PLAT BY MOSES A. THOMAS DATED NOVEMBER 10, 1983 PLAT BOOK AY PAGE 173 RMC CHAS. CO.
 - 8). PLAT BY W.L. GAILLARD DATED APRIL 26, 1977 BOOK AJ PAGE 24 RMC CHAS. CO.
 - 9). SCDOT PLANS DOCKET No. 10.494 PROJECT No. S-859(2) SHEET #17

TAX MAP No. 425-08-00-023, 025 & 026

PREPARED FOR: JOSEPH M. WALTERS

NOTES:
 BEARINGS SHOWN ARE GRID83 (2011)
 AREA DETERMINED BY COORDINATE METHOD
 THE PUBLIC RECORDS REFERENCED ON THIS PLAT ARE ONLY THOSE USED AND/OR NECESSARY TO THE ESTABLISHMENT OF THE BOUNDARY OF THIS PROPERTY. THEY ARE NOT AND DO NOT CONSTITUTE A TITLE SEARCH ANYTHING SHOWN OUTSIDE THE DEFINED BOUNDARY OF THIS PLAT IS FOR DESCRIPTIVE PURPOSES ONLY.

NO SUBSURFACE OR ENVIRONMENTAL INVESTIGATION OR SURVEYS WERE PERFORMED FOR THIS PLAT. THEREFORE THIS PLAT DOES NOT REFLECT THE EXISTENCE OR NONEXISTENCE OF WETLANDS CONTAMINATION OR OTHER NONVISIBLE CONDITIONS WHICH MAY AFFECT THIS PROPERTY.

THE PRESENCE OR ABSENCE OF U.S. ARMY CORPS OF ENGINEERS JURISDICTIONAL WETLANDS IS UNDETERMINED AS OF THE DATE OF THIS SURVEY
 DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

PROPERTY APPEARS TO BE LOCATED IN FLOOD ZONE (AE EL 12) AS PER FEMA FLOOD MAP. PANEL No. 45019C 0677J DATED NOVEMBER 17, 2004

THE UNITED STATES ARMY CORPS OF ENGINEERS HAS NOT MADE A DETERMINATION OF THE PRESENCE OR ABSENCE OF WETLANDS AND/OR WATER OF THE UNITED STATES ON THIS PROPERTY/THESE PROPERTIES AS OF THE DATE OF APPROVAL/RECORDING OF THIS PLAT.

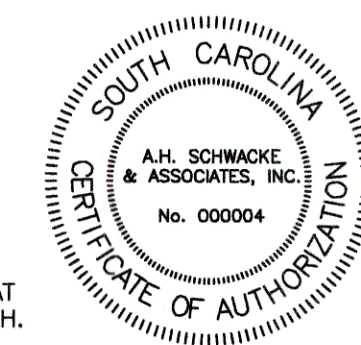
CHARLESTON COUNTY MAY REQUIRE A JURISDICTIONAL DETERMINATION BY THE UNITED STATES ARMY CORPS OF ENGINEERS ON THIS PROPERTY /THESE PROPERTIES PRIOR TO THE ISSUANCE OF ZONING PERMITS FOR LAND DEVELOPMENT ACTIVITIES.

SURVEYOR'S CERTIFICATION

I hereby state that to the best of my knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the Standards of Practice Manual for Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein. Also there are no visible encroachments or projections other than shown.

KEVIN M. SCHWACKE, SR. PLS
 S.C. Registration Number 20468

CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS. THIS PLAT IS COPYRIGHTED AND IS INTENDED ONLY FOR THE ENTITY OR PERSON(S) SHOWN HEREON. THIS PLAT REPRESENTS A SURVEY BASED ON THE LISTED REFERENCES ONLY AND IS NOT THE RESULT OF A TITLE SEARCH.



Required by Chas. Co. RMC

LINE	BEARING	DISTANCE
L1	N 13°39'36" E	13.45'

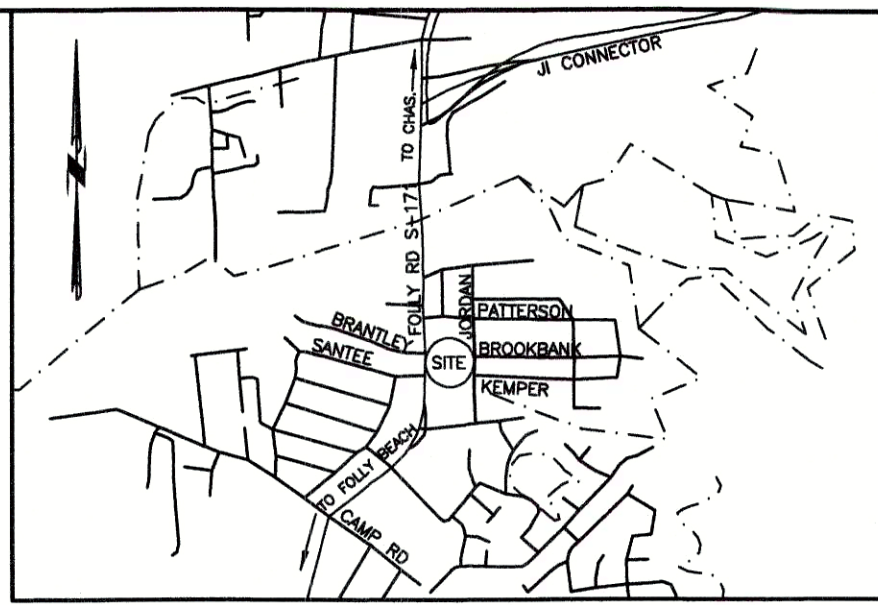
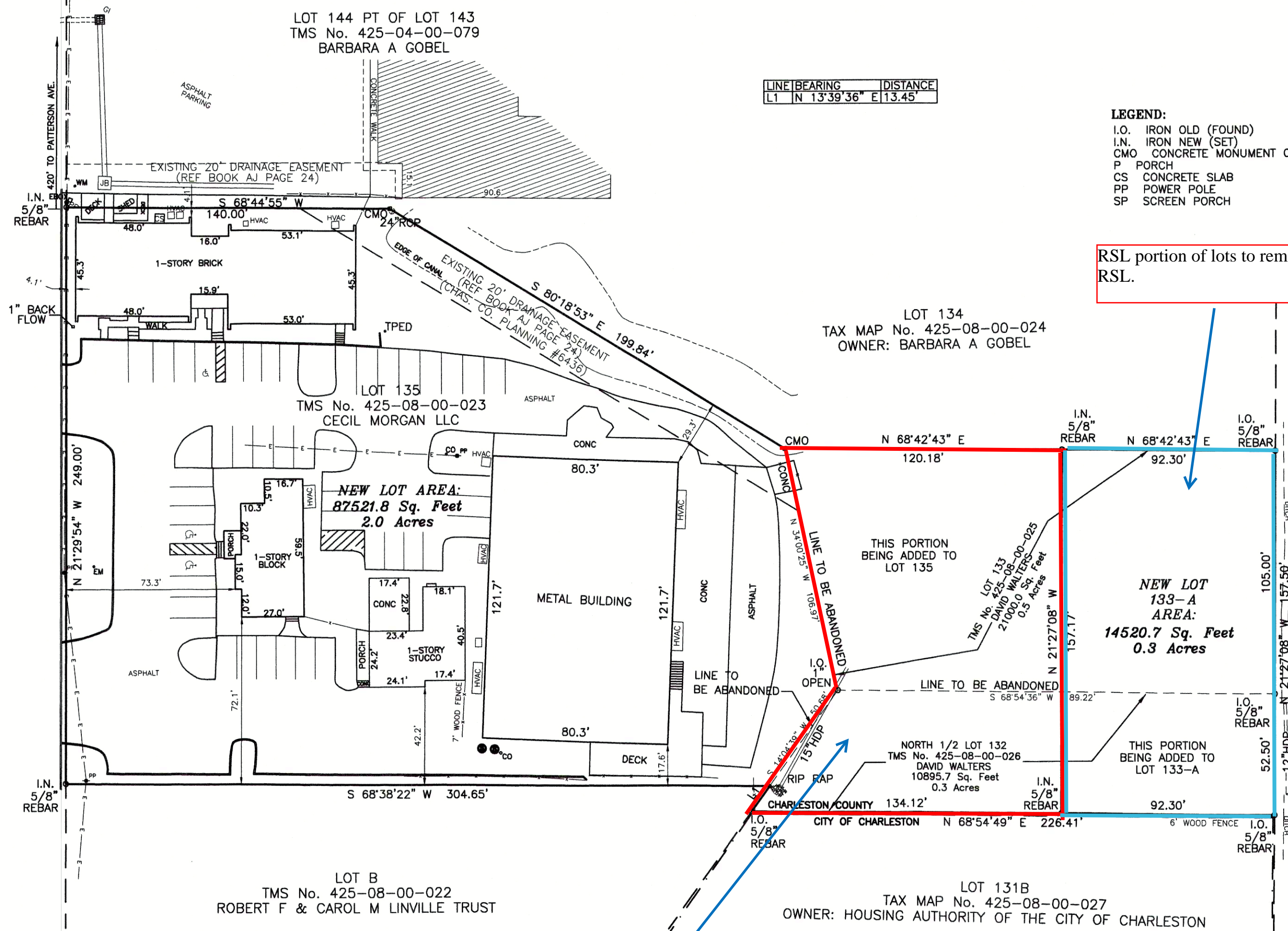
- LEGEND:**
- I.O. IRON OLD (FOUND)
 - I.N. IRON NEW (SET)
 - CMO CONCRETE MONUMENT OLD
 - P PORCH
 - CS CONCRETE SLAB
 - PP POWER POLE
 - SP SCREEN PORCH

RSL portion of lots to remain RSL.

RSL portion of lots to be rezoned to Community Commercial (CC).

