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**OFFICIAL SUBMITTAL  
PLANNED DEVELOPMENT GUIDELINES**

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**Bryans Dairy Conservation Community**  
**TMS: 259-00-00-074**  
**Single Family Conservation Development**  
**Johns Island, Charleston County, South Carolina**  
**Approved by Charleston County Council on May 5, 2009**

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**PLANNED DEVELOPMENT  
MASTER PLAN REQUIREMENTS  
CHARLESTON COUNTY**

**RELATIONSHIP TO CHARLESTON COUNTY ZONING ORDINANCE**

The Development Guidelines and Land Use Plan for the Bryans Dairy Conservation Community Planned Development (PD) attached hereto and made a part hereof, are part of the PD Rezoning Application submitted in accordance with the Zoning Ordinance of Charleston County Zoning and Land Development Regulations Chapter 3, Article 3.5, Sections 1-7, et seq. The Zoning Ordinance of Charleston County is incorporated herein by reference, except as amended herein.

No person shall erect or alter any building, structure, or sign on any tract of land or use any tract of land within the Bryans Dairy Conservation Community PD except in conformance with these guidelines and regulations. Unless modified herein, definitions of terms used in Bryans Dairy Conservation Community PD shall follow definitions listed in the Zoning Ordinance of Charleston County, as amended from time to time. AG-8 zoning district regulations will apply if not addressed by the PD. Administration and enforcement of the adopted Bryans Dairy Conservation Community PD Master Plan shall follow Chapter 3, Article 3.5 of the Charleston County Zoning and Land Development Regulations.

**PLANNED DEVELOPMENT GUIDELINES  
BRYANS DAIRY CONSERVATION COMMUNITY PD**

**TMS: 259-00-00-074**

**1.0 STATEMENT OF PURPOSE**

This is a document to establish a Planned Development ("PD") that shall be hereafter referred to as the Bryans Dairy Conservation Community Planned Development. The term "PD", "Project", "Property" or "Community" may be used interchangeably throughout this document to refer to the Bryans Dairy Conservation Community Planned Development. This community will be located on Johns Island, SC.

The purpose of this PD is to maximize on-site open space and create a "green" community with a working farm and rural amenities that serve to preserve and enhance the agricultural character of John's Island.

**2.0 BACKGROUND**

The owners of the Bryan's Dairy Road Conservation Community Property want their development to blend with the residential community in the vicinity of the property as well as the natural and environmental elements. They want to be good neighbors from the outset as they endeavor to join with the existing community. Therefore, the owners of the Bryan's Dairy Conservation Community Property have spent a considerable amount of time and effort in meeting with residents of the surrounding community and obtaining input regarding this project.

The Project has been presented to the Johns Island Planning and Community Council (JIPPC) (ex officio) on two separate occasions. The first introduction to the project was a courtesy presentation to the JIPPC Board Members (February, 2008). The Board provided valuable feedback, was complimentary of the PD, and invited the project team members to make a formal presentation to the entire community association at a supplemental meeting.

Letters were sent to each of the adjacent property owners notifying them of the second JIPPC meeting (March, 2008). Those property owners that were unable to attend the meeting were given contact information to obtain Project

information. Project presentation packages were sent to the adjoining residents who were unable to attend the meeting. The majority of the comments received at the meetings and subsequent mailings were positive; and this feedback, such as the request for an improved landscape buffer along Castnet Road, has been incorporated within the planning and design process for the PD.

Johns Island is historically an agricultural region. With the rapid subdivision of many of the Island's tracts of land over the past 20 years, using standard subdivision planning and design practices, much of this agricultural character and tradition have been lost.

### 3.0 INTRODUCTION

The Property within this PD (TMS: 259 – 00 – 00 – 074) is located in Charleston County and is currently zoned AG - 8. (Appendix A – Site Location Map and Appendix B – Tax Map). The AG – 8 zoning limits the Property density to one single family dwelling unit per eight acres.

This Community will be developed on a contiguous 58.35 acre Parcel (TMS: 259 – 00 – 00 – 074) located on Johns Island. This Parcel is located at the intersection of Bryans Dairy Road and Legareville Road and is bounded on the north by Castnet Road, the west by Bryans Dairy Road, the south by Legareville Road, and to the east by a large wooded and undeveloped parcel (TMS: 273 – 00 – 00 – 071). The zoning for the property surrounding the PD is AG – 8 and AGR, and the land use for the lots surrounding the PD is single-family residential, including small farm plots.

The subject Parcel is 58.35 acres, comprised of 55.50 acres of highland, and 2.57 acres of Freshwater Wetland, as certified by the US Army Corps of Engineers on April 11, 2007. The topography of the Property ranges from +8 feet elevation on the northern boundary to +14 feet elevation on the southern boundary. The FEMA flood zone classifications are "Zone AE (EL 12)" on the northern portion of the property and "Zone X" on the southern portion of the property.

The Property included in this PD is open on the northern portion and the southern portion is wooded. There is a well-established vegetated buffer around the property. The most recent use of the Property was for a "radio antenna farm". The Property has been returned to a natural state.

This PD will create a "residential lifestyle community", based on a "green" masterplan that will incorporate a working vegetable farm, tree farm, residential garden plots, and natural amenities with a Low Country farm lifestyle. The planned number of dwelling units for this PD, which is approximately 1 unit per 3.64 acres, will be a maximum of sixteen (16) principal single-family residential homes, built on lots that will average one acre plus in size. The balance of the

Property will be placed in a PD Conservation Easement which will include farmland, community garden plots, community gathering space, playgrounds, passive recreation, and natural areas.

#### 4.0. STATEMENT OF INTENT AND DEVELOPMENT OBJECTIVES

##### 4.1 STATEMENT OF INTENT

The Planned Development Guidelines for this Community are intended to create flexibility in design, density, and lot size in order to create a Community that will perpetually protect a large amount of preserved open space and working farm land and protect the agricultural character of John's Island.

##### 4.2 DEVELOPMENT OBJECTIVES

The design and development vision for this masterplan will provide significant benefit to the neighboring land owners, honor the history and character of the surrounding area, and remain sensitive to the environment, the local economy, the project, Johns Island, and Charleston County. The plan will uphold the intent of the Charleston County Comprehensive Plan by meeting the following objectives and policies:

**4.2.1 Objective FFL1:** Implement a farm and forest land and open space protection program;

**Policy 1:** Adopt a Future Land Use Plan designating areas within the Rural Landscape of Charleston County where efforts will be focused to preserve farm and forest land and open space;

**Conformance:** The proposed single family lots will average one acre plus in size. The lots are positioned so that the buildings can be individually sited and tucked into the existing trees on the Property. This process will enable the lots to front a preserved working farm or other open space. This arrangement allows scenic views from the residences to the protected open space as well as views of greenways, trees, and landscaping from other points within the residence and on the lot.

**4.2.2 Objective H2:** Provide for attractive land uses that promote community identity;

**Policy 1:** Provide mechanisms to permit flexibility and innovation in residential project design to promote land use efficiency and environmental protection;

**Policy 2:** Provide design guidance for new residential development that promotes opportunities for social interaction, community cohesiveness, and community identity;

**Conformance:** By creating a “conservation style” community, the Bryan’s Dairy Conservation Community PD plan preserves a portion of Johns Island’s agricultural heritage and character by clustering its development into a small area that fronts a large open space with a working farm, community garden plots, community gathering space, playgrounds, passive recreation, and natural area. This masterplan creates a lifestyle-community in keeping with the rural character and agrarian culture of Johns Island.

**4.2.3 Objective CD5:** Provide families and youth with access to parks, recreation areas and facilities;

**Policy 2:** Develop parks and recreation facilities where necessary;

**Conformance:** The Bryans Dairy Conservation Community PD creates a lifestyle-community in keeping with the rural character and agrarian culture of Johns Island by preserving open space to include passive and active recreation, playgrounds, tree houses, community gathering spaces, and community gardens.

**4.2.4 Objective WR3:** Establish land use planning policies that will have beneficial impacts to water quality;

**Policy 3:** Where new development is proposed in rural and agricultural areas outside of existing settlements encourage site design that will maintain as much of the development site as possible in natural open space;

**Conformance:** This masterplan designates more than 60% of the total highland area to natural open space, which is preserved as farmland and community park space. All on-site wetlands are preserved. Vegetated swales will be implemented to filter water and allow infiltration. All drives and driveways will be pervious surfaces.

**4.2.5 Objective WR4:** Reduce runoff and nonpoint source pollution from new development and other land disturbing activities;

**Policy 1:** Implement a system of incentives that will encourage environmentally sensitive site planning that is responsive to the natural characteristics of the land. New development should be encouraged that will retain buffers along rural and urban waterways, retain natural open space, and reduce impervious surfaces;



**Conformance:** The roadways and driveways throughout the PD will either be constructed with sustainable pervious materials or as dirt roads. These construction techniques will help minimize the impact of the volume and flow rate of the stormwater runoff.

**4.2.6 Objective TWH2:** Develop an open space system that supports land masses and linkages necessary to support a diversity of species in self-sustaining concentrations;

**Policy 1:** Provide incentives to protect significant areas of contiguous open space within the Rural Landscape as designated by the Future Land Use Plan;

**Conformance:** The majority of the site will be dedicated to open space. A perimeter buffer and required vegetated setbacks on lots are designated to expand the functioning open space area.

**4.2.7 Objective HAR2:** Maintain the landscape elements that contribute to the traditional character of Charleston County;

**Policy 2:** Consider implementation of a farmland preservation program designed to preserve farmland as well as farming as a viable economic activity within Charleston County;

**Conformance:** A preserved farmland program is established through a working farm conservation easement. A tree farm is part of the farmland program, and nursery stock and agricultural produce will be available for sale.

**4.2.8 Objective PR1.3:** Support the Charleston County Park and Recreation Commission in providing a diverse park system;

**Policy 1:** Provide a variety of park and recreation facilities that responds to an ever changing population;

**Conformance:** The open space system provides playgrounds, community gardens plots, gathering spaces, passive open space with trails, and observation opportunities of local agriculture and farming.

#### 4.2.9 CONCLUSION

The Bryans Dairy Conservation Community PD is a very sensitive, sensible and responsible development plan that is naturally appropriate for this Property. The proposed plan aims to preserve and protect the culture, environment, ecology,

- (5) Community garden plots
- (6) Stormwater retention area(s)

**5.2.3 Functional Open Space (FOS)**

Functional Open Space uses include all areas designated as Functional Open Space in the Opens Space Plan (Appendix H). Allowable uses in these zones will be limited to:

- (1) Commercial farming and associated barn and shed structures
- (2) Plant Nursery and /or tree farm and associated shed structures
- (3) Horses and associated shed structures
- (4) Vegetable stand
- (5) Stormwater retention area(s)

**5.3 Other Uses**

Upon Charleston County's final approval and adoption of this document, no other uses other than those defined in this document shall be allowed without amending this Planned Development document.

**5.4 Land Use Tabulation**

<u>LAND USE</u>	<u>TOTAL</u>	<u>D.U.</u>	<u>MAX D.U.</u>	<u>NET DENSITY</u> <u>(based on</u> <u>highland)</u>
SFE	19.37Ac.	16	16	1 D.U. / 3.64 Ac.
OPEN SPACE	35.60Ac.	0	0	0 D.U./Ac.
ACCESS EASEMENT	3.38 Ac.	0	0	0 D.U./Ac.
<b>TOTAL</b>	58.35 Ac.	16	16	1 D.U. / 3.64 Ac.
<b>Highland</b>	55.50 Ac.			

Note: Densities are based on total primary units (per land use) divided by total site acreage.

**5.5 Development Requirements**

**5.5.1** All lots must conform to dimensional, density, and zoning requirements as found in the following chart:

**SFE – Single Family Environmental  
 OS – Open Space**

	<u>SFE</u>	<u>OS</u>
Minimum Lot Width (measured at setback line)	85'	5'
Minimum Lot Depth	150'	50'
Lot width to depth ratio	1:6	N/A
Front Setback	25'	5'
Vegetated Front Setback	yes	no
Rear setback	30'	30'
Vegetated Rear Setback	yes	no
Side Setback	25'	5'
Front Setback Corner Lot	25' /25'	5' / 5'
Vegetated Side setbacks	yes	no
Minimum Distance between buildings. (ft.) (not including accessory structures)	30'	25'
Wetland Buffer (ft.)	35'	35'
Maximum Ht. (ft)	40'	35'
Required Parking	On-lot	N/A
Minimum Lot Area	1 Ac.	.1 Ac.
Minimum Lot Frontage	60'	N/A
Drive width (one way street)	15'	15'
Drive width (two way street)	22'	22'
Maximum Building Coverage	10%	N/A
Maximum Lot Coverage	30%	50%

\* Building height is measured between the base flood elevation and: (1) the average height level between the eaves and ridge line of a gable, hip, or gambrel roof; (2) the highest point of a mansard roof; or (3) the highest point of the coping of a flat roof.

### 5.5.2 Corner Lots

Corner lots shall meet Charleston County vision clearance triangle requirements.

### 5.5.3 Accessory Structures in SFE areas

*Definition:*

- a) An "accessory structure" is a stand-alone building located on the same lot as the single family residence;
  - b) There can be only one "accessory structure" allowed per single family residential a lot;
  - c) The primary use of an "accessory structure" will be as a barn, garage, boat or recreational vehicle storage area, workshop, playroom, etc;
  - d) The design and construction criteria for an "accessory structure" will be included in the Covenants, Conditions and Restrictions, the PD documentation, and the Landscaping and Architectural Guidelines for the Bryans Dairy Road Conservation Community. A letter providing the criteria for the design and construction of accessory structures will be attached to the PD at the time of permitting.
  - e) The design and construction of an "accessory structure" will conform to all applicable codes, regulations, specifications, standards and inspection criteria;
  - f) An "accessory structure" can also contain a small living space to be used by a guest or member of the property owner's family only;
  - g) The design of the living space in an "accessory structure" will be limited as to size, number and use of living and sleeping rooms, bathrooms, kitchen area (small refrigerator with ice maker, microwave, coffee maker, warming surface, counter-top serving area, bar sink, etc.) and will have a separate HVAC system;
  - h) An "accessory structure" will not be designed, constructed, furnished nor used as a rental unit; nor will it be used or rented as a hotel room or timeshare, interval ownership, or multiple or partner ownership property with rotational use rights.
- 1) Accessory structures will be permitted. All property owner deeds will contain restrictions as to the design, construction and use of "accessory structures".
  - 2) The Covenants, Conditions and Restrictions, Bryans Dairy Conservation Community Planned Development Guidelines and the Landscaping and

Architectural Guidelines will also contain restrictions as to the design, construction and use of “accessory structures”.

- 3) “No Rental”, “No Timeshare”, “No Interval Ownership”, “No Hotel Room Use”, “No Multiple or Partner Ownership of Property” restrictions will be placed in all marketing, sales, or other collateral marketing materials or sales contracts, and/or any other legal documents pertaining to the sales, use and governance of the Bryans Dairy Conservation Community.
- 4) There will be no further subdivision of the primary single family residential lot.
- 5) There will be only one utility meter or account (water, electricity, telephone) or amenity-type account (cablevision, etc.) per lot. All accounts for public, utility or amenity services will be in the name of the single family lot owner.
- 6) All matters pertaining to “accessory structures” not previously addressed will comply with the guidelines, regulations and restrictions contained in the Comprehensive Plan in effect at the time the Bryans Dairy Conservation Community PD is approved by an ordinance or other approval granted and issued by the Charleston County Council or other applicable governing and/or regulatory commission, committee, council or official body empowered to take such action at that point in time.
- 7) Accessory structures must adhere to the same setbacks as principal buildings.
- 8) Accessory structures are to be incorporated into overall maximum building coverage calculations.
- 9) The zoning lot must have a minimum area at least 50 percent larger than the minimum area required for a principal residential structure. This requirement applies only to accessory structures containing dwelling units.
- 10) The heated gross floor area of the accessory structure shall not exceed 1200 square feet.
- 11) Separate electrical meters shall not be allowed for attached accessory structure.

### **Accessory Structures allowed in Open Space areas**

Playground equipment, community garden shed, open air community gathering structures will be permitted in Open Space areas. These structures are to be non-inhabitable and shall be subject to accessory structure architectural

guidelines as defined by Chapter 6.5 of the zoning code (see Appendix Q). Open space structures will also be approved by the developer, POA, and DRB.

### **Accessory Structures allowed in Functional Open Space areas**

Non- inhabitable structures will be permitted in Functional Open Space areas. These structures may include a tractor barn, potting sheds, a 15' x 20' max. footprint produce stand, farm equipment sheds, a horse stable, a silo, or other agricultural structures. These structures shall be subject to accessory structure architectural guidelines as defined by Chapter 6.5 of the zoning code (see Appendix Q). Open space structures will also be approved by the developer, POA, and DRB.

The produce stand shall be open to use by local farmers and citizens selling locally grown produce on a first come first serve basis. Use of the stand will only be permitted during daylight hours. Crops and nursery stock grown on site may be sold in the produce stand. The design of both the produce stand and its site layout and parking will be subject to site plan review and approval by the County of Charleston.

### **5.5.4 Vegetated Setbacks**

Front, side, and rear setbacks of SFE lots will be vegetated setbacks. No clearing will be allowed in these setbacks.

### **5.5.5 Parking**

All SFE parking will be handled within each lot and will meet Charleston County Zoning Ordinance requirements. Grass field parking with small wooden directional signs will be allowed for the use of a produce stand allocated near the entry drive and Bryan's Dairy Road, see 12.0 Common Space. The grass field shall accommodate a minimum of three (3) 9' x 18' parking spaces and shall be located within 150' of the produce stand boundary. A minimum of (3) grass parking spaces will be provided for each commercial farming structure within open space areas. The grass parking areas will be separated from adjacent open space by a three foot tall (3') low wood fence or hedge.

### **5.5.6 Architecture and Green Building**

Residences and accessory structures such as storage sheds, garages, and pool houses shall maintain the general character and style of similar homes on Johns Island. (See Appendix G for examples of architectural style and chapter 6.5 of the zoning code regarding accessory structures found in Appendix Q).

- (1) The developer will establish a Design Review Board (DRB) and publish architectural and landscaping design guidelines. Article 9.6 of the Charleston County Zoning and Land Development Guidelines shall apply (see appendix Q).
- (2) Green Building Standards:
  - (a) All residential dwellings will be required to pursue sustainable standards such as LEED or Earthcraft certification.
  - (b) At a minimum, all residential dwellings must meet the following green standards:
    - (i) Energy Star Certification
    - (ii) Meet EPA Water Sense Homes Criteria (as of 2009)
    - (iii) Fixtures to meet National Energy Policy Act low flow standards (as of 2009)
  - (c) All residential dwellings should include the following:
    - (i) Rain water harvest systems
    - (ii) Low VOC paints only
    - (iii) Sealed gravel crawlspaces with vapor barriers
  - (d) All residential dwelling lots must adhere to the following:
    - (i) Utilize drip irrigation in all plant beds that can be shut off after plants establish
    - (ii) Restrict lawn space to 5,000 s.f per lot
    - (iii) Utilize drought tolerant native landscaping throughout
    - (iv) Utilize pervious materials for 70% of driveway

### **5.5.7 Home Siting**

Primary residences shall be carefully sited within the setbacks to take advantage of views into open space and to work around significant trees.