FOLLY ROAD (S.C. HWY 171) R/W VARIES

JORDAN STREET 50' R/W



LOCATION MAP -NTS-



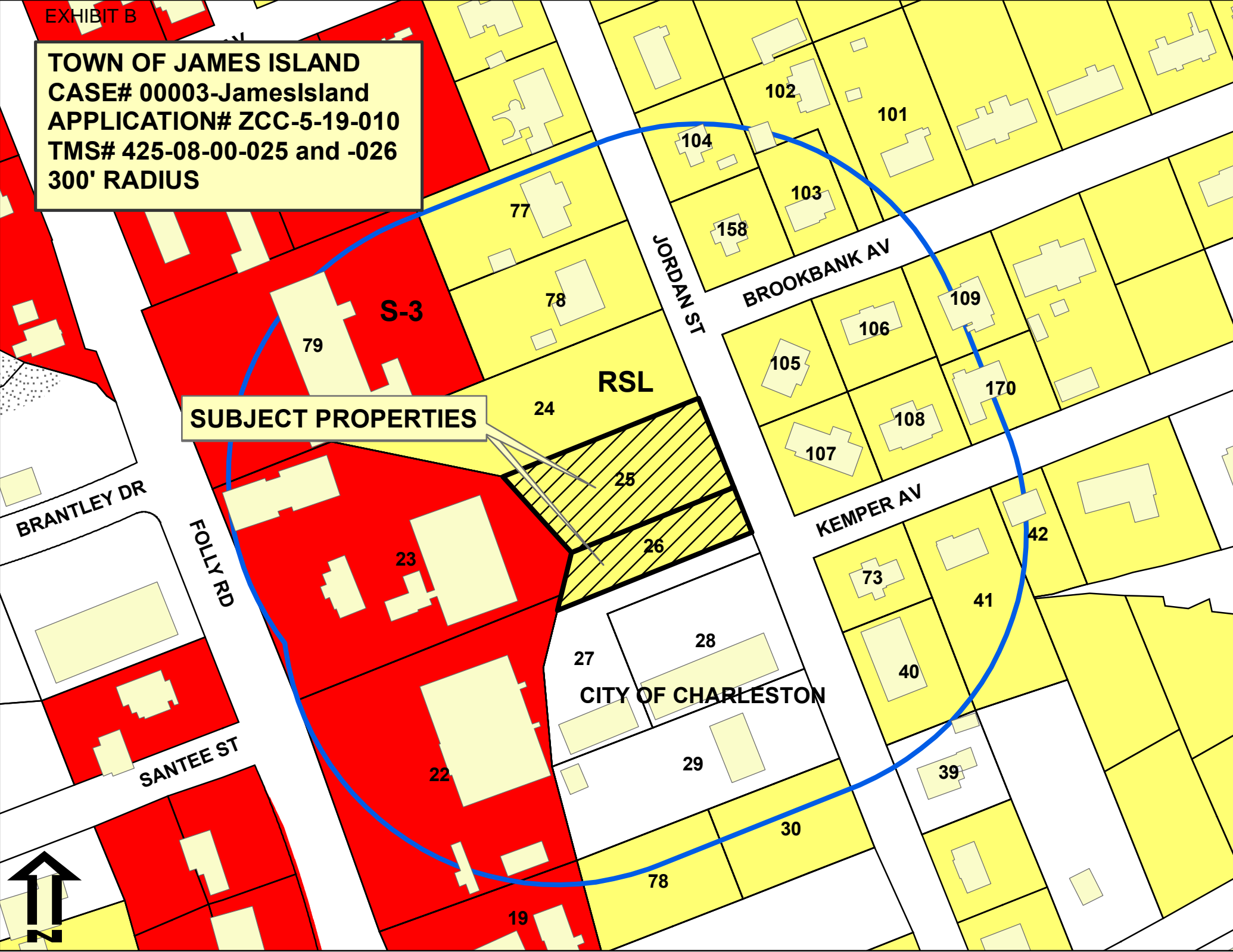
PLAT SHOWING
 PROPERTY LINE ADJUSTMENT
 LOTS 132, 133 & 135
 BAYFRONT SUBDIVISION
 LOCATED ON JAMES ISLAND
 CHARLESTON COUNTY SOUTH CAROLINA

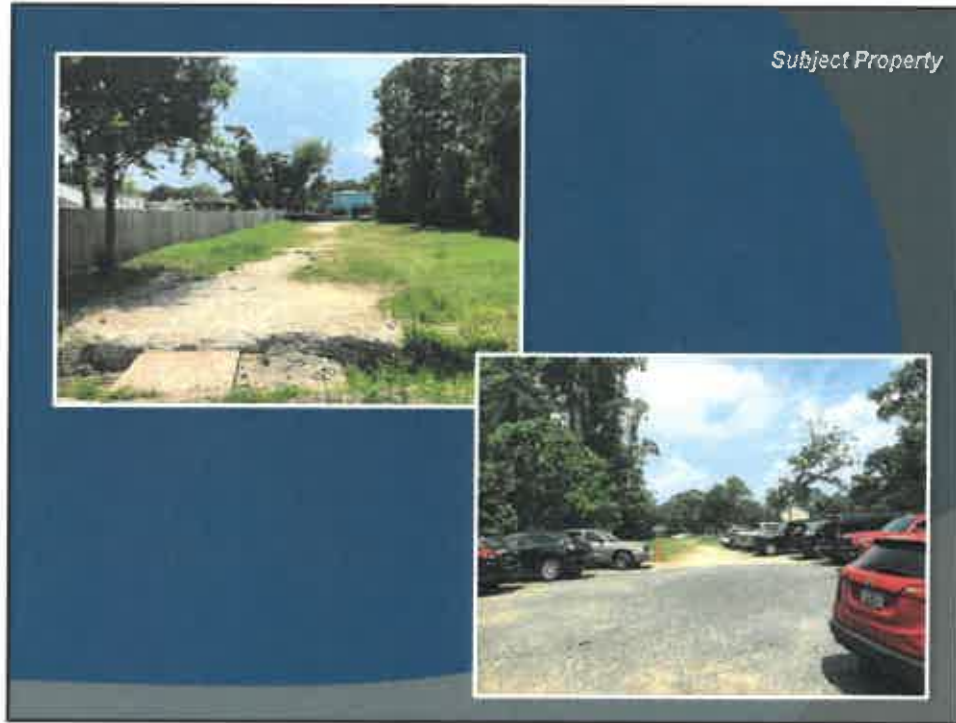


DATE: NOVEMBER 14, 2018 SCALE: 1" = 40'
 DATE: APRIL 24, 2019
 DATE: APRIL 30, 2019
 DATE: MAY 15, 2019

TOWN OF JAMES ISLAND
CASE# 00003-JamesIsland
APPLICATION# ZCC-5-19-010
TMS# 425-08-00-025 and -026
300' RADIUS

SUBJECT PROPERTIES







ORDINANCE NO. 2019-06

THE TOWN COUNCIL OF THE TOWN OF JAMES ISLAND, SOUTH CAROLINA (1) AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT BY AND BETWEEN THE TOWN AND THE JAMES ISLAND PUBLIC SERVICE DISTRICT FOR THE SHARING OF THE COST OF CERTAIN SERVICES; (2) THE APPROVAL OF THE AMOUNT OF THE COST TO BE SHARED IN THE 2019 FISCAL YEAR, AND (3) OTHER MATTERS RELATED THERETO.

The Town Council of the Town of James Island (the “*Town Council*”), the governing body of the Town of James Island, South Carolina (the “*Town*”), makes the following findings of fact in connection with the enactment of this Ordinance:

(A) The Town is authorized to exercise those powers granted to municipalities under the general laws of the State, the Constitution of the State of South Carolina (the “*Constitution*”), and Home Rule, including the power granted by Article VIII, Section 13(A) of the Constitution permitting the Town with any other political subdivision the cost of any function or exercise of powers.

(B) The Town and the James Island Public Service District (the “*District*”) have determined to enter into a Cost Sharing Agreement (the “*Agreement*”), pursuant to which the parties have determined to share the District’s cost of providing solid waste and fire protection services (together, the “*Services*”) within the Town.

(C) By and through the enactment of the budget of the Town (the “*Budget*”) for the 2019-20 fiscal year (the “*Fiscal Year*”), the Town Council has appropriated the amount of \$1,000,000 to share the District’s cost of providing the Services within the Town (as further defined in the Agreement, the “*Annual Cost Share*”). The Town Council has further appropriated such additional amounts as are required under the Agreement to reimburse the District for its cost to administer the transactions and arrangements provided for in the Agreement and to fund a Cushion Fund.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JAMES ISLAND, IN MEETING DULY ASSEMBLED, AS FOLLOWS:

Section 1. The form, provisions, terms, and conditions of the Agreement presented to the Town Council at second reading of this Ordinance and filed with the Town Clerk (the “*Clerk*”) are hereby approved, and all of the provisions, terms, and conditions thereof are hereby incorporated into this Ordinance by reference as if the Agreement was set out in this Ordinance in its entirety. The Mayor of the Town (the “*Mayor*”) is hereby authorized, empowered, and directed to execute the Agreement in the name and on behalf of the Town; the Clerk is hereby authorized, empowered and directed to attest the same; and the Mayor is further authorized, empowered, and directed to deliver the Agreement to the District. The Agreement, as executed and delivered, is to be in substantially the form now before the Town Council for second reading and hereby approved, or with such changes therein as shall not materially adversely affect the rights of the Town under the Agreement and as shall be approved by the Mayor, upon the advice of legal counsel, the execution of the Agreement to constitute conclusive evidence of the approval of any and all changes or revisions therein from the form of the Agreement hereby approved.

Section 2. In accordance with the provisions, terms, and conditions of the Agreement, the Town Council approves and authorizes the following amounts to be paid to the District:

(A) Pursuant to Section 2(a) of the Agreement, and as approved and appropriated by the Town Council in the Budget, the Town hereby authorizes and directs that the amount of the Annual Cost Share for the Fiscal Year shall be \$1,000,000.

(B) Pursuant to Section 9 of the Agreement, the Town and the District have agreed that the amount of funds to be held in the Cushion Fund, as defined in the Agreement, shall be \$10,000. In order to fund the Cushion Fund at the agreed upon amount, the amount of \$10,000 shall be added to the Administrative Fee due for the Fiscal Year.

(C) Pursuant to Section 2(b) of the Agreement, the total Administrative Fee due for the Fiscal Year shall be the sum of (i) 1% of the amount of the Annual Cost Share of \$10,000 and (ii) the amount necessary to fund the Cushion Fund at the agreed upon level of \$10,000, resulting in a total Administrative Fee for the Fiscal Year of \$20,000.

Section 3. The Mayor, the Clerk, and the Town Administrator (the “*Administrator*”), for and on behalf of the Town, are hereby each authorized, empowered, and directed to do any and all things necessary or proper to effect the performance of all obligations of the Town under and pursuant to Agreement, including, without limitation, making any and all payments or transfers of funds required under the Agreement at such times and under such terms as required thereby. The Town Council hereby affirms that all amounts due and payable under the Agreement within the Fiscal Year have been duly appropriated in the Budget and constitute current obligations and expenses of the Town payable from initially appropriated funds.

Section 4. The provisions of this Ordinance are hereby declared to be separable and if any section, phrase, or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases, and provisions hereunder.

Section 5. All orders, ordinances, resolutions, and parts thereof in conflict herewith are to the extent of such conflict hereby repealed. This Ordinance shall take effect and be in full force from and after its passage and approval.

[Remainder of Page Left Blank]

Enacted and approved, in meeting duly assembled, this __th day of _____, 2019.

TOWN OF JAMES ISLAND, SOUTH CAROLINA

By: _____
Mayor

[SEAL]

Attest:

By: _____
Clerk to Town Council

First Reading: July 25, 2019
Second Reading: August 15, 2019

COST SHARING AGREEMENT

This COST SHARING AGREEMENT (this “*Agreement*”) is entered into this ___ day of _____ 2019 (the “*Effective Date*”) by and between the Town of James Island, South Carolina (the “*Town*”), a municipality of the State of South Carolina (the “*State*”), and the James Island Public Service District (the “*District*”), a special purpose district of the State, each a “*Party*” and together the “*Parties*.”

RECITALS

The District was created pursuant to Act 498 of 1961, pursuant to which the District is authorized to “[e]stablish, operate and maintain a system of fire protection;” “[e]stablish, operate and maintain a garbage collection service;” and “[c]ontract with any municipal or public agency for any or all of the services authorized under this act.” The Town is authorized to exercise those powers granted to municipalities under the general laws of the State, the Constitution of the State of South Carolina (the “*Constitution*”), and Home Rule.