### **5.5.8 Lot Fences and Walls**

All fences and walls on residential lots shall be approved and must meet applicable building and zoning codes.

A split-rail fence with small columns will be permitted, but not required, within buffers along all exterior property lines. No healthy trees greater than 4" in caliper may be removed in order to install fencing. Fence materials will be a dark or natural color. Columns, if included, will be no larger than 6' tall by 3' wide, and will also be dark or natural in color.

## **6.0 WETLAND BUFFERS AND PROPERTY BUFFERS**

### **6.1 Wetland Buffers**

Wetland buffers shall average 35' in width, with a minimum of 20', measured from the fresh water wetland line. These buffer requirements are designated by the Army Corps of Engineers. Paved or non-paved walking trails, six feet wide or less will be allowed to cross the wetland buffers, subject to Army Corps of Engineers' (ACE) approval.

A Wetland Survey of this tract was completed in June of 2007. Wetland limits have been surveyed and are reflected on the survey. The Wetland survey can be found in Appendix J of this document. No on-site wetlands are being permitted for fill.

### **6.2 Property Buffers and Ownership**

All buffers will be owned and maintained by the POA (Property Owner's Association).

A natural buffer will be provided along both Bryans Dairy Road and Legareville Road. Buffers will vary in width but will be a minimum of 50' in width. The buffer along Lagareville Rd will be measured from the power easement and located North of the easement. No clearing will be allowed in buffers. Trees may be fertilized and pruned for their health. Vines may be removed. Exotic invasive species may be removed. Limited underbrushing will be allowed.

### **6.3 Improved Buffer**

An improved 20' buffer will be provided along Castnet Road. This buffer will require two canopy trees, two understory trees, and twenty shrubs per 100' of buffer length.

## **7.0 TREE SUMMARY AND REGULATIONS**

The site consists of large open areas and areas of pine / hardwood mix. There are approximately 220 grand trees on the site, which present a challenge in the neighborhood design. All measures will be taken to preserve grand trees. The proposed Sketch Plan removes no grand trees. A tree survey of this tract was



completed in June of 2007. The tree survey consists of all trees 24" and greater. The Tree Survey can be found in Appendix K of this document.

### **7.1 Vegetated setback on SFE lots:**

Under-brushing as well as removal of vines and exotic invasive species will be permitted. No healthy trees larger than 6" D.B.H (diameter / breast / height) will be permitted for removal, without variance, except to allow a 15' wide driveway access to the lot. Variances to remove trees in vegetated setbacks or unhealthy trees will be handled by the POA Design Review Board (DRB). Any removal of a grand tree (24" and greater) by individual lot owners will require a variance from the POA and Charleston County Board of Zoning Appeals (BZA) as well as following proper tree removal protocol and associated mitigation as required by the applicable Charleston County Ordinance.

### **7.2 Clearing Within Lots:**

#### **7.2.1 Adherence to Zoning**

Grand trees located within each lot may only be removed upon meeting the requirements of section 9.4.5 of the Zoning Ordinance as determined by the Charleston County Planning Director or as approved by the Board of Zoning Appeal (see Appendix Q).

#### **7.2.2 Siting of House**

Homeowners will be required to be very careful when siting house and accessory structure footprints, drives, and patios to avoid as many trees as possible. No clearing of 8" and greater trees outside of the building pads, patios, and drives will be permitted without a variance from the POA. The developer and neighborhood DRB will approve the siting of the residence and accessory building(s) on the lot prior to construction.

## **8.0 PUBLIC FACILITIES IMPACT ANALYSIS**

### **8.1 Water**

A minimum of a six-inch (6") main will need to be installed in order to provide adequate fire protection to the proposed homes. This new line will be extended at the Developer's expense from an existing six-inch (6") main located along Bryan's Dairy Road. The new line will be properly sized and approved by the Johns Island Fire Department for proper fire protection prior to installation.

### **8.2 Sewer**

Each lot will be served by a septic tank/drain field system consistent with applicable standards. No public sewer services will be provided. Installation/construction of the residential sewer service will be the responsibility of the property owner.

### **8.3 Power**

All existing and future power lines and utilities within the project will be relocated underground.

### **8.4 Public and Commercial Service Providers**

Services will be supplied to the Community by the following providers.

- Electric – Berkeley Electric Cooperative, Inc.
- Gas – Commercial propane supplier/ individual responsibility
- Water – St. John's Water Company, Inc.
- Sewer – Individual septic tanks/system per lot; individual responsibility
- Trash Collection – Private contractor; individual responsibility
- Fire – St. John's Fire District
- Police – Charleston County Sheriff's Department
- Emergency Medical Services – Charleston County EMS
- Telephone – Bellsouth Communications, Inc.
- Television – Comcast Cable
- SCOT- Charleston County DOT District 7
- School – Charleston County School District

Coordination Letters from the applicable service providers are included in Appendix P.

## **9.0 WATER PRESERVATION**

Water for the irrigation of all common area landscaping will be sourced from on-site wells. Residential lot owners will be encouraged to install on-site wells in addition to controllable irrigation systems for their landscaping. Rainwater collection and storage methods will be utilized wherever and whenever possible.

In addition, all ornamental plantings in both residential lot and common areas will be limited to native plant materials, which consume far less water than exotic plants, which are not genetically suited for this location and environment. Irrigation for the common area landscaping and plantings will be designed as drip irrigation, and will be shut off after plants establish their root systems (approximately 1 year).

## **10.0 TRAFFIC ANALYSIS**

A Traffic Analysis dated May 13, 2008 was prepared by Thomas and Hutton Engineering Company. This analysis indicates there will not be significant effects on area roadways from this project. The Analysis does not recommend road improvements to the site and/or its surrounding areas. Recent traffic growth has been steady, but also relatively slow over the past 10 years. A 16 unit

development on Bryans Dairy Road could be expected to generate roughly 150 daily trips (75 trips entering and 75 leaving).

A copy of this Traffic Analysis is included at Appendix O.

## **11.0 DEVELOPMENT PHASING AND SCHEDULE**

The project is anticipated to be developed in one phase. Buildout will occur on a lot-by-lot basis as lots are purchased and homeowners begin construction. The schedule for the development will be expected to begin shortly after gaining zoning approval, registrations as required for the sale of the real estate, and construction permits. All areas designated for future expansion or not intended for immediate improvement or development shall remain in a natural state until such time as development permits are approved.

## **12.0 COMMON OPEN SPACE**

### **12.1 Ownership**

The open space areas of the property, exclusive of wetlands and their associated buffers, will be property of the POA. Maintenance of these areas will be a responsibility of the POA. POA covenants and restrictions must be approved by the Charleston County Legal Department.

### **12.2 Right to Lease**

The POA will reserve the right to lease portions of the Open Space that are suitable for agriculture to a local farmer. The Open Space areas suitable for farming include all Open Space not within wetlands, wetland buffers, property buffers, playground areas, community gathering structures, and areas wooded with canopy trees.

### **12.3 Program**

Open Space shall include both active and passive recreation opportunities which may include community gardens, farming, farm structures, community gathering structures, playgrounds, tree houses, tree swings, a commercial vegetable stand, etc.

### **12.5 Conservation Easement**

The open space within the PD will be placed in a Conservation Easement that will include, but not be limited to:

- Farm fields to be worked by a local farmer
- A working tree farm with trees grown for nursery stock
- Community garden plots for residents of the Property

- A “pole barn” open-air structure to serve as a community gathering space
- Wooded playground areas that will utilize existing trees and other natural features (tree houses, rope swings, etc) as well as traditional playground equipment
- Native grass and wildflower meadows
- Walking trails and paths that will meander through a series of interconnected greenways and natural habitat areas on the Property
- Enhanced and expanded setback requirements for each of the residential lots
- Allowable use for an open air produce stand no larger than 1,250 square feet to be located within 300 feet of the entry drive and Bryan’s Dairy Road

## **13.0 STREETS AND DRAINAGE**

### **13.1 Design and Ownership**

All streets and drainage systems shall be privately owned and maintained by a Property Owners Association (POA). The site drainage system must meet all applicable County, State, and Federal storm water regulations. Vehicular drives will be constructed of a pervious material such as sand, gravel, or granite fines (plantation mix). The internal roadway for Bryan’s Dairy PD has been planned to work around grand trees found on the site. Every attempt will be made to avoid Grand Trees when implementing the design and installation of the proposed roadway.

The Bryans Dairy Conservation Community plan will utilize pervious surfaces on all roadways and will require them on the driveways of each lot. These pervious drives significantly reduce run-off, helping to prevent on and off-site erosion.

The Bryans Dairy Conservation Community plan provides a system of vegetated swales alongside private roads to carry storm water to a retention basin. These vegetated swales allow storm water infiltration into the ground water system, as well as providing plant materials that absorb water and filter pollutants for water quality. The vegetated swales also carry water at a much slower rate than pipes, helping to control run-off. Swales will be maintained by the POA.

### **13.2 Entry Drive Location**

It has been determined that the location of the entry drive along Bryans Dairy Road is sited in the most desirable location in terms of safety, as well as avoiding existing historic trees. This location is also an existing curb cut. There shall be no common vehicular entrance other than the single entry drive off of Bryan’s Dairy Rd. as mentioned above. If the Fire Department or other Emergency Vehicles require a secondary vehicular access, then that access shall be for emergency vehicles only. If required, the emergency access shall not be used by the

residents or other service providers of the PD.

### **13.4 Parking Area Ownership**

Parking and drainage systems shall be private and maintained by the POA, except when connecting to a public drainage system or as required by the Public Works Department.

### **13.5 Littoral Shelves**

Littoral shelves (under water shelves for aquatic plantings) and planted banks shall be allowed in drainage ponds for both aesthetics and water quality based on the requirements of the drainage study. Ponds will be owned and maintained by the POA.

### **13.6 Construction Entrance**

The construction of this entrance shall adhere to all tree protection, removal and replacement requirements as outlined in Article 9.4 of the Charleston County Zoning Ordinance (See Appendix Q). The construction entrance will be in the same location as the current entry drive from Bryan's Dairy Road, unless unanticipated conditions require relocation. Construction entrance must meet DOT approval.

## **14.0 SIGNAGE AND LIGHTING**

### **14.1 Entrance Sign**

The entrance to this project will be understated and simple in design, as appropriate for a conservation based community, and it will meet the requirements as stated in the Charleston County Ordinance. The sign face will not exceed 32 square feet in surface area, and will be framed with appropriate materials complimentary to the architecture of a Low Country farm. If applicable, the entrance columns (and sign assembly) will not exceed 8 feet in overall height.

### **14.2 Directional Signs**

There will be occasional directional and traffic signage located throughout the development. Signage to public roads will conform to SCDOT standards. All public and private signage must meet MUTCO current edition.

### **14.3 Lighting**

All on-site lighting must be designed in accordance with the standards set forth in article 9.6 (Appendix Q). The use of solar powered landscape lighting will be encouraged.

Low level lighting, with a maximum height of 42" will be placed in areas along the main drive, and at the main entrance gate. Maximum average footcandles (fc) shall not exceed five footcandles (fc) from a concealed light source, with the maximum not to exceed 12 footcandles (fc) close to light sources, as set within the Charleston County Ordinance. Solar powered landscape and roadway lighting will be encouraged wherever possible.

All lighting shall conform to the requirements of the Charleston County Ordinance as found within the pertinent Articles within Appendix Q.

## **15.0 ARCHEOLOGICAL AND CULTURAL RESOURCES OVERVIEW**

An Archaeological and Cultural Resources Overview, dated May 6, 2008, was prepared by Brockington and Associates, Inc.

This overview states that there are no known cultural resources on the Bryans Dairy Tract. In addition, the architectural surveys of Johns Island and Charleston County did not identify any significant historic architectural resources nearby.

A copy of this overview is included as Appendix L.

## **16.0 PHASE ONE ENVIRONMENTAL ASSESSMENTS (ESA)**

**16.1** General Engineering Laboratories, Inc. (GEL) performed a Phase One Environmental Site Assessment (ESA) dated October 11, 2001 on the subject property (Charleston County TMS. No. 259-00-00-074).

This ESA was prepared for Clear Channel Communications, and a copy is included at Appendix M-1.

**16.2** An Additional Phase One Environmental Assessment (ESA) was prepared by J.N. Pease Environmental Group (JPEG), dated August 2, 2006.

This ESA was prepared for Mr. Wesley Pritchett, and a copy is included at Appendix M-2.

**16.3** Neither of these Environmental Site Assessment reports identified any on-site or off-site areas of environmental concern; and no further environmental assessment is recommended at this time.

## **17.0 THREATENED AND ENDANGERED SPECIES ASSESSMENT**

A Threatened and Endangered Species Assessment, dated May 8, 2008, was prepared by Tidewater Environmental Services, Inc.

This report indicates that --1) no federal and/or state Threatened and Endangered (T&E) species were observed within the project boundaries at the time of inspection (May 7, 2008); 2) there are no known recorded occurrences of T&E species within the property boundaries; and, 3) there are no known recorded occurrences within a one mile radius of the project boundaries. Therefore, no further investigation is recommended at this time.

A copy of this Threatened and Endangered Species Assessment is included at Appendix N.

## **18.0 CHARLESTON COUNTY ZONING SECTIONS**

All applicable Charleston County Zoning requirements for AG-8 Agricultural Preservation District not specifically modified through these Planned Development Guidelines shall apply to this development. The pertinent sections of the Charleston County Zoning Ordinance that apply to this Property are as follow and can be found in Appendix Q:

- a) Chapter 4: Base Zoning Districts
- b) Chapter 8: Subdivision Regulations
- c) Article 9.3: Off-Street Parking and Loading
- d) Article 9.4: Tree Protection and Preservation
- e) Article 9.5: Landscaping Trees and Buffers
- f) Article 9.6: Architectural & Landscape Design Standards
- g) Article 9.7: Wetlands, Waterways and OCRM Critical Line
- h) Article 9.11: Signs
- i) Article 9.12: Drainage designs

## **19.0 CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS COMPLIANCE**

With the exception of those stipulations specifically mentioned within this Planned Development text the project will adhere to and comply with the applicable processes and requirements of the Charleston County Zoning and Land Development Regulations for the AG-8 District, and with such conditions as may be attached to any rezoning to the applicable PD district (See Appendix Q for applicable Charleston County Ordinance Sections).

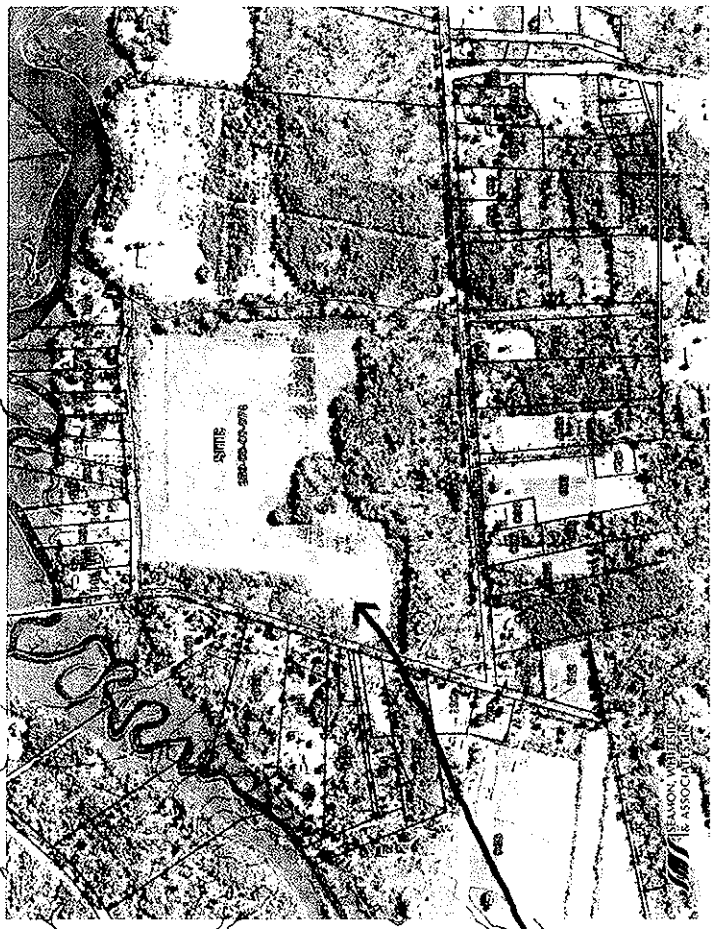
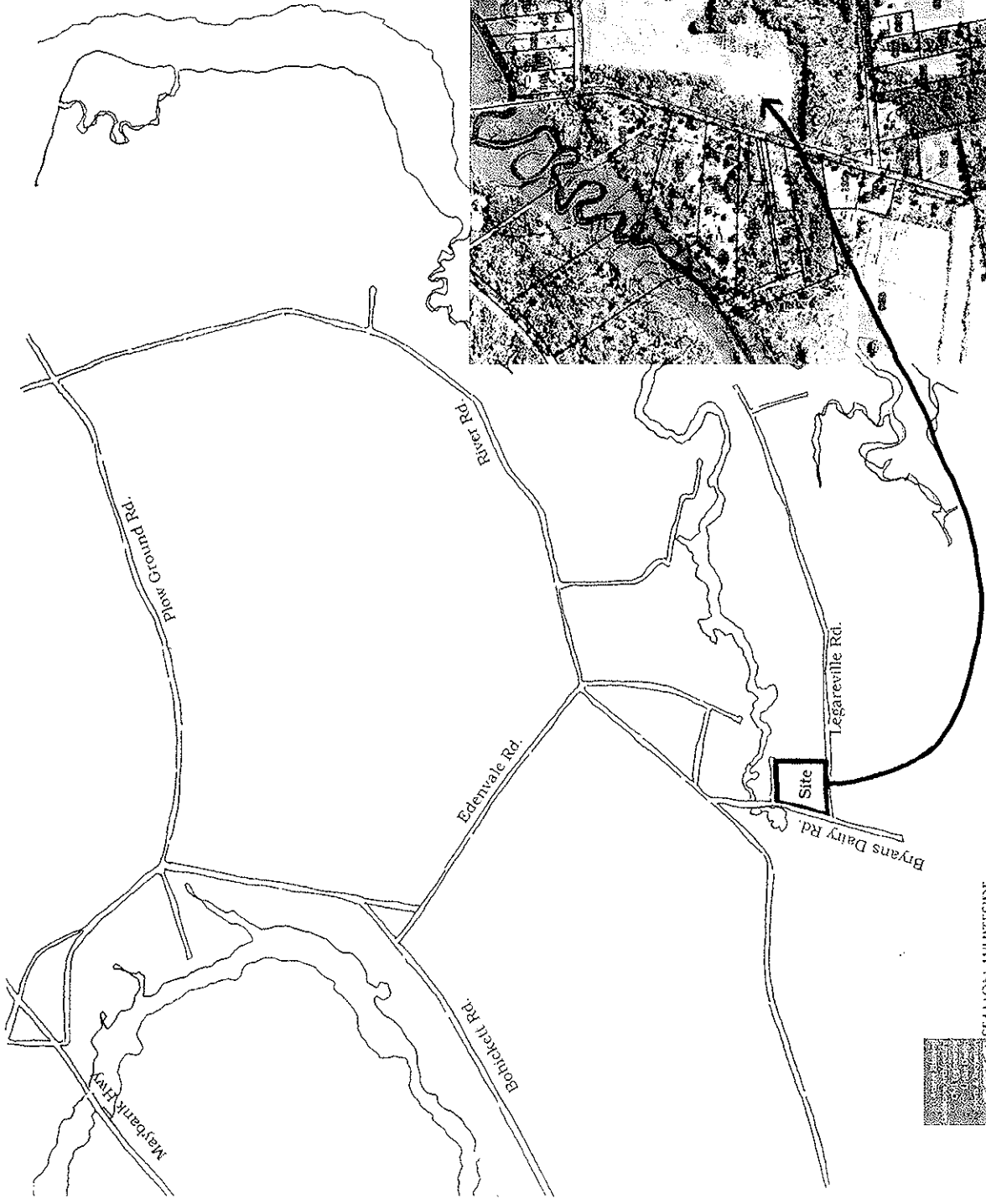
The provisions of Article 3.10 of the Charleston County Zoning and Land Regulations shall not apply to the planned development and all major changes to the planned development must be approved by County Council. Tree variances may be granted in accordance with this Article and all other sections of this Ordinance.