The Parties are empowered by Article VIII, Section 13(A) of the Constitution to share the cost of any function or exercise of powers, and pursuant to such authorization the Parties have determined to share the cost of providing solid waste and fire protection services (collectively, the “*Services*”) within the Town.

NOW THEREFORE, in consideration of the mutual promises contained herein and other valuable consideration, the sufficiency and receipt of which is hereby acknowledged, the Parties agree as follows:

Section 1. Sharing of Costs of Services. Subject to the provisions of this Agreement and pursuant to the applicable provision of the Constitution, the Town and the District shall share the cost of the Services. The provisions of this Agreement shall be construed in accordance with the Parties exercising the powers afforded by the Constitution that permit the sharing of the cost of the Services.

Section 2. Annual Appropriation; Administrative Fee. (a) In each year, the Town shall determine the amount of the cost of the Services (the “*Annual Cost Share*”) that shall be appropriated in the Town’s budget (the “*Budget*”) for the upcoming fiscal year for the purpose of sharing the cost of the Services. No later than April 1, the Town shall provide the District with a preliminary estimate of the amount of the Annual Cost Share that the Town expects to appropriate in the Budget and shall periodically update the District if the preliminary estimate of the Annual Cost Share changes during the Town’s budget process. As soon as is practicable after the approval of the Budget, and in no case later than June 30, the Town shall notify the District of the amount, if any, that has been appropriated in the Budget as the Annual Cost Share. The notice provided by the Town shall be in writing and shall include a copy of the Budget for the upcoming fiscal year (the “*Annual Notice*”). Each Annual Notice, upon delivery by the Town to the District shall be considered an addendum to this Agreement, subject to the terms hereof.

(b) In each year in which the Town elects to participate in the Annual Cost Share, the Town shall pay to the District an administrative fee (the “*Administrative Fee*”) for the

administration of the transactions and arrangements provided for in this Agreement in the amount of 1% of the amount of the Annual Cost Share for such year, along with any addition to the Administrative Fee that may be required under Section 9(d) of this Agreement.

(c) Upon delivery of the Annual Notice, the amounts of the Annual Cost Share and the Administrative Fee shall constitute current obligations and expenses of the Town for the fiscal year in which the appropriations of the Annual Cost Share and Administrative Fee are made that are payable from initially appropriated funds. Neither the Annual Payment nor the Administrative Fee shall constitute or be construed in any way as an indebtedness of the Town within the meaning of any State constitutional or statutory limitation and shall not constitute a pledge of the general tax revenues or credit of the Town.

Section 3. Calculation and Application of Tax Credits. (a) Upon delivery of the Annual Notice in each year, in coordination with the District, the Town shall notify the Office of the Charleston County Auditor (the “*County Auditor*”) that (i) credits shall be applied to the *ad valorem* property tax (“*Property Tax*”) bills of the owners of real and personal property situated within the Town (“*Taxable Property*”) that, in the aggregate, equal the amount of the Annual Cost Share, and (ii) the total amount of the Annual Cost Share.

(b) The Town shall, to the extent necessary, work in conjunction with the Auditor to determine the amount of the tax credit (the “*Tax Credit*”) that shall be applied to the Property Taxes due in each year with respect to each item of Taxable Property, which shall be calculated by multiplying the appraised value of the taxpayer’s Taxable Property by a fraction in which the numerator is the total amount of the Annual Cost Share and the denominator is the total of the appraised value of all Taxable Property situated in the Town as of January 1 of the then-current tax year. The appraised value of each item of Taxable Property used to calculate the Tax Credit shall be the appraised value of such property that is used to calculate the Property Tax for such item of Taxable Property in the tax year in which the Tax Credit is applicable.

By way of example only, if the appraised value of all Taxable Property within the Town were to be \$1,380,440,958, and the amount of the Annual Payment were to be \$1,000,000, the amount of the Tax Credit applicable to a property with an appraised value for tax purposes of \$300,000 would be calculated as follows:

$$\frac{1,000,000}{1,380,440,958} \times \$300,000 = \$217.32 \text{ (Amount of Tax Credit)}$$

(c) The Tax Credit shall be applied to the all items of real and personal property that are subject to Property Taxes levied by the Town in any given tax year. In order to ensure clarity in the application of the Tax Credit in instances where parcels of real property are annexed into the Town, the Town shall instruct the County Auditor that only those parcels that have been annexed into the Town as of January 1 of each tax year shall be subject to Property Taxes levied by the Town for that tax year, and thereby subject to the Tax Credit. The Town shall instruct the County Auditor that Property Taxes shall be levied on items of personal property based upon to the standard taxation procedures of the County Auditor regarding the imposition of Property Taxes levied by the Town.

(d) The District hereby consents to and acknowledges that the amount of the Property Tax revenues remitted to the District for each item of Taxable Property shall be reduced by the amount of the Tax Credit applicable to the item of Taxable Property.

Section 4. Payment Schedule. The Town shall pay the amount of the Annual Cost Share and the Administrative Fee to the District in accordance with the following schedule:

- i. On the later of July 15 of each year or fifteen days after the Annual Cost Share has received the final approval of the Town and the District, the Town shall pay to the District 1/12 of the amount of the Annual Cost Share for that year, plus the total amount of the Administrative Fee for that year; and
- ii. On the 15th day of each of month thereafter through June 15 of such year, the Town shall pay to the District 1/12 of the Annual Cost Share for that year.

Section 5. Term and Termination. (a) The term of this Agreement shall commence upon the Effective Date and shall automatically renew for succeeding 1-year terms on June 30 of each year.

(b) Either Party may terminate this Agreement in any year of its term by giving the other Party written notice of its termination by no later than April 30 of such year. In the event of termination by either Party, termination shall be effective as of June 30 of such year.

Section 6. Payment of Costs. (a) Except as set forth in Section 6(b) regarding certain legal fees and Section 10 regarding the cost of monitoring, the Parties shall each bear their own costs incurred in the initial implementation and continued administration of the Tax Credit and the sharing of the cost of the Services. The Town shall bear any costs of any third-party that are necessary for the initial implementation and the continued administration of the Tax Credit and the sharing of the cost of the Services, including but not limited to, any expenses that must be reimbursed to the the County Auditor.

(b) Except for any costs for legal counsel engaged to jointly represent the Parties in connection with the transactions contemplated in this Agreement, which shall be borne by the Town, the Parties shall each bear their own costs for their own legal counsel associated with transactions contemplated in this Agreement.

Section 7. No Annual Obligation of the Town. The Town is not obligated under this Agreement to budget for and appropriate funds for an Annual Cost Share in any fiscal year. In the event that the Town does not budget for and appropriate funds for the Annual Cost Share by June 30 of any year, the Town shall not be liable for an Annual Cost Share or Administrative Fee to the District in the upcoming fiscal year; however, this Agreement shall, during the term set forth in Section 5 of this Agreement, remain in full force and effect with respect to future fiscal years in which the Town may budget for and appropriate funds for an Annual Cost Share.

Section 8. District Autonomy. No provision of this Agreement or any course of dealing between the Parties in carrying out the transactions contemplated in this Agreement shall be construed as permitting the Town to engage in or be involved in any function of the District,

including, without limitation, (i) regulating or overseeing the provision of the Services provided by the District, (ii) the fixing of millage rates, fees, or charges by the District, (iii) the preparation of the annual budget of the District, (iv) the expenditure of funds by the District, or (v) capital planning activities of the District. The District covenants that it shall provide the Services within the Town on substantially the same basis as the District provides the Services to areas outside of the Town.

Section 9. Correction of Erroneous Tax Levies. (a) In the event that any taxpayer initiates a timely and successful protest for a refund of Property Taxes under a claim that a Tax Credit should have been applied to the taxpayer's Property Tax bill (a "**Property Tax Refund**"), the Town shall use its best efforts, working in conjunction with the Office of the Charleston County Treasurer (the "**County Treasurer**") to directly pay the Property Tax Refund to the applicable taxpayer.

(b) Within fifteen days after the initial Annual Cost Share under this Agreement has received final approval of the District and the Town, the Town shall pay over to the District the amount of \$10,000, which funds are to be held by the District in a segregated account of the District (the "**Cushion Fund**") and used by the District solely for the purpose of recouping any Property Tax Refund that is, for any reason, borne by the District, pursuant to subsection (c) of this Section. The Cushion Fund shall be held by the District in a depository account that is insured by the Federal Depository Insurance Corporation or in the form of any investments now or hereafter permitted under Section 6-5-10 of the South Carolina Code of Laws 1976, as amended, or any successor or similar statute, or the South Carolina Investment Fund established at Sections 6-6-10 to 6-6-40 of the South Carolina Code of Laws 1976, as amended, or any successor or similar statute.

(c) In the event that (i) a Property Tax Refund must be paid to a taxpayer by the District, (ii) is paid to the taxpayer by the County Auditor from the District's Property Tax receipts, or (iii) is paid to the taxpayer by the County Auditor causing a reduction in future tax receipts of the District as a result, the District shall transfer the amount of such Property Tax Refund from the Cushion Fund to the general fund of the District. In the event that any funds are transferred or removed from the Cushion Fund for any reason, the District shall notify the Town of such transfer or removal on the day the transfer or removal of funds occurs. The District's notification required under this subsection (c) shall include the amount transferred or removed, documentation relied upon to determine the amount of the funds transferred or removed, and any other supporting documentation available explaining such transfer or removal. Upon written request of the Town, the District shall provide bank records showing the amount of funds then held in the Cushion Fund and any transfer or removal of funds from the Cushion Fund.

(d) In the event that any amount is transferred or removed from the Cushion Fund in any year, the amount necessary to replenish the Cushion Fund to the agreed upon amount shall be added to the Administrative Fee to be paid by the Town in the next year in which the Town elects to participate in the Cost Share. Upon receipt of the Administrative Fee in any such year, the District shall place sufficient funds in the Cushion Fund to replenish the Cushion Fund to the agreed upon amount.

(e) The Cushion Fund shall be maintained at an agreed upon amount of \$10,000. Any amounts held in the Cushion Fund in excess of the agreed upon amount may, by agreement of the Parties, be returned to the Town or used to reduce the Administrative Fee due in any year. The Parties may, by written amendment of this Agreement, change the agreed upon amount to be held in the Cushion Fund. Upon the termination of this Agreement by expiration or affirmative termination by either Party, the District shall retain the funds held in the Cushion Fund for the maximum statute of limitations during which a taxpayer may initiate a timely protest that the taxpayer should have been entitled to a Tax Credit. At such time as the statute of limitations for any such protest has run and all outstanding protests have been fully resolved, the District shall pay over all amounts held in the Cushion Fund to the Town.

Section 10. Monitoring. The District shall conduct monitoring through random sampling of the Property Tax bill generated by the County Auditor and the amounts remitted in connection therewith to ensure the accuracy of amount of the Tax Credit applied to items of Taxable Property. Monitoring shall be conducted by a Certified Public Accounting Firm meeting the requirements of Government Auditing Standards and by executing an Agreed Upon Procedures engagement in accordance with attestation standards established by the American Institute of Certified Public Accountants. The Town shall reimburse the District for the annual cost of such monitoring in an amount not to exceed \$5,000 each year, and any additional costs of monitoring above \$5,000 shall be paid by the District.