## APPENDIX A

## SITE LOCATION MAP




**SEAMON, WHITESIDE  
& ASSOCIATES, INC.**  
**BRYANS DAIRY ROAD**  
 SITE LOCATION MAP

## **APPENDIX B**

## **TAX MAP**

---

**OFFICIAL SUBMITTAL  
PLANNED DEVELOPMENT GUIDELINES**

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**Bryans Dairy Conservation Community**  
**TMS: 259-00-00-074**  
**Single Family Conservation Development**  
**Johns Island, Charleston County, South Carolina**  
**Approved by Charleston County Council on May 5, 2009**

Applicant:

Roland Pritchett & Wesley Pritchett  
3280 Peachtree Rd, 21st Floor  
Atlanta, GA 30305

Prepared By:

Seamon, Whiteside & Associates, Inc.  
501 Wando Park Boulevard  
Suite 200  
Mt. Pleasant, SC 29464  
843/884-1667  
SWA Project No. 5235



**SUBJECT PARCEL**  
259-00-00-074

**Parcel Exhibit**  
**Bryans Dairy Rd Tract**

2/28/08

**APPENDIX C**  
**BOUNDARY PLAT**

BE 407PG304

APPROVED PLAT  
EXISTING

Charleston, South Carolina  
Office of Register Meas. Conveyance  
Plat recorded on 31<sup>st</sup> day of Mar. 2002  
# 41 to check in Plat Book 112, Page 612, and these doth  
copy filed in Plat 7, Drawer 1, Folder 43, Drawing No. 12.  
Original plat (White Print) delivered to Char. Co. Registrar  
06.5.78 DATE  
14/17/2002 DATE

Register Meas. Conveyance

PLANNING AND RMC USE ONLY

**CURVE TABLE**

CURVE	RADIUS	DELTA	LENGTH	CHORD BNG	CHORD	TANGENT
C1	538.28	27.88	267.27	N 02°24'42" E	258.72	133.28
C2	369.27	100°24'32"	100.12	S 82°32'04" W	86.94	50.19
C3	242.33	3°31'00"	63.34	N 88°02'52" E	63.33	31.88
C4	188.84	16.05°28'	47.65	N 72°05'28" E	47.46	23.05
C5	80.00	14.34°11'	12.71	S 72°20'50" W	12.69	6.32

**LINE TABLE**

LINE	BEARINGS	DISTANCE
L1	S 82°32'04" W	114.43
L2	S 82°32'04" W	27.73
L3	N 87°07'20" E	108.71
L4	N 87°11'41" E	83.84
L5	S 77°28'30" E	114.90
L6	N 82°23'21" E	145.25
L7	N 92°55'53" E	23.56

- LEGEND**
- PROPERTY LINE
  - ADJACENT PROPERTY LINE
  - ROAD RIGHT-OF-WAY
  - EASEMENT LINE
  - EDGE OF ASPHALT PAVEMENT
  - ROCKS/BUSH LINE
  - FENCE LINE
  - DITCH/HEAD POWER LINE
  - 1/2" IRON ROD FOUND UNLESS OTHERWISE NOTED
  - CONCRETE UPRIGHT PILING (CUP)
  - IRON PIN SET (AS REQUIRED)
  - CALCULATED POINT NO MONUMENT SET
  - UTILITY POLE
  - LIGHT POLE
  - SQUARE FEET
  - ACRE (43,560 SF/ACRE)
  - INVERT ELEVATION
  - REINFORCED CONCRETE PIPE
  - TEMPORARY MONUMENT (T.M.)

- REFERENCES**
- DEED BOOK 111 PAGE 19
  - DEED BOOK 121 PAGE 274
  - PLAT BOOK AV PAGE 31
  - DEED BOOK 126 PAGE 81
  - PLAT BOOK CD PAGE 18
  - PLAT BOOK BO PAGE 71
  - PLAT BOOK X PAGE 57
  - PLAT BOOK Y PAGE 85
  - PLAT BOOK AD PAGE 112
  - PLAT BOOK BL PAGE 142

- SURVEY NOTES**
- THIS PROPERTY IS LOCATED IN FLOOD ZONE C, B & A8 WITH A BASE FLOOD ELEVATION OF 12 AS INDICATED ON FLOOD INSURANCE RATE MAP COMMUNITY FLOOD NO. 435413 0405 C DATED 11-4-92
  - THE BEARINGS SHOWN HEREON ARE MAGNETIC AND AS SUCH ARE SUBJECT TO LOCAL ATTRACTION
  - THIS PLAT REPRESENTS A SURVEY BASED UPON THE LISTED REFERENCES ONLY AND IS NOT THE RESULT OF A TITLE SEARCH
  - AREA DETERMINED BY COORDINATE METHOD
  - CONSIDERABLE EFFORT HAS BEEN MADE TO DETERMINE THE LOCATION OF UNDERGROUND UTILITIES. SOME LOCATIONS ARE ACTUAL FIELD MEASUREMENTS AND SOME ARE TAKEN FROM UTILITY RECORDS OR LOCATIONS MARKED IN THE FIELD BY THE VARIOUS UTILITY COMPANIES. THIS SURVEY DOES NOT WARRANT THAT UTILITIES ARE SHOWN ACCURATELY NOR THAT ALL UTILITIES ARE SHOWN. CALL PALMETTO UTILITIES LOCATION SERVICE AT 1-800-822-0983 A MINIMUM OF THREE (3) WORKING DAYS BEFORE DIGGING
  - ALL ELEVATIONS ARE BASED ON USGS MONUMENT ABMA PD 023722 ELEVATION 7.46 (NGVD 29)
  - THIS PROPERTY HAS NOT EVALUATED FOR THE DISTANCE OR ABSENCE OF U.S. ARMY CORPS OF ENGINEERS JURISDICTIONAL FRESHWATER WETLANDS

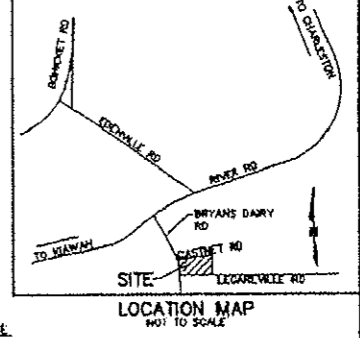
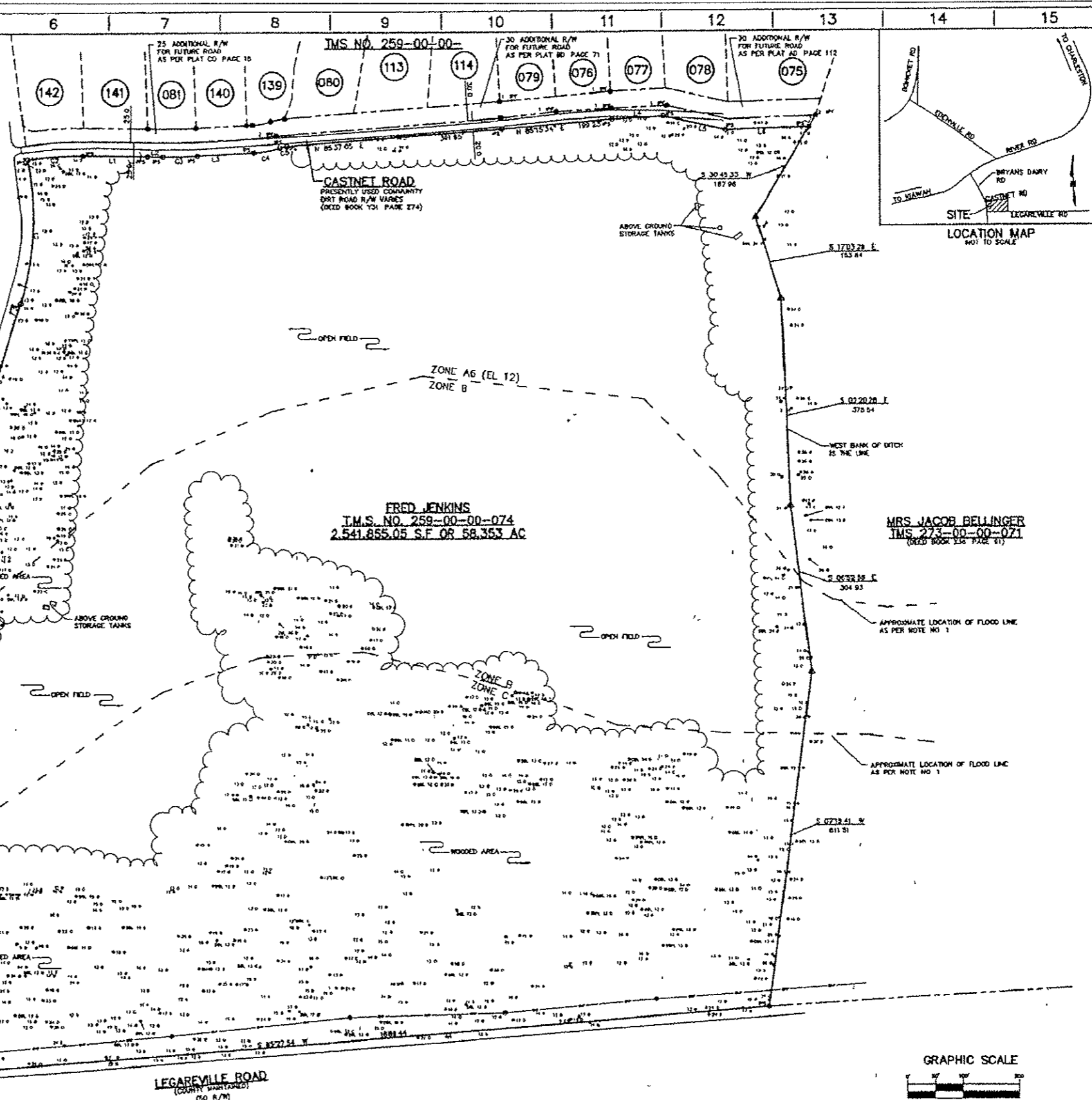
**CERTIFICATION NOTE**