Section 11. Survival of Provisions. The obligations set forth herein, to the extent that they are intended to govern the actions, rights, and liabilities of the Parties after the end of any annual term shall survive the expiration or termination of this Agreement and such terms shall be fully enforceable thereafter unless replaced by a subsequent agreement between the Parties.

Section 12. Counterparts. This Agreement may be executed in counterparts, which when assembled shall constitute but one original Agreement.

Section 13. Severability. The provisions of this Agreement are severable and in the event any one or more of such provisions is invalid, void, or unenforceable, the remainder of this Agreement shall constitute the agreement between the Parties as to the subject matter hereof. To the extent that any provision of this Agreement is deemed invalid, void, or unenforceable, the remaining provisions of this Agreement shall be construed to carry out the purpose of the Agreement set forth in Section 1 of this Agreement.

Section 14. Effect of Dissolution of a Party. In the event either the Town or the District for any reason shall be dissolved, consolidated or its legal existence shall otherwise be terminated, all of the covenants, stipulations, obligations, and agreements contained in this Agreement by or on behalf of or for the benefit of such Party shall bind or inure to the benefit of the successor or successors thereof.

Section 15. Manner of Giving Notice. All notices, demands, and requests to be given to or made hereunder by the Parties shall be given or made as indicated below in writing and shall be

deemed to be properly given or made if sent by United States certified mail, return receipt requested, postage prepaid, addressed as follows:

As to the Town:

Town of James Island
Attn: City Administrator
PO Box 12240
James Island, SC 29422

As to the District:

James Island Public Service District
Attn: General Manager
PO Box 12140
Charleston, SC 29422-2140

Any such notice, demand, or request may also be transmitted to the appropriate above-mentioned Party by email or telephone and shall be deemed to be properly given or made at the time of such transmission if, and only if, such transmission of notice shall be confirmed in writing and sent as specified above. Any of such addresses may be changed at any time upon written notice of such change sent by United States certified mail, return receipt requested, postage prepaid, to the other Parties by the Party effecting the change.

Section 16. Parties Alone Have Rights under Agreement. Except as herein otherwise expressly provided, nothing in this Agreement, express or implied, is intended or shall be construed to confer upon any person, firm, or corporation, other than the Parties any right, remedy or claim, legal or equitable, under or by reason of this Agreement or any provision hereof. This Agreement and each provision herein are intended to be and are for the sole and exclusive benefit of the Parties.

Section 17. Headings. Any heading preceding the text of the sections hereof, and any table of contents or marginal notes appended to copies hereof, shall be solely for convenience of reference and shall not constitute a part of this Agreement, nor shall they affect its meaning, construction, or effect.

Section 18. Further Authority. The officers of the Parties, their attorneys, and other agents or employees are hereby authorized to do all acts and things required of them by this Agreement for the full, punctual, and complete performance of all of the terms, covenants, and agreements contained herein.

Section 19. Authorization of Parties. The provisions of this Agreement and the execution thereof has been duly authorized by appropriate action of the Parties.

[Remainder of Page Left Blank]

IN WITNESS WHEREOF, the Town of James Island has caused this Agreement to be signed in its name by the duly authorized officer provided below as of the Effective Date.

TOWN OF JAMES ISLAND,
SOUTH CAROLINA

[SEAL]

ATTEST:

Mayor

Clerk to Town Council

IN WITNESS WHEREOF, the James Island Public Service District has caused this Agreement to be signed in its name by the duly authorized officer provided below as of the Effective Date.

JAMES ISLAND PUBLIC SERVICE
DISTRICT, SOUTH CAROLINA

[SEAL]

ATTEST:

Chairman

Secretary

ORDINANCE #2019-07

An Ordinance to Amend Chapter 150 of the Town Building Regulations to include Fire Prevention and Protection

WHEREAS, The Town of James Island has an Intergovernmental Agreement with Charleston County to Manage our Building Services Program and Floodplain Management; and

WHEREAS, the Town of James Island needs to update its regulations regarding building construction to implement the changes in the 2018 Construction Codes; and

WHEREAS, certain provisions of this Ordinance need to be reformatted to provide administrative procedures required by the 2018 Construction Codes and support the changes in the changes to Chapter 151 of the Town Regulations Concerning Flood Damage Prevention and Protection.

NOW THEREFORE, BE IT ORDERED AND ORDAINED BY THE COUNCIL OF THE TOWN OF JAMES ISLAND, SOUTH CAROLINA:

Exhibit A Major Changes

Exhibit B Charleston County Ordinance: "An Ordinance Amending Chapter 3 of the Code of Ordinances, Charleston County, Entitled "Buildings and Building Regulations" and Chapter 8 of the Code of Ordinances, Charleston County, Entitled "Fire Prevention and Protection"

Effective Date: This Ordinance shall become effective upon its second reading.

First Reading: August 15, 2019

Second/Final Reading: September 19, 2019

Bill Woolsey
Mayor

ATTEST

Frances Simmons
Town Clerk

MAJOR CHANGES to AN ORDINANCE AMENDING CHAPTER 4 OF THE CODE OF ORDINANCES, CHARLESTON COUNTY, ENTITLED "BUILDINGS AND BUILDING REGULATIONS" AND CHAPTER 8 OF THE CODE OF ORDINANCES, CHARLESTON COUNTY, ENTITLED "FIRE PREVENTION AND PROTECTION"

1. The provisions of the International Existing Building Code may apply to all matters governing the design and construction of existing buildings.
2. **Area of applicability.** This article shall affect all unincorporated areas of the County, unless this article 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, or in agreement with any intergovernmental agreements.
3. **Site Drainage and Grading 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 drawn in accordance with an accurate boundary line survey. The site plan will provide all information required for consideration of the applicant request. Checklists will be provided for each type of floodplain management application requested. A common site plan with multiple department requirements may be submitted if applicable.
4. In the case of demolition, the site plan shall show the location and size of existing structures and construction that are to remain on the site or plot.

MAJOR CHANGES to Flood Ordinance #2035, AN ORDINANCE REPLACING CHAPTER 9 OF THE CODE OF ORDINANCES, CHARLESTON COUNTY, ENTITLED "FLOOD DAMAGE PREVENTION AND PROTECTION" AND OTHER MATTERS RELATED THERETO:

1. Electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork) above BFE and freeboard.
2. **Site Drainage and Grading 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 drawn in accordance with an accurate boundary line survey. The site plan will provide all information required for consideration of the applicant request. Checklists will be provided for each type of floodplain management application requested. A common site plan with multiple department requirements may be submitted if applicable.
3. Site drainage and grading plan is needed for all subdivisions or greater than 5 lots or 5 acres

4. Impervious surface 40% exceptions can only be used when offsetting mitigation measures are approved.
5. **Accessory Residential Structures:** habitable (must meet new construction standards), nonhabitable (must meet conditions in AE zones – flood resistant materials; openings to relieve hydrostatic pressure and no partitioning; elevating electrical, mechanical and plumbing above DFE; only used for parking or storage; define small accessory structure - < 120 sq ft and under \$1000 in value.
6. **General Riverline Setback Required.** No structure shall be erected, mobile home or recreational vehicle placed, or material stored within 50ft of the edge of a floodway or 2' above the floodway, whichever is more restrictive. If a floodway is not determined or designated for a watercourse, the building official will require a site-specific floodway analysis in conformance with standard engineering practices and approved by the building official. Any costs associated with reviewing this site-specific floodway analysis will be assessed to the applicant.
7. Fill may not be used to change the elevation of the original site without approval of the site drainage plan and grading plan.
8. Addition of Coastal A zone with VE standards.

Exhibit B
CHARLESTON COUNTY ORDINANCE NO. #####

AN ORDINANCE AMENDING CHAPTER 4 OF THE CODE OF ORDINANCES, CHARLESTON COUNTY, ENTITLED “BUILDINGS AND BUILDING REGULATIONS” AND CHAPTER 8 OF THE CODE OF ORDINANCES, CHARLESTON COUNTY, ENTITLED “FIRE PREVENTION AND PROTECTION”

WHEREAS, Charleston County needs to update its regulations regarding building construction to implement the changes in ~~enabling Legislation~~ the 2018 Construction Codes; and

WHEREAS, Certain provisions of this Ordinance need to be reformatted to provide administrative procedures required by the 2018 Construction Codes and support the changes in CHARLESTON COUNTY CODE OF ORDINANCES, CHAPTER 9: “FLOOD DAMAGE PREVENTION AND PROTECTION.”

NOW, THEREFORE, BE IT ORDAINED by Charleston County Council, in meeting duly assembled, that Chapter 4 of the *Code of Ordinances, Charleston County, South Carolina* is amended by the provisions of this Ordinance ~~by deleting Articles II, III, IV and Chapter 8 Article II and replacing~~ with the following:

SECTION 101
GENERAL

101.1 Title. These regulations shall be known as the *Building Code* of the County of Charleston, hereinafter referred to as “this Code.”

101.2 Scope. The provisions of this code 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.

101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

101.3 Intent. The purpose of this code is to regulate the provisions found in South Carolina Code Annotated Section 6-9-5 et seq. and South Carolina 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.

101.4 Referenced Codes. The provisions in Sections 104.1 through 101.4.7 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

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

Exception:

1. 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. [The provisions of the International Existing Building Code may apply to all matters governing the design and construction of existing builders.](#)

101.4.2 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.

101.4.3 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 code. 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.

101.4.4 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.

101.4.5 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.

101.4.6 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.

101.4.7 Energy. The provisions of the latest published edition of the International Energy Conservation Code shall apply to all matters governing the design and construction of buildings for energy efficiency.

101.4.9 Unsafe Buildings and Equipment (See Section 113).

101.5 Definitions References throughout this code are defined as follows:

1. "Code Official" shall mean "Building Official".

SECTION 102 APPLICABILITY

102.1 Area of applicability. This article shall affect all unincorporated areas of the County, unless this article 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, or in agreement with any intergovernmental agreements.

102.2 General. Where, in any specific case, different sections of this code 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.

102.3 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

102.4 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 code.

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

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.

102.6 Partial invalidity. In the event that any part or provision of this code 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.

102.7 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is

specifically covered in this code or as is deemed necessary by the Building Official for the general safety and welfare of the occupants and the public.

102.7.1 Existing Installations. Building systems lawfully in existence at the time of the adoption of this code 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.

102.8 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 code shall be maintained in compliance with the code edition under which they were installed.

102.8.1 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 code, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with the code and applicable referenced standards, in effect on the date permitted or if done without permits at the time of installation.

102.8.2 Testing and operation. Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in this code.

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

102.8.2.2 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 code.

102.8.3 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 code.

102.8.4 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.

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

102.8.6 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.

102.9 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 code, 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 102.12 concerning substantial improvements.

102.10 Historic buildings. The provisions of “this code” 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 local jurisdiction 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.

102.10.1 Historic buildings are defined as:

1. Listed ~~or preliminarily determined to be eligible for listing~~ in the National Register of Historic Places; or
2. 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~~; or
3. Designated as historic under a state or local historic preservation program that is approved by the Department of Interior.

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

102.11 Moved buildings. Buildings and/or structures and their components moved into or within the jurisdiction shall comply with the provisions of this code for new installations.

102.12 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~~ **49** percent of the fair market value of the building or structure, the entire building or structure shall be brought into compliance with all applicable codes.