I HEREBY STATE TO THE BEST OF MY KNOWLEDGE INFORMATION AND BELIEF THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE SONGMUN STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN ALSO THERE ARE NO ENCROACHMENTS, PROJECTIONS OR SETBACKS AFFECTING THE PROPERTY OTHER THAN THOSE SHOWN. SURVEY PRECISION EXCEEDS 1/10,000

Mark A. Cornelius 5-17-02

MARK A. CORNELIUS, P.L.S.  
2040 SAVAGE ROAD CHARLESTON, S.C. 29407  
(843) 769-7378

LAWTON J. CRAVEN, JR.  
T.M.S. NO. 259-00-00-068  
(PLAT BOOK 112 PAGE 38)

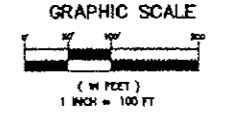


MRS. JACOB BELLINGER  
T.M.S. NO. 273-00-00-071  
(DEED BOOK 116 PAGE 11)

APPROXIMATE LOCATION OF FLOOD LINE AS PER NOTE NO. 1

APPROXIMATE LOCATION OF FLOOD LINE AS PER NOTE NO. 1

APPROXIMATE LOCATION OF FLOOD LINE AS PER NOTE NO. 1



**GENERAL ENGINEERING**  
LABORATORY

**BOUNDARY & TREE SURVEY**  
58.353 ACRES

BRYANS DAIRY ROAD  
OWNED BY FRED JENKINS  
LOCATED ON JOHNS ISLAND  
CHARLESTON COUNTY, SOUTH CAROLINA

ABOUT TO BE CONVEYED TO CLEAR CHANNEL COMMUNICATIONS INC.

MARK A. CORNELIUS  
DATE SURVEYED: NOVEMBER 19 2001  
LAST REVISED

DRAWN/CHECKED: MAC/FDB  
APPROVED: MAC

PROJECT NUMBER: CLCC00101C  
SHEET NUMBER: 1 OF 1

## **APPENDIX D**

# **LEGAL DESCRIPTION**



November 6, 2006

Mr. Wesley Pritchett  
Mr. Roland Pritchett  
1194 Brookgate Way  
Atlanta, GA 30319

RE: 58.353 Acres, Bryans Dairy Road  
County of Charleston, South Carolina  
TMS No. 259-00-00-074

Dear Wes and Roland:

Enclosed please find the original Deed regarding the above captioned property. The Deed has been duly recorded in the RMC Office for Charleston County in Book D600, at Page 451 on September 29, 2006.

Also enclosed please find Chicago Title Owner's Policy Number 7210640-21921.

Thanking you for the opportunity to be of service to you in this matter, I am

Very truly yours,

DERFNER, ALTMAN & WILBORN, LLC

Samuel H. Altman

SHA:tmg  
Enclosures

TOGETHER with all and singular the rights, members, hereditaments and appurtenances to said premises belonging or in any wise incident or appertaining;


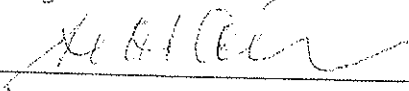
TO HAVE AND TO HOLD all and singular the premises before mentioned unto the Grantee, and the Grantee's heirs and assigns forever. And the Grantor do hereby bind the grantor and the grantor's heirs or successors, executors and administrators to warrant and forever defend all and singular said premises unto the Grantee and the Grantee's heirs or successors and against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Any reference to this instrument to the singular shall include the plural, and vice versa. Any reference to one gender shall include the others, including the neuter. Such words of inheritance shall be applicable as are required by the gender of the Grantee.

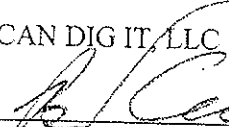
WITNESS the Grantor's hands and seals this the 25 day of September, 2006.

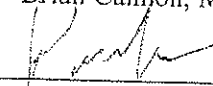
SIGNED, SEALED AND DELIVERED

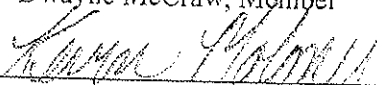
in the presence of:

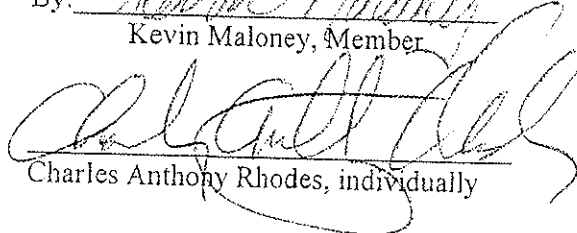
  
\_\_\_\_\_  
  
\_\_\_\_\_

WE CAN DIG IT, LLC

By:   
\_\_\_\_\_  
Brian Cannon, Member

By:   
\_\_\_\_\_  
Dwayne McCraw, Member

By:   
\_\_\_\_\_  
Kevin Maloney, Member

  
\_\_\_\_\_  
Charles Anthony Rhodes, individually

3 Check one of the following: **THE DEED IS**

- (a)   X   subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
- (b)        subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
- (c)        **EXEMPT** from the deed recording fee because (exemptions 1-13). (If exempt, please skip items 4-7, and go to item 8 of this Affidavit.)

4. Check one of the following if either item 3(a) or item 3(b) above has been checked.

- (a)   X   The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$ 1,700,000.00
- (b)        The fee is computed on the fair market value of the realty which is \$                   .
- (c)        The fee is computed on the fair market value of the realty as established for property tax purposes which is \$                   .

5 Check YES        or NO   X   to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "YES", the amount of the outstanding balance of this lien or encumbrance is \$                   .

6 The **DEED** Recording Fee is computed as follows:

- (a) \$1,700,000.00 the amount listed in item 4 above
- (b)   -0-   the amount listed in item 5 above (no amount place zero)
- (c) \$1,700,000.00 Subtract Line 6(b) from Line 6(a) and place the result.

7. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Grantee.

8. Check if Property other than Real Property is being transferred on this Deed.

- (A)        Mobile Home
- (B)        Other

9.                    DEED OF DISTRIBUTION - attorney's affidavit: Estate of    deceased CASE NUMBER                   . Personally appeared before me the undersigned attorney who, being duly sworn, certified that (s)he is licensed to practice law in the State of South Carolina; that (s)he has prepared the Deed of Distribution for the Personal Rep. in the Estate of    deceased and that the grantee(s) therein are correct and conform to the estate file for the above named decedent.

10. I understand that a person required to furnish this Affidavit who wilfully furnishes a false or fraudulent Affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Wesley Pritchett  
Wesley Pritchett

Roland Pritchett  
Roland Pritchett

SWORN to before me this

  5   day of September, 2006

    
NOTARY PUBLIC FOR SOUTH CAROLINA

MY COMMISSION EXPIRES 11/2/07

A  
2  
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IE 40783001

**APPROVED PLAN**  
*Mark A. Connel*  
 06-27-2002  
 06-27-2002

Customer: Sandi Conner  
 Project: Bryan's Dairy Road  
 Location: Johns Island, SC  
 Date: 06/27/2002  
 Scale: 1" = 100'

**PLANNING AND BAC USE ONLY**

Regional Sales Consultant  
*Mark A. Connel*  
 803-797-1234

CURVE TABLE	
STATION	ANGLE
1+00.00	90.00
1+05.00	90.00
1+10.00	90.00
1+15.00	90.00
1+20.00	90.00
1+25.00	90.00
1+30.00	90.00
1+35.00	90.00
1+40.00	90.00
1+45.00	90.00
1+50.00	90.00
1+55.00	90.00
1+60.00	90.00
1+65.00	90.00
1+70.00	90.00
1+75.00	90.00
1+80.00	90.00
1+85.00	90.00
1+90.00	90.00
1+95.00	90.00
2+00.00	90.00

LINE TABLE	
STATION	DESCRIPTION
1+00.00	START OF CURVE
1+05.00	POINT OF INTERSECTION
1+10.00	POINT OF TANGENCY
1+15.00	END OF CURVE
1+20.00	START OF CURVE
1+25.00	POINT OF INTERSECTION
1+30.00	POINT OF TANGENCY
1+35.00	END OF CURVE
1+40.00	START OF CURVE
1+45.00	POINT OF INTERSECTION
1+50.00	POINT OF TANGENCY
1+55.00	END OF CURVE
1+60.00	START OF CURVE
1+65.00	POINT OF INTERSECTION
1+70.00	POINT OF TANGENCY
1+75.00	END OF CURVE
1+80.00	START OF CURVE
1+85.00	POINT OF INTERSECTION
1+90.00	POINT OF TANGENCY
1+95.00	END OF CURVE
2+00.00	START OF CURVE

**LEGEND**

- ADJACENT LOT
- BOUNDARY LINE
- EXISTING ROAD
- EXISTING LOT
- EXISTING CURVE
- EXISTING CONCRETE
- EXISTING UTILITY
- EXISTING FENCE
- EXISTING TREE
- EXISTING STRUCTURE
- EXISTING EASEMENT
- EXISTING ENCROACHMENT
- EXISTING RIGHT-OF-WAY
- EXISTING EASEMENT
- EXISTING ENCROACHMENT
- EXISTING RIGHT-OF-WAY

**SURVEY NOTES**

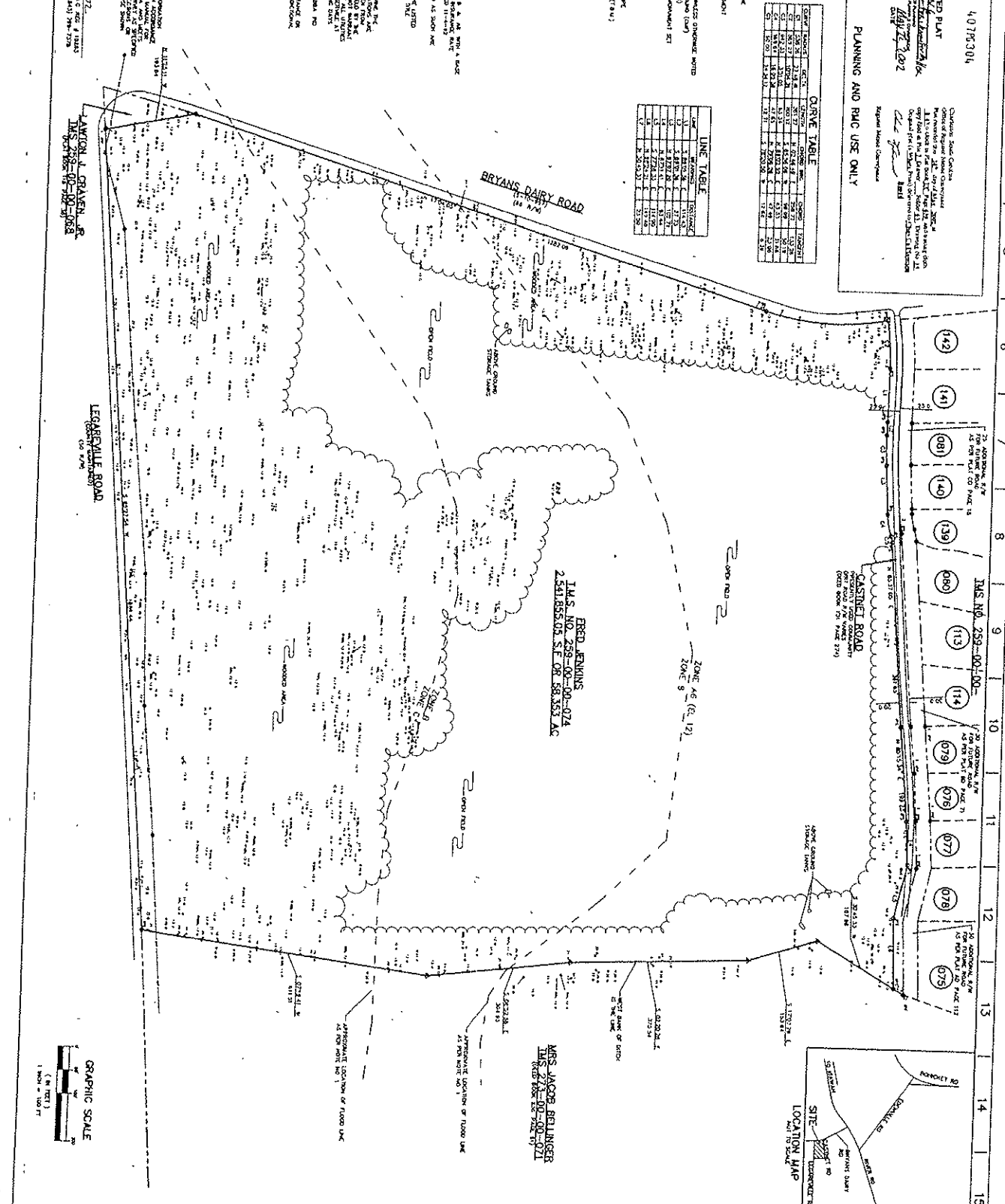
1. THIS SURVEY WAS CONDUCTED BY THE SURVEYOR IN ACCORDANCE WITH THE SURVEYING ACT OF 1964.
2. THE SURVEYOR HAS REVIEWED THE RECORD PLANS AND DEEDS REFERENCE TO THIS SURVEY.
3. THE SURVEYOR HAS REVIEWED THE RECORD PLANS AND DEEDS REFERENCE TO THIS SURVEY.
4. THE SURVEYOR HAS REVIEWED THE RECORD PLANS AND DEEDS REFERENCE TO THIS SURVEY.
5. THE SURVEYOR HAS REVIEWED THE RECORD PLANS AND DEEDS REFERENCE TO THIS SURVEY.
6. THE SURVEYOR HAS REVIEWED THE RECORD PLANS AND DEEDS REFERENCE TO THIS SURVEY.
7. THE SURVEYOR HAS REVIEWED THE RECORD PLANS AND DEEDS REFERENCE TO THIS SURVEY.

**CERTIFICATION NOTE**

I, the undersigned, Mark A. Connel, a duly licensed Professional Engineer in the State of South Carolina, certify that I am the author of the foregoing plat and that it was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer in the State of South Carolina.

**PLANNING AND BAC USE ONLY**

DATE: 06-27-2002  
 SCALE: 1" = 100'



**LEGAREVILLE ROAD**  
 100' R/W

**BRYAN'S DAIRY ROAD**  
 60' R/W

**ZONE 1**  
 2.531555 AC. S.E. OF S8.353 AC.

**ZONE 2**  
 1.0000 AC.

**ZONE 3**  
 1.0000 AC.

**GRAPHIC SCALE**  
 1" = 100'

**BOUNDARY & TREE SURVEY**  
**58.353 ACRES**

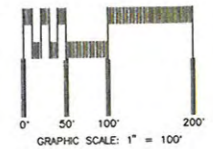
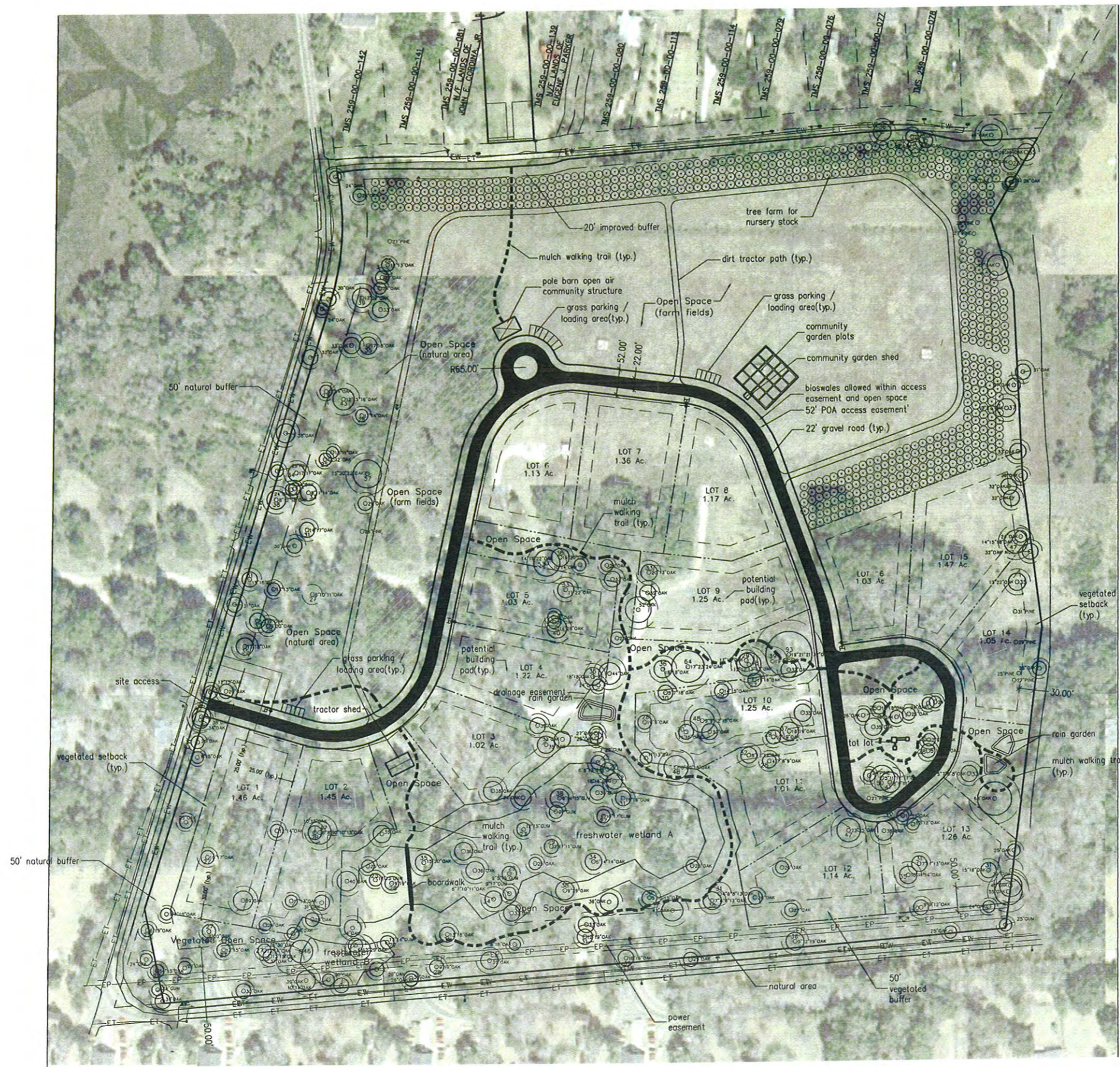
BRYAN'S DAIRY ROAD  
 OWNED BY FRED JENKINS  
 THIS 2.531555 AC. S.E. OF S8.353 AC.  
 LOCATED ON JOHNS ISLAND  
 CHARLESTON COUNTY SOUTH CAROLINA