102.13 Change in Occupancy. 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 code

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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.

102.14 Requirements not covered by “this code”. 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 code, shall be determined by the Building Official.

SECTION 103 DEPARTMENT OF BUILDING INSPECTION SERVICES

103.1 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.

103.2 Appointment. The Building Official shall be appointed by the appointing authority of the County of Charleston.

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Building Official shall have the authority to appoint a Deputy Building Official, the related technical officers, Inspectors, Plan Examiners and other employees. Such employees shall have powers as delegated by the Building Official.

SECTION 104 DUTIES AND POWERS OF BUILDING OFFICIAL

104.1 General. The Building Official is hereby authorized and directed to enforce the provisions of this code. The Building Official shall have the authority to render interpretations of this code 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 code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

104.2 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 code.

104.3 Notices and orders. The Building Official shall issue all necessary notices or orders to ensure compliance with this code.

104.4 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.

104.5 Identification. The Building Official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, 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 code 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 code, 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.

104.7 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.

104.8 Liability. The Building Official, member of the Construction Board of Adjustment and Appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code 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 code shall be defended by legal representative of the jurisdiction 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 code.

104.9 Approved materials and equipment. Materials, equipment and devices approved by the Building Official shall be constructed and installed in accordance with such approval.

104.9.1 Used materials and equipment. The use of used materials which meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless approved by the building official.

104.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, 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 code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting

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modifications shall be recorded and entered in the files of the Department of Building Inspection Services.

104.11 Alternative materials, design and methods of construction and equipment.

The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, 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 code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

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

104.11.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, 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 jurisdiction. Test methods shall be as specified in this code 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.

104.12 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.

**SECTION 105
PERMITS**

105.1 Required Permits. 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 code", or to cause any such work to be done, shall first make application; to the Building Official and obtain the required permit.

105.1.2 Additional Required permits. The Building Official is authorized to issue permits for work as set forth in Sections 105.1.2.1 thru ~~105.2.3~~ 105.1.2.8.

105.1.2.1 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 code is not considered a modification and does not require a permit.

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

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

105.1.2.3 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 code is not considered a modification and does not require a permit.

105.1.2.4 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 the International Fire Code. This includes oil, gas, or other tanks that will require inspection for installation, repair, etc.

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

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

105.1.2.7 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, trim, cabinet, shelving, countertops, closet systems, solar panel installer, and shower doors.

105.1.2.8 Sub permits. In addition to required permits, the following permits are required for the installation and/or repairs to carpentry, vinyl siding, insulation, roofing, masonry, stucco, low voltage electrical, elevators, and landscape/site development.

105.1.2.9 Site development permits. In addition to required permits, the site development permits are required for any project and must be obtained before any site work is performed including clearing, grading, etc.

- a. Subdivision and development site drainage and grading plan approval will be based on a review standard of 100 year storm, 90% on site, 10% runoff including 40% impervious surface for each parcel.
- b. Individual parcel not part of a previously approved subdivision or development will be required to satisfy all requirements except 40% impervious surface runoff.

105.2 Work exempt from permit. Exemptions from permit requirements of “this code” shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

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 m²).
2. Fences not over ~~6~~ 7 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 4 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.~~
6. 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 (19000 L) and are installed entirely above ground.
7. Shade cloth structures constructed for nursery or agricultural purposes, and not including service systems.
8. Swings and other playground equipment.
9. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
10. 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.

Electrical:

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

Radio and television transmitting stations: The provisions of this code 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 installations of towers and antennas.

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.

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.

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 code.
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 10 pounds (5 kg) or less of refrigerant and actuated by motors of 1 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.

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 code.

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.

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.

105.2.1 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.

105.2.2 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.

105.2.3 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.

105.3 Application Procedures for permit. To obtain a permit, the applicant shall first file ~~an application~~ submission therefore in writing ~~on a form or by electronic means furnished by the Department of Building Services~~ for that purpose. Such application submission shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by address and tax map number (TMS) or property identification number (PID).

3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section 106.
5. State the valuation of the proposed work.
6. Be signed by the applicant or logged in to the online system with applicant's username and password credentials, or the applicant's authorized agent.
7. Submit such other data and information as required by the Building Official.

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

105.3.2 Time limitation of application submission. ~~An application submission~~ 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.

105.4 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 code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction 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 code or of any other ordinances of this jurisdiction.

105.5 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.

105.6 Suspension or revocation. The Building Official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in

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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 code.

105.7 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.

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

105.9 Manufactured Housing Permits. In order for a permit to be issued to install a manufactured home in Charleston County, 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 license holder's email in place of a copy.

105.10 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.

SECTION 106 CONSTRUCTION DOCUMENTS

106.1 Submittal documents. Construction documents, statement of special inspections and other data shall be submitted ~~in two or more sets with~~ by electronic means with each ~~permit application~~ submittal for permits. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction 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.

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 code.

106.1.1 Information on construction documents. Construction documents shall be dimensioned and ~~drawn upon suitable material~~. ~~Electronic media~~ Paper documents are permitted to be submitted when approved by the Building Official. Paper documents may be subject to a fee for staff time to convert to an electronic copy in accordance with the County fee structure. 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 code and relevant laws, ordinances, rules and regulations, as determined by the Building Official.

106.1.1.1 Fire protection system shop drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this code 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.

106.1.1.2 Manufacturer's installation instructions. Manufacturer's installation instructions, as required by this code, shall be available on the job site at the time of inspection.

106.1.2 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 code. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

106.1.3 Exterior wall envelope. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. 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.

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.

106.1.4 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.

106.2.1 Site Drainage and Grading 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 drawn in accordance with an accurate boundary line survey. The site plan will provide all information required for consideration of the applicant request. Checklists will be provided for each type of floodplain management application requested. A common site plan with multiple department requirements may be submitted if applicable

106.2.2 In the case of demolition, the site plan shall allow construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot.

106.2.3 Impervious surface, a monolithic surface made of non-porous material that prevents water from infiltrating through, can only be used on 40% of the gross buildable site area unless offsetting mitigation measures are approved.

106.3 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 code and other pertinent laws or ordinances.

106.3.1 Approval of construction documents. When the Building Official issues a permit, the construction documents shall be approved, electronically, in writing or by stamp, ~~as "Reviewed for Code Compliance."~~ One electronic set of construction documents so reviewed shall be retained electronically by the Building Official. If paper set is requested back, a fee may be charged for printing. The other set if paper set provided, it shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the Building Official or a duly authorized representative.

106.3.2 Previous approvals. This code 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 code and has not been abandoned.

106.3.3 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 code. 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.

106.3.4 Design professional in responsible charge.

106.3.4.1 General. 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.

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.

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.

106.3.4.2 Deferred submittals. 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.

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.

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.

106.4 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.

106.5 Retention of construction documents. One set of approved construction documents shall be retained electronically 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 County of Charleston Records Retention Schedule.

SECTION 107 TEMPORARY STRUCTURES AND USES

107.1 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.

107.2 Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary

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requirements of this code as necessary to ensure public health, safety and general welfare.

107.3 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 application form shall comply with the requirements specified for temporary lighting, heat or power in the *National Electrical Code*.

107.4 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.

SECTION 108 FEES

108.1 Payment of fees. A permit shall not be valid until the permit 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.

108.2 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.

108.3 Building permit valuations. The applicant for a permit shall provide an estimated permit value at 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. Final building permit valuation shall be set by the Building Official.

108.4 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.

108.5 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.

108.6 Refunds. There shall be no refund unless it is due to a County mistake. All refunds caused by a County mistake are to be referred to the Building Official for processing.

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

108.7 Permit Fees: Fees shall be as established by the County of Charleston.

SECTION 109 INSPECTIONS

109.1 General. Construction or work for which a permit is required 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 code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purpose. Neither the Building Official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

109.2 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.

109.3 Required inspections. The Building Official, upon notification, shall make the inspections set forth in Sections 109.3.1 through 109.3.12.

109.3.1 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.

109.3.2 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.

109.3.3 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 Flood Damage Prevention and Protection Ordinance shall be submitted to the Building Official.

109.3.4 Plumbing, mechanical, gas and electrical systems inspection. 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.

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

109.3.5 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.

109.3.6 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.

109.3.7 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 code.

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

109.3.9 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.

109.3.10 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 code and other laws that are enforced by the Building Official.

109.3.11 Special inspections. Special inspections, shall be in compliance with the applicable provisions of this code.

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

109.4 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.

109.5 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 code.

109.6 Approval required. Work shall not be ~~done~~ performed 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 code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Building Official.

SECTION 110 CERTIFICATE OF OCCUPANCY

110.1 Use and occupancy. 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 or certificate of completion 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 jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

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

110.2 Change in use. Changes in the character or use of an existing structure shall not be made except in compliance with this code.

110.3 Certificate issued. After the Building Official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the Department of Building Inspection Services, the Building Official, or designee, shall issue a certificate of occupancy or certificate of completion that contains the following:

1. The permit number.
2. Permit issue date.
3. Certificate issue date.
4. The address and tax map (TMS) number or property identification description (PID) of the structure.
5. The name of the Contractor or Permit holder.
6. A statement that describes the structure or portion thereof has been inspected for compliance with the requirements of "this code".
7. The name of the Building Official.
8. The type of construction if applicable.
9. The design occupant load if applicable.

10. Flood zone information.

11. Any special stipulations and conditions of the building permit.

110.4 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.

110.5 Revocation. The Building Official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code 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 code.

SECTION 111 SERVICE UTILITIES

111.1 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 code for which a permit is required, until released by the Building Official.

111.2 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.

111.3 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 code 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.

SECTION 112 LICENSING & REGISTRATION

112. Definitions.

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.

County Contractor's License. Authorization for a holder of a South Carolina license issued by the South Carolina Contractors' Licensing Board, the South Carolina Residential Builders Commission or the South Carolina Manufactured Housing Board, to

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contract and/or perform construction work in Charleston County within the limits prescribed by the South Carolina Code of Laws or as established by County of Charleston Ordinance.

County 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 Charleston County within the limits prescribed by the South Carolina Code of Laws or as established by the County of Charleston Ordinance.

Employee. "Employee" is defined as 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 annunciate the status of fire alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals.

Fire Sprinkler System. "Fire sprinkler system" means 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. "Owner" is defined as 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. Shall mean 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 ordinance.

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.

112.1 County Contractor License ~~or Registration~~ required. Before any person shall engage in the business of construction, alteration or repairs in any building or structure in the county, he/she must obtain a license ~~or registration~~ from the county as required. 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 county, 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.

a) Anyone required to be licensed ~~or registered~~ by the County shall present a copy of his/her state license ~~or registration~~, if required by state statutes. If the application is satisfactory, a County 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.

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

112.2 Grounds for revocation; procedure for filing charges. The Construction Board of Adjustment and Appeals may revoke the license ~~or registration~~ 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 Secretary of the Construction Board of Adjustment and Appeals.

112.3 License Identification. All holders of a license ~~or registration~~ in the County 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).

112.4 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~~ County contractor secure a permit and do the work.

112.5 Residential work by owner. Pursuant to Title 40, Chapter 59, Section 260 of the Code of Laws of South Carolina (1976, as amended), the following provisions shall apply to homeowners obtaining permits to perform construction-related work on their own homes:

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

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- b) 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 (2) years after completion or issuance of a certificate of occupancy;
- c) 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;
- d) The general public shall not have access to this structure;
- e) 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;
- f) The homeowner shall personally appear and sign the building permit application and shall provide Charleston County with a disclosure statement provided by the Building Official or his designee; and
- g) The owner shall promptly file as a matter of public record a notice with the Register of ~~Mesne Conveyance 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.

SECTION 113 UNSAFE DWELLINGS AND EQUIPMENT

113.1 Authority. The provisions of this article are adopted pursuant to "Building Code" by South Carolina State Code 1976 Title 31, Chapter 15, Article 3 In Counties and South Carolina Code Title 6, Chapter 9, Article 10.

113.2 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.

113.2.1 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 thirty 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;

113.2.2 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 article, including the following powers in addition to others herein granted:

- (1) To investigate the dwelling conditions in the jurisdiction in order to determine which dwellings therein are unfit for human habitation;
- (2) To administer oaths and affirmations, examine witnesses and receive evidence;
- (3) 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;
- (4) To appoint and fix the duties of such officers, agents and employees as deemed necessary to carry out the purposes of this ordinances; and
- (5) To delegate any of his functions and powers to such officers and agents as he may designate.

113.2.3 Service of complaints or orders; posting and filing copies. Complaints or orders issued by the Building Official pursuant to this ordinance 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 the county and circulating in the municipality in which the dwellings are located. 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 county 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.

113.2.4

- (1) 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:
 - (a) 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
 - (b) 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;

- (2) 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";
- (3) 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
- (4) 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.

113.3 Unsafe Conditions

113.3.1 A vacant structure that is not secured against entry is considered an unsafe structure.

113.3.2 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 code", for new buildings.

113.3.3 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 code".

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

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

113.3.6 The building, structure or portion thereof has been constructed or maintained in violation of specific requirements of "this code".

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

113.3.8 The stress in any material, member or portion thereof, due to all imposed loads including dead load exceeds the stresses allowed in "this code" for new buildings.

113.3.9 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.

113.3.10 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.

113.3.11 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 and shall be kept in sound condition and good repair.

113.4 Minimum Standards

113.4.1 Every window and door shall be substantially weather-tight, watertight and rodent-proof, and shall be kept in sound working condition and good repair.

113.4.2 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.

113.4.3 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.

113.4.4 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.

113.4.5 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.

113.4.6 Bathroom Doors: Privacy of bathrooms shall be afforded by doors complete with privacy hardware intended by the manufacturer for that purpose.

113.4.7 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.

113.4.8 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 authority having jurisdiction.

113.4.9 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.

113.5 Additional Minimum Residential Standards

113.5.1 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.

113.5.1.1 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.

113.5.1.2 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 sq. ft. (2.8m²) with no dimension less than 4 ft. (1219 mm). Bathrooms shall be accessible from habitable rooms, hallways, corridors or other protected or enclosed area.

113.5.1.3 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.

113.5.1.4 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 code” 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).

113.5.1.5 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.

113.5.1.6 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 an 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.

113.5.1.7 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.

113.5.2 Minimum Requirements for Light and Ventilation

113.5.2.1 Windows: 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 3 ft. (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.

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

113.5.2.2 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.

113.5.3 Minimum Dwelling Space Requirements

113.5.3.1 Required Space in Dwelling Unit: Every dwelling unit shall contain at least 150 sq. ft. (13.9 m²) of floor space for the first occupant thereof and at least an additional 100 sq. ft. (9.3 m²) of floor area per additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.

113.5.3.2 Required Space on in Sleeping Rooms: In every dwelling unit, every room occupied for sleeping purposes by one occupant shall contain at least 70 sq. ft. of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 sq. ft. (4.6 m²) of floor space for each occupant thereof.

113.5.3.3 Minimum Ceiling Height: Habitable (space) rooms other than kitchens, storage rooms and laundry rooms shall have a ceiling height of not less than 7 ft. (2134 mm). Hallways, corridors, bathrooms, water closet rooms and kitchens shall have a ceiling height of not less than 7 ft. (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 5 ft. (1524 mm) from the finished floor to the finished ceiling shall be included in any computation of the minimum room area.

113.5.3.4 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, and
2. The total window area in each room is equal to at least the minimum window area size as required and
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.

113.5.4 Sanitation Requirements

113.5.4.1 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.

113.5.4.2 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.

113.5.4.3 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.

113.5.5 Rooming Houses

113.5.5.1 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 code”.

113.5.5.2 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.

113.5.5.3 Water Heater Required: Every lavatory basin and bathtub or shower shall be supplied with hot water at all times.

113.5.5.4 Minimum Floor Area for Sleeping Purposes: Every room occupied for sleeping purposes by one person shall contain at least 70 sq. ft. (6.5 m²) of floor space and every room occupied for sleeping purposes by more than one person shall contain at least 50 sq. ft. (4.6 m²) of floor space for each occupant thereof.

113.5.5.5 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.

113.5.5.6 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 code” or demolished in accordance with procedures as established within “this code”.
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.

SECTION 114 CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS

114.1 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 code, there 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.

114.1.1 Decision-Making Authority. The Charleston County Construction Board of Adjustment and Appeals shall have final decision-making authority on the following matters:

1. Appeals of orders, decision or determination made by the Building Official;
2. Licensing or registration of building contractors;
3. Adjustments and appeals for stormwater management utility fees; and
4. Appeals and variances of floodplain management in reference to Chapter 9 of the Code of Ordinances Charleston County entitle "Flood Damage Prevention and Protection"
5. The Charleston County Construction Board of Adjustment and Appeals ("Board") does not act in a review or recommending capacity.

114.1.2 Officers, Rules, Meetings and Minutes. The Charleston County 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 Construction Board of Adjustment and Appeals shall adopt rules and procedures in accordance with the provision of this Ordinance 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 meeting 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 thirty days after the date of the decision of the Board.

114.2 Adjustments and Appeals. The Construction Board of Adjustment and Appeals shall hear and decide requests for adjustment and appeals meeting all of the following provisions:

1. Decisions on which an adjustment or appeal is requested shall be those made by the Building Official or his designee.
2. The 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, Charleston County, South Carolina or determined by the

Building Official to be within the scope of the Construction Board of Adjustment and Appeals.

114.2.1 Right to Appeal. Appeals of Administrative of orders, decisions or determinations causing the appeal or variance 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.

114.2.2 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 twenty (20) calendar days of notice of the decision causing the filing of the adjustment or appeal.

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

114.4 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code 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 code.

114.5 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.

114.6 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~~ twelve 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.
- (10) Secretary (non-voting member)

114.7 Established; composition. The Construction Board of Adjustment and Appeals appointed by County Council shall consist of eleven (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 (4) years. The terms of office shall be staggered so no more than one-third (1/3) 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 (3) consecutive meetings may render any such member liable to immediate removal from office.

114.8 Quorum. Six (6) members of the Board shall constitute a quorum.

114.9 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.

114.10 Board Decisions. 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 twenty (20) days after the date of the decision of the Construction Board of Adjustment and Appeals.

114.11 Additional Responsibilities.

114.11.1 County Contractor Licensing

- a. *Ground for revocation of County license ~~or registration~~.* 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.
- b. *Reissuance of revoked license ~~or registration~~.* The Board may consider a request to reissue the County license ~~or registration~~ of any person whose license or registration has been revoked six (6) 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 revoking his or her County 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 subsection (1) 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 (3) 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 County license or registration will be revoked.

114.11.2 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 twenty (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.

~~e) 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.~~

c) The Construction Board of Adjustment and Appeals shall assure that annual stormwater fee that is stated in the Stormwater Ordinance is paid prior to contesting the fee to the Construction Board of Adjustment and Appeals.

114.11.3 Floodplain 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.”

SECTION 115 VIOLATIONS

115.1 Violations.

115.1.1 The violation of any of the codes or regulations adopted pursuant to the provisions of this ordinance 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 article, the Building Official or other appropriate authority of the county, 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.

115.1.2 Nothing in this article or in the codes adopted in this article 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 code".

115.1.3 Each day any violation of "this code" or any such ordinance, resolution, rule, regulation or order shall continue shall constitute, except where otherwise provided, a separate offense.

115.2 Service of complaint.

Complaints by letter or orders hereunder shall be delivered to an/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 in the county. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order.

115.3 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 1976, § 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

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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.

115.4 Penalties

115.4.1 Wherever in “this code” or in any ordinance of the county 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 code”, 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 Section 22-~~3-55-~~ Chapter 3 of the South Carolina Code of Laws, 1976, as amended, or successor legislation.

115.5 Effective Date, Repealer; Savings Clause. This ordinance shall be effective upon ratification. Prior to such date, the existing provisions of Chapter 4 of the Code of Ordinances, Charleston County shall remain in full force and effect. Upon such effective date, all laws, codes, ordinances and standards existing prior to the effective date shall be treated as remaining in full force and effect for the purpose of sustaining any vested right, civil action, special proceeding criminal prosecution or appeal existing as of the effective date of these amendments and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended version.

ORDINANCE #2019-08

An Ordinance Replacing Chapter 151 of the Town Regulations Concerning Flood Damage Prevention and Protection

WHEREAS, The Town of James Island has an Intergovernmental Agreement with Charleston County to Manage our Building Services Program and Floodplain Management; and

WHEREAS, as the environment changes, rising floodwaters due to sea level rise and outdated or incomplete drainage systems is a growing concern; and

WHEREAS, this Ordinance takes strides to reduce flooding risk in adaptive and innovative ways to protect citizens; and

WHEREAS, the Town of James Island finds it in the public interest and a benefit to the general health, safety and welfare of the residents of James Island to adopt this Ordinance replacing the Town's current floodplain management regulations.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE COUNCIL OF THE TOWN OF JAMES ISLAND, SOUTH CAROLINA:

Exhibit A	Major Changes
Exhibit B	Charleston County Ordinance: An Ordinance Replacing, Chapter 9 of the Code of Ordinances, Charleston County, Entitled "Flood Damage Prevention and Protection" and Other Matters Related Thereto

Effective Date: This Ordinance shall become effective upon its Second Reading.

First Reading: August 15, 2019

Second Reading: September 19, 2019

Bill Woolsey
Mayor

ATTEST

Frances Simmons
Town Clerk

MAJOR CHANGES to AN ORDINANCE AMENDING CHAPTER 4 OF THE CODE OF ORDINANCES, CHARLESTON COUNTY, ENTITLED "BUILDINGS AND BUILDING REGULATIONS" AND CHAPTER 8 OF THE CODE OF ORDINANCES, CHARLESTON COUNTY, ENTITLED "FIRE PREVENTION AND PROTECTION"

1. The provisions of the International Existing Building Code may apply to all matters governing the design and construction of existing buildings.
2. **Area of applicability.** This article shall affect all unincorporated areas of the County, unless this article 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, or in agreement with any intergovernmental agreements.
3. **Site Drainage and Grading 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 drawn in accordance with an accurate boundary line survey. The site plan will provide all information required for consideration of the applicant request. Checklists will be provided for each type of floodplain management application requested. A common site plan with multiple department requirements may be submitted if applicable.
4. In the case of demolition, the site plan shall show the location and size of existing structures and construction that are to remain on the site or plot.

MAJOR CHANGES to Flood Ordinance #2035, AN ORDINANCE REPLACING CHAPTER 9 OF THE CODE OF ORDINANCES, CHARLESTON COUNTY, ENTITLED "FLOOD DAMAGE PREVENTION AND PROTECTION" AND OTHER MATTERS RELATED THERETO:

1. Electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork) above BFE and freeboard.
2. **Site Drainage and Grading 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 drawn in accordance with an accurate boundary line survey. The site plan will provide all information required for consideration of the applicant request. Checklists will be provided for each type of floodplain management application requested. A common site plan with multiple department requirements may be submitted if applicable.
3. Site drainage and grading plan is needed for all subdivisions or greater than 5 lots or 5 acres

4. Impervious surface 40% exceptions can only be used when offsetting mitigation measures are approved.
5. **Accessory Residential Structures:** habitable (must meet new construction standards), nonhabitable (must meet conditions in AE zones – flood resistant materials; openings to relieve hydrostatic pressure and no partitioning; elevating electrical, mechanical and plumbing above DFE; only used for parking or storage; define small accessory structure - < 120 sq ft and under \$1000 in value.
6. **General Riverline Setback Required.** No structure shall be erected, mobile home or recreational vehicle placed, or material stored within 50ft of the edge of a floodway or 2' above the floodway, whichever is more restrictive. If a floodway is not determined or designated for a watercourse, the building official will require a site-specific floodway analysis in conformance with standard engineering practices and approved by the building official. Any costs associated with reviewing this site-specific floodway analysis will be assessed to the applicant.
7. Fill may not be used to change the elevation of the original site without approval of the site drainage plan and grading plan.
8. Addition of Coastal A zone with VE standards.

CHARLESTON COUNTY ORDINANCE NO. ###

AN ORDINANCE REPLACING CHAPTER 9 OF THE CODE OF ORDINANCES, CHARLESTON COUNTY, ENTITLED “FLOOD DAMAGE PREVENTION AND PROTECTION” AND OTHER MATTERS RELATED THERETO:

WHEREAS, it is in the best interests of the citizens of Charleston County to have an updated Ordinance for the management of the flood hazard areas in the County in order for the citizens of Charleston County to be able to receive federal flood insurance through the National Flood Insurance Program, and to receive discounts thereto as a result of the participation by Charleston County in the Community Rating System; and

WHEREAS, the Charleston County flood insurance rate maps have been updated by the Federal Emergency Management Agency (FEMA) into a County-wide format **that provides more accurate risk data then previously available; and**

WHEREAS, as the environment changes, rising floodwaters due to sea level rise and outdated or incomplete drainage systems is a growing concern in Charleston County; and

WHEREAS, this Ordinance takes strides to reduce flooding risk in adaptive and innovative ways to protect citizens; and

WHEREAS, Charleston County Council finds it in the public interest and a benefit to the general health, safety and welfare of the residents of Charleston County to adapt this Ordinance replacing the County’s current floodplain management regulations.

NOW, THEREFORE, BE IT ORDAINED by Charleston County Council, in meeting duly assembled, that Chapter 9 of the *Code of Ordinances, Charleston County, South Carolina* is amended by **replacing** the provisions of the **“Flood Damage Prevention and Protection”** Ordinance as follows:

ARTICLE I.
IN GENERAL

Sec. 9-1. Statutory authorization.

The Legislature of the State of South Carolina has in Code of Laws, §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 County Council, of Charleston County, South Carolina, does ordain these flood damage prevention and protection regulations.

Sec. 9-2. Findings of fact.

1. The flood hazard areas of Charleston County are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of

commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

2. These flood losses are caused by the cumulative effect of obstructions in flood plains, rising ocean and tidal waters, and outdated or incomplete drainage systems, 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.
3. In order for owners of property located in Charleston County to obtain flood insurance through the National Flood Insurance Program, through regulations promulgated by the Federal Emergency Management Agency (FEMA), Charleston County is required to enact floodplain regulations designed to reduce the amount of potential flood losses and to reduce the development of a property negatively impacting surrounding property, which is detrimental to the public benefit.

Sec. 9-3. Statement of purpose.

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

1. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Require that structures vulnerable to floods, including appurtenant structures, be protected against flood damage.

Sec. 9-4. Objectives.

The objectives of this Ordinance are:

1. To protect human life and health;
2. To minimize expenditure of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. 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;

6. 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, and;
7. To insure that potential homebuyers are notified that property is in a flood area.

Secs. 9-5 - 9-9. Reserved.

ARTICLE II. **DEFINITIONS**

Sec. 9-10. Definitions.

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application in light of its stated objectives. Where it states “means” is the literal definition.

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

“*AE*” *Zones* is an area subject to inundation by the 1-percent-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.**

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.

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 one (1) percent 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 is the flood having a one (1) percent chance of being equaled or exceeded in any given year.

Basement is area of a building having its floor subgrade (below ground level) on all sides.

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

Building see structure.

Building Official is the individual charged with administration and enforcement of the building codes and floodplain regulations for the County.

Building Permit includes mechanical, electrical, plumbing, and any other permits issued by the County Building Official.

Coastal "A" Zone is an area subject to inundation by at least 1-percent-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 A Zones are landward of the VE Zone up to the Limit of Moderate Wave Action (LiMWA) line.

Coastal High Hazard Area is 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.

Critical Facility is 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 is 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 is 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 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 is the base flood elevation (BFE) plus freeboard.

Developed Area is an area of a community that is:

1. A primarily urbanized, built-up area that is a minimum of twenty (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 seventy-five (75) percent 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 seventy (75) percent of the area contains existing commercial or industrial structures or uses; or
 - c. A subdivision developed at a density of at least two (2) residential structures per acre within which seventy-five (75) percent 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 twenty (20) acres and is contiguous on at least three (3) sides to areas meeting the criteria of paragraph (a) at the time the designation is adopted.
3. A subdivision that is a minimum of twenty (20) contiguous acres that has obtained all necessary government approvals, provided that the actual “start of construction” of structures has occurred on at least ten (10) percent of the lots or remaining lots of a subdivision of ten (10) percent 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 paragraph (1)(c) of this definition.

Development is 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.

Director of Public Works is the director of the Charleston County 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, structures for which the start of construction commenced before January 1, 1975. “Existing construction” may also be referred to as “existing structures”.

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 is 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 is the Federal Emergency Management Agency.

Flood or *Flooding* is 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.

Flood elevation study is 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 is any land area susceptible to being inundated by water from any source.

Floodplain management is 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 is such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood proofing is 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 is the lines marking the limits of floodways on federal, state and local floodplain maps.

Freeboard is a factor of safety usually expressed in feet above a mandatory base flood elevation for purposes of flood plain management.

Functionally dependent use is 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 is the 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 5 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 is the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Historic building see *historic structure*.

Historic structure is any structure that is:

1. Listed individually in 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 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.

Impervious surfaces are any monolithic surface made of non-porous material that prevents water from infiltrating through. Examples are a concrete or asphalt slab, driveway, patio, rooftop, and including elevated decks constructed not to allow water to pass through to the underlying soil.

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

Limit of Moderate Wave Action (LIMWA) is the line shown on FIRMs to indicate the inland limit of the area expected to receive 1.5-foot or greater breaking waves during a 1-percent-annual flood event.

Low value structure see “Accessory Structure.”

Lowest floor means the lowest floor of the lowest enclosed area (including basement). Unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access, or storage in an area other than a basement area is not considered a building’s lowest floor; provided such enclosure is not built so as to render the structure in violation of this Ordinance.

Mangrove stand means 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 (1) or more of the following species: Black mangrove (*Avicennia nitida*); Red mangrove (*Rhizophora mangle*); White mangrove (*Longunculariaracemosa*); and buttonwood (*Conocarpus erecta*).

Manufactured home means a structure, transportable in one (1) 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 (2) 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 purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

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 a Flood Plain Management Ordinance adopted by the community, November 15, 1973 and includes subsequent

improvements to such structures. (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 manufactured home park or subdivision is 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.

Pervious surface is a surface that allows the infiltration of water into the underlying soil. Pervious surfaces include grass, gravel, mulched groundcover, planted areas, vegetated roofs, permeable paving, porous concrete, porous asphalt as well as porches and decks erected on pier foundations that maintain the covered lot surface’s water permeability.

Planning and Zoning Official is the individual charged with administration and enforcement of planning and zoning for the County.

Primary frontal 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 is a vehicle, for flood insurance purposes, which is:

1. Built on a single chassis;
2. Four Hundred (400) 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.

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 to a designated height.

Remedy a violation means to bring the structure or other development into compliance with state or local flood plain 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 means 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.

60-year setback is a distance equal to sixty (60) times the average annual long term recession rate at a site, measured from the reference feature.

Small accessory structure 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 (for 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 is, for floodplain 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.

Substantial damage is damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed forty-nine (49) percent of the market value of the structure before the damage occurred as determined by the Building Official. Floodplain management requirements for new construction apply to substantial damage.

Substantial improvement is any reconstruction, rehabilitation, addition or other improvement of a structure, taking place during any five (5) consecutive years in the life of a building, the cumulative cost of which equals or exceeds forty-nine (49) percent 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 by the Department of Interior.

30 year setback is a distance equal to thirty (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.

“VE” Zone is a high risk areas subject to inundation by at least a 1-percent-annual-chance flood event as determined by detailed methods, and where wave action is expected with wave heights of more than 3.0 feet. BFEs or base flood depths are shown within these zones.

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

Violation is the failure of a structure or other development to be fully compliant with the county’s flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Ordinance 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 flood plains of coastal or riverine areas.

“X” Zone (shaded) is the moderate risk areas within the 0.2-percent-annual-chance floodplain, areas of 1-percent-annual-chance flooding where the average depths are less than one (1) foot. No BFEs or base flood depths are shown within these zones

“X” Zone (unshaded) is the minimal risk areas outside the 1-percent and 0.2-percent-annual-chance floodplains. No BFEs or base flood depths are shown within these zones.

100 Year Flood see Base Flood.

Secs. 9-11 - 9-19. Reserved.

ARTICLE III. GENERAL PROVISIONS

Sec. 9-20. Lands to which this Ordinance applies.

This Ordinance shall apply to all areas of special flood hazard within the jurisdiction of Charleston County.

Sec. 9-21. Basis for establishing the areas of special flood hazard.

Charleston County declares that the Charleston County Flood Insurance Study, including the FIRMS dated November 17, 2004, **where upon the receipt of the Final Determination Letter for the newly accepted FIRM flood maps and to become effective 120 days after the date of the letter,** copies of which are on file in the Office of Building Inspection Services and online at charlestoncounty.org and 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 National Flood Insurance Program (NFIP) shall become effective immediately upon the date established by the NFIP.

Sec. 9-22. Warning and disclaimer of liability.

The degree of flood protection required by this Ordinance 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 Ordinance 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 Ordinance shall not create liability on the part of Charleston County or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

Sec. 9-23. Severability.

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

Secs. 9-24 - 9-29. Reserved.

ARTICLE IV.

ADMINISTRATION

Sec. 9-30. Designation of Building Official.

The County Building Official ("Building Official"), and/or his designee, is hereby appointed to administer and implement the provisions of this Ordinance.

Sec. 9-31. Duties and responsibilities of the Building Official.

1. Duties of the Building Official shall include, but not be limited to:
 - a. Review all applications for construction permits to assure that proposed work meets all of the requirements of this Ordinance, 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 prior to authorizing the commencement of any construction activities. The following information, as a minimum, is required to be reviewed:
 - i. A complete set 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.
 - ii. Plans shall indicate the Base Flood Elevation (BFE) and the Design Flood Elevation (DFE) elevation of the proposed building, verification that materials proposed below the 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 Ordinance.
 - 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 that 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.
- l. Notify adjacent communities and the South Carolina Department of Natural Resources 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 maintain records of the same until completion of the project.

Sec. 9-32. 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 Charleston County Zoning and Land Development Regulations, as amended, and/or the *Charleston County Comprehensive Plan* prior to the commencement of any development or construction activities. The permit shall give a full description of proposed construction.

Sec. 9-33. 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 Charleston County Stormwater Management Program, and the Charleston County Stormwater Program Permitting Standards and Procedures Manual prior to the commencement of any land disturbance or development activities and requiring encroachment permit approval in conformance with the Encroachment Permit Procedure prior to impacting public right-of-way or easement. The stormwater approval should provide a full description of the proposed construction.

1. To coordinate, implement, maintain, and manage Charleston County's drainage systems.
2. To deny an applicant connection to Charleston County stormwater systems or facilities if County requirements are not met.

Secs. 9-34 – 9-39. Reserved.

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 9-40. General standards.

1. All new construction and substantial improvements within the areas of special flood hazard and when established as a flood area outside the special flood hazard areas shall comply with the following:
 - a. 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.
 - b. Be constructed to meet or exceed the required Design Flood Elevation (DFE), which is the base flood elevation plus a two (2) foot freeboard.
 - c. 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.
 - d. 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.
 - e. 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,
 - f. Be constructed by methods and practices that minimize potential for flood damages.
 - g. 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.

4. Plumbing supply lines and wastewater disposal system piping shall be located and/or properly supported to withstand all loads imposed.
5. Existing buildings and structures:
 - a. 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.
 - b. 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 Ordinance, 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.
6. Modular construction shall be consistent with the South Carolina Modular Building Construction Act (South Carolina Code Section 23-43-10 *et seq.*) as may be amended from time to time, which is incorporated herein by reference.
7. 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.
8. **An exterior door shall be installed at the top of the stairs that provides access to the building.**
9. 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 Ordinance.

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:

- a. **The building is constructed of flood-resistant materials below the design flood elevation.**
- b. **Exterior perimeter walls are provided with openings to relieve hydrostatic pressure and the interior is not partitioned or finished into separate rooms.**
- c. **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. Services facilities such as electrical and heating equipment shall be elevated or floodproofed to DFE.

- d. 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.
- e. **The building is used only for parking of vehicles and/or limited storage of equipment used to service the principal building.**

10. Manufactured Home Additional Specification Standards:

- a. Permits shall be obtained for placement of manufactured homes or temporary construction trailers.
- b. 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**.
 - i. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement.
 - ii. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors.
 - iii. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
 - iv. Designs for manufactured home permanent foundations are subject to approval of the Building Official.

11. Recreational Vehicles Additional Specific Standards:

All recreational vehicles, other than those parked at another permanent structure temporarily while not in use, placed or sited within special flood hazard areas must:

- a. Be on the site for fewer than 180 consecutive calendar days, and
- b. 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.

- c. 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 section 9-41 of this article.
12. **General Riverine Setback Required.** No structure shall be erected, mobile home or recreational vehicle placed, or material stored within 50ft of the edge of a floodway or below 2', whichever is more restrictive. If a floodway is not determined or designated for a watercourse, the building official will require a site-specific floodway analysis in conformance with standard engineering practices and approved by the building official. Any costs associated with reviewing this site-specific floodway analysis will be assessed to the applicant.

Sec. 9-41. Specific standards in addition to 9.40 general standards for Unnumbered A Zones and AE Zones

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 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.
 - a. Where a non-residential structure is intended to be made watertight below the base flood level,
 - i. A Registered Professional Engineer or Architect licensed in South Carolina 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 Ordinance, 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
 - ii. 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.
3. 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 South Carolina 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. 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.
 - d. 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).
4. In special flood hazard areas without base flood elevation data, new construction or substantial improvements of structures shall be elevated to at least two (2) 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 0.5 ft. rise.**

Sec. 9-42. Specific standards in addition to 9.40 general standards for **VE and Coastal A Zones.**

1. 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:
 - a. All new construction and buildings that are substantially damaged or improved within VE zones and Coastal A Zones are to be located landward of the reach of 2 feet above the nationally recognized mean high tide.
 - b. 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:
 - i. 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
 - ii. 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.

- iii. A Registered Professional Engineer or Architect licensed in South Carolina 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.
- c. 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 South Carolina certifies that the designs proposed meet the following conditions:
- i. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and,
 - ii. 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.
 - iii. **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.**
- d. 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 South Carolina which demonstrates that the following factors have been fully considered:
- i. Particle composition of fill material does not have a tendency for excessive natural compaction;
 - ii. Volume and distribution of fill will not cause wave deflection to adjacent properties; and,
 - iii. Slope of fill will not cause wave run-up or ramping.

- e. Man-made alteration of sand dunes and mangrove stands within VE and Coastal A Zones which would increase potential flood damage shall be prohibited.
 - f. Pre-construction and as-built design and breakaway wall certifications, where applicable, shall be provided by Registered Professional Engineers and/or Architects licensed in South Carolina for new and substantially improved structures in VE and Coastal A Zones on the Charleston County FIRM. These certificates shall also be provided for all lateral additions to structures in the VE and Coastal A Zones.
 - g. 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.
 - h. 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.
2. 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.
3. Any and all other obstructions located in the VE Zone shall meet all applicable requirements of this Ordinance.
4. Additional Specifications for Manufactured Homes and Recreational Vehicles in VE and Coastal A Zones:
- a. 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.
 - b. 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.
 - c. The placement of a permanent recreational vehicle is prohibited in VE and Coastal A Zones.
5. 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.

Sec. 9-43. Standards for Floodways.

1. 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 South Carolina 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. Encroachments may be permitted within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the applicant 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.
 - 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 more than 0.5 foot at any point.
2. 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:
 - a. 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.

Sec. 9-44. Standards for subdivision proposals and other development.

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

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
3. Base flood elevation data and **site drainage and grading plan** shall be provided for all subdivision proposals (including manufactured home parks and subdivisions).
4. **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 containing at least 5 lots or 5 acres, whichever is less.**

Secs. 9-45–9-49. Reserved.

ARTICLE VI. **APPEALS AND VARIANCES**

Sec. 9-50. Appeal and variance procedures.

1. The Charleston County Construction Board of Adjustment & Appeals as established by County Council shall hear and decide appeals and requests for variance meeting the following provisions from the requirements of this Ordinance:
 - a. 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.
 - b. Decisions on which a variance or appeal is requested shall be those made by the Building Official or his designee.
 - c. 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.
 - d. The appellant shall be the owner of the property affected by the decision or his or her duly authorized representative.
2. 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 Ordinance.

3. Any person aggrieved by the decision of this Board or any taxpayer may appeal such decision, as provided in §4-9-30 of the S.C. Code of Laws.
4. 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.
5. 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 article 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.
6. 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 Ordinance. In addition, the following standards shall apply:
 - a. 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;
 - b. 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;
 - c. 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;
 - d. The expansion to an existing farm structure shall meet the requirements for hydrostatic venting requirements of this Ordinance.
 - e. 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 Ordinance which is capable of resisting damage during flood conditions;
 - f. The expansion to an existing farm structure must comply with floodway encroachment provisions of this Ordinance;

- a. 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;
- b. Variances shall be issued only upon:
 - i. a showing of good and sufficient cause; and
 - ii. a determination that failure to grant the variance would result in exceptional hardship; and
 - iii. 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.
- c. 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, and
- d. The Building Official shall maintain the records of all appeal actions and report any variances granted to the Federal Emergency Management Agency upon request.
- e. Variances may not be issued when the variance will make the structure in violation of other federal, state or local laws, regulations or Ordinances.

Secs. 9-51 – 9-59. Reserved.

ARTICLE VII.
COMPLIANCE FOR PROPOSED REAL ESTATE TRANSACTIONS

Section 9-60. Provision for Inspections.

1. For the purpose of establishing pre-existing conditions which may not be in compliance with the Charleston County Flood Damage Prevention and Protection Ordinance, it is hereby established that the 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 Charleston County Flood Damage Prevention and Protection Ordinance when requested for a proposed real estate transaction or insurance policy issue.

2. The County 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 9 of the code of Ordinances of Charleston County.
3. 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.
4. 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 County Records Retention schedule.

Secs. 9-61-9-69. Reserved.

ARTICLE VIII.
NUISANCES, PENALTIES, ORDINANCE CUMULATIVE, EFFECTIVE DATE

Sec. 9-70. Nuisances within a special flood hazard area.

1. Certain nuisances defined: Notwithstanding anything to the contrary set forth in the *Code of Ordinances, Charleston County, South Carolina*, the following activities occurring within a special flood hazard area constitute a danger to the health, safety, and welfare of the residents of the county, are hereby defined as public nuisances and are prohibited within any special flood hazard area.
 - a. The manufacture, processing, blending, mixing or refining of the following products as defined in the *International Fire Code* as adopted by County Council:
 - i. explosives;
 - ii. blasting agents
 - b. Storage of the products listed in subsection (a) above, except that the retail sale of packages products off-the-shelf at properly licensed and otherwise authorized retail sales outlets, is allowed.
2. *Defense* – Prior use of property. It shall be a defense to prosecution pursuant to section (1) above if:
 - a. Property located within a special flood hazard zone was being used for a purpose defined as a nuisance in section (a) above, before August 3, 1971, has been continuously used for such purpose thereafter, and such use:
 - i. Was a permitted use pursuant to the County zoning Ordinance as of August 3, 1971; or

- ii. Constituted a lawful non-conforming use under the County's Zoning Ordinance on August 3, 1971; and
- b. 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 section (a) above, before the effective date of the amended FIRM, has been continuously used for such purpose thereafter, and such use:
 - i. Was permitted use pursuant to the County's Zoning Ordinance as of the effective date of the FIRM; or
 - ii. Constituted a lawful non-conforming use under the County's Zoning Ordinance on the effective date of the FIRM.

Sec. 9-71. Penalties.

1. *Criminal penalties:* Violation of the provisions of this Ordinance 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 Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred (\$500.00) dollars or imprisoned for not more than thirty (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 Charleston County from taking such other lawful actions as are necessary to prevent or remedy any violation.
2. *Civil Remedies:* In addition to any other criminal or civil remedies that may be available to the County, the County 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.

Sec. 9-72. Ordinance cumulative.

The provisions of this Ordinance 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 Ordinance, including, but not limited to, Ordinance No. 2035, 1838, 1526, and 1349, are hereby expressly repealed to the extent of any such inconsistency or conflict. The enactment of this Ordinance 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.

Sec. 9-73. Abrogation and Greater Restriction:

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

Sec. 9-74. Effective date is as follows:

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

Ordinance No.	Adopted	Effective
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