**GENERAL ENGINEERING**  
 LABORATORIES, INC.  
 P.O. BOX 30712 - CHARLESTON SC 29417  
 784-734-2947  
 (843) 798-7374 • FAX (843) 798-7397  
 WEBSITE: www.geelab.com  
 ENGINEERING • ENVIRONMENTAL  
 GEOTECHNICAL • LAND SURVEYING

DRAWN/INCHESSED: [Signature]  
 PROJECT NUMBER: [Number]  
 SHEET NUMBER: 1 OF 1

## **APPENDIX E**

# **AERIAL OVERLAY SKETCH PLAN**



**SEAMON, WHITESIDE & ASSOCIATES, INC.**  
 501 WANDO PARK BLVD. 209 E. WASHINGTON ST.  
 CHARLOTTE, NC 28204 29407-3835  
 LANDSCAPE ARCHITECTURE SOUTH CAROLINA REGISTERED PROFESSIONAL ARCHITECT  
 29444-7849 29444-7849  
 SPORTS & RECREATION (864) 298-0534 phone (864) 298-0018 fax  
 www.seamon.com



**Bryans Dairy Road  
 Conservation Subdivision PD  
 Pritchett Partners LLC**  
 Johns Island, Charleston County, South Carolina

DRAWN BY: DRG  
 CHECKED BY: KRS

PROJECT: 5235  
 DATE: 12.15.08

NO.	DATE	REVISION NOTES

**AERIAL SKETCH PLAN**

SHEET OF

# **APPENDIX F**

# **SKETCH PLAN**

THIS DRAWING SHALL NOT BE REPRODUCED IN ANY MANNER OR USED FOR ANY PURPOSE WITHOUT WRITTEN PERMISSION.

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NOTE:

1. All on-site buffers and open space to be owned and maintained by the Property Owners Association
2. All on-site private roads and access easements to be owned and maintained by the property owners association.
3. All on-site swales and detention basins to be owned and maintained by the property owners association.

land use	acreage	percent of total site acreage	dwelling units	overall density (based on highland)
Single Family Environmental (includes vegetated setbacks)	19.37 AC.	33.20%	16	0.29 DU/AC
open space	35.60 AC.	61.00%	0	0 DU/AC
access easement	3.38 AC.	5.80%	0	0 DU/AC
<b>total</b>	<b>58.35</b>	<b>100%</b>	<b>16</b>	<b>0.29 DU /AC</b>
highland	55.50			

AREA TABULATION

	AREA(SF)	AREA(AC)
HIGHLAND	2,417,748.42	55.50
MARSH/CREEK	0	0
FRESH WATER WETLAND	124,126.49	2.85
<b>TOTAL</b>	<b>2,541,874.91</b>	<b>58.35</b>



Grand Tree (typ.) w/ primary and secondary protection zones

SFE Single Family Environmental w/ vegetated setback

OPEN SPACE non-useable open space wetlands and buffers

OPEN SPACE useable open space

FUNCTIONAL OPEN SPACE useable open space farm and nursery land

**SEAMON, WHITESIDE & ASSOCIATES, INC.**  
 501 WANDO PARK BLVD. 209 E. WASHINGTON ST.  
 FLORENCE, SC 29502-1512  
 CHARLOTTE, NC 28202-1213  
 29467-7949  
 (843) 684-1667 phone (843) 684-9241 fax (843) 798-0533 phone (843) 798-8078 fax  
 www.seamon.com



**Bryans Dairy Road  
 Conservation Subdivision PD  
 Pritchett Partners LLC**  
 Johns Island, Charleston County, South Carolina

DRAWN BY: ORS  
 CHECKED BY: KRS  
 PROJECT: 5235  
 DATE: 12.15.08

NO.	DATE	REVISION NOTES

**SKETCH PLAN**  
 SHEET OF

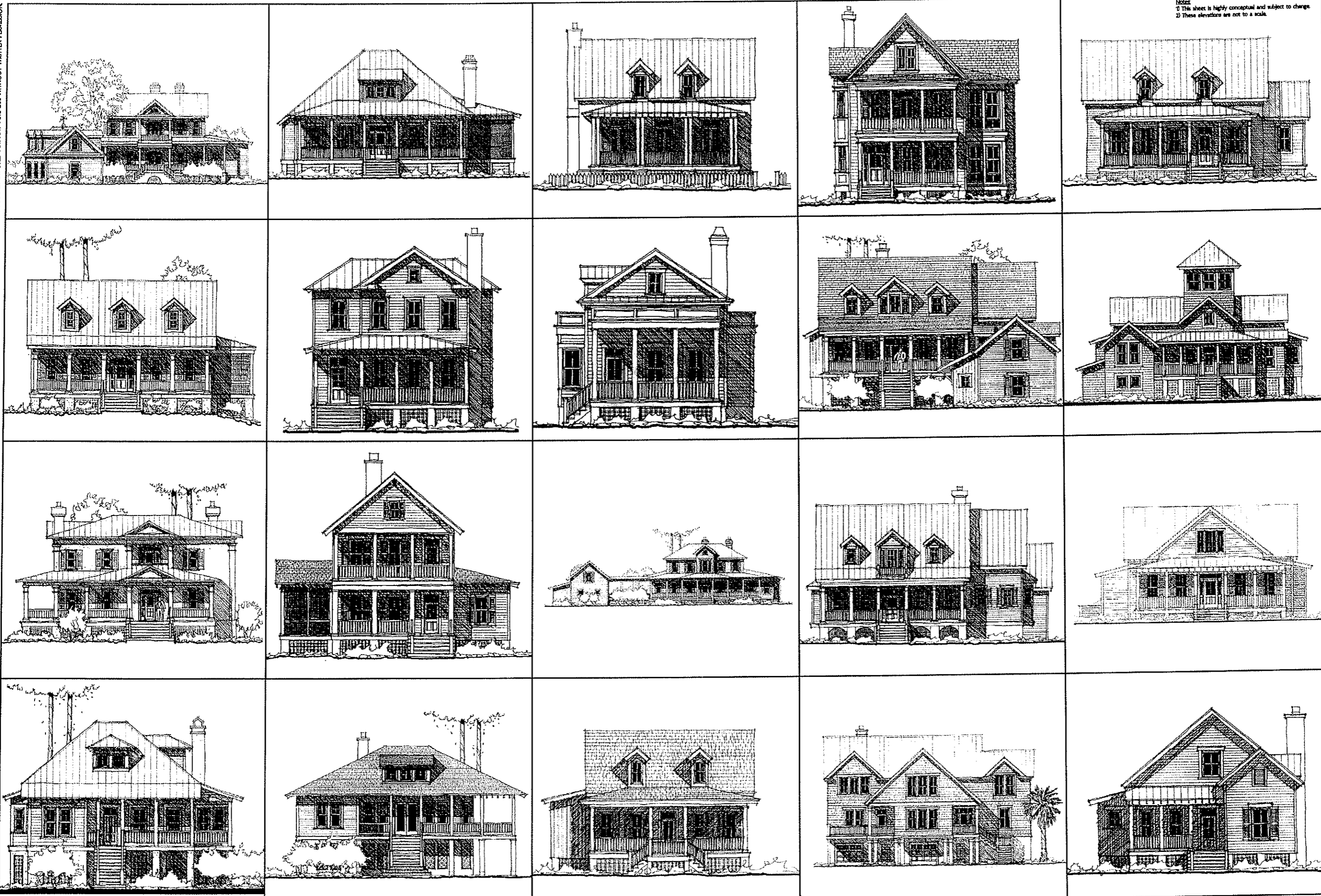
Operator: Richard  
 Plotted: February 04, 2003 @ 3:25:12 pm  
 Drawing: D:\WORK\19.dwg



## **APPENDIX G**

# **COMMUNITY AND ARCHITECTURAL CHARACTER EXHIBITS**

THIS DRAWING SHALL NOT BE REPRODUCED IN ANY MANNER OR USED FOR ANY PURPOSE WITHOUT WRITTEN PERMISSION.



Note:  
 1) This sheet is highly conceptual and subject to change.  
 2) These elevations are not to a scale.

**SEAMON, WHITESIDE & ASSOCIATES, INC.**  
 501 WANDO PARK BLVD. 209 E WASHINGTON ST.  
 SUITE 200 GREENVILLE, SC 29603-3335  
 254-677-7419 GREENVILLE, SC 29603-3335  
 (864) 884-1667 phone (864) 884-6944 fax  
 (864) 298-0534 phone (864) 298-6016 fax



Bryans Dairy Road  
 Conservation Subdivision PD  
 Pritchett Partners LLC  
 Johns Island, Charleston County, South Carolina

DRAWN BY: DRG  
 CHECKED BY: KRS  
 PROJECT: 6236  
 DATE: 4.30.08

NO.	DATE	REVISION NOTES

Conceptual  
 Architectural  
 Elevations  
 SHEET XX OF XX

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-----  
**APPENDIX H**

**OPEN SPACE PLAN**

THIS DRAWING SHALL NOT BE REPRODUCED IN ANY MANNER OR USED FOR ANY PURPOSE WITHOUT WRITTEN PERMISSION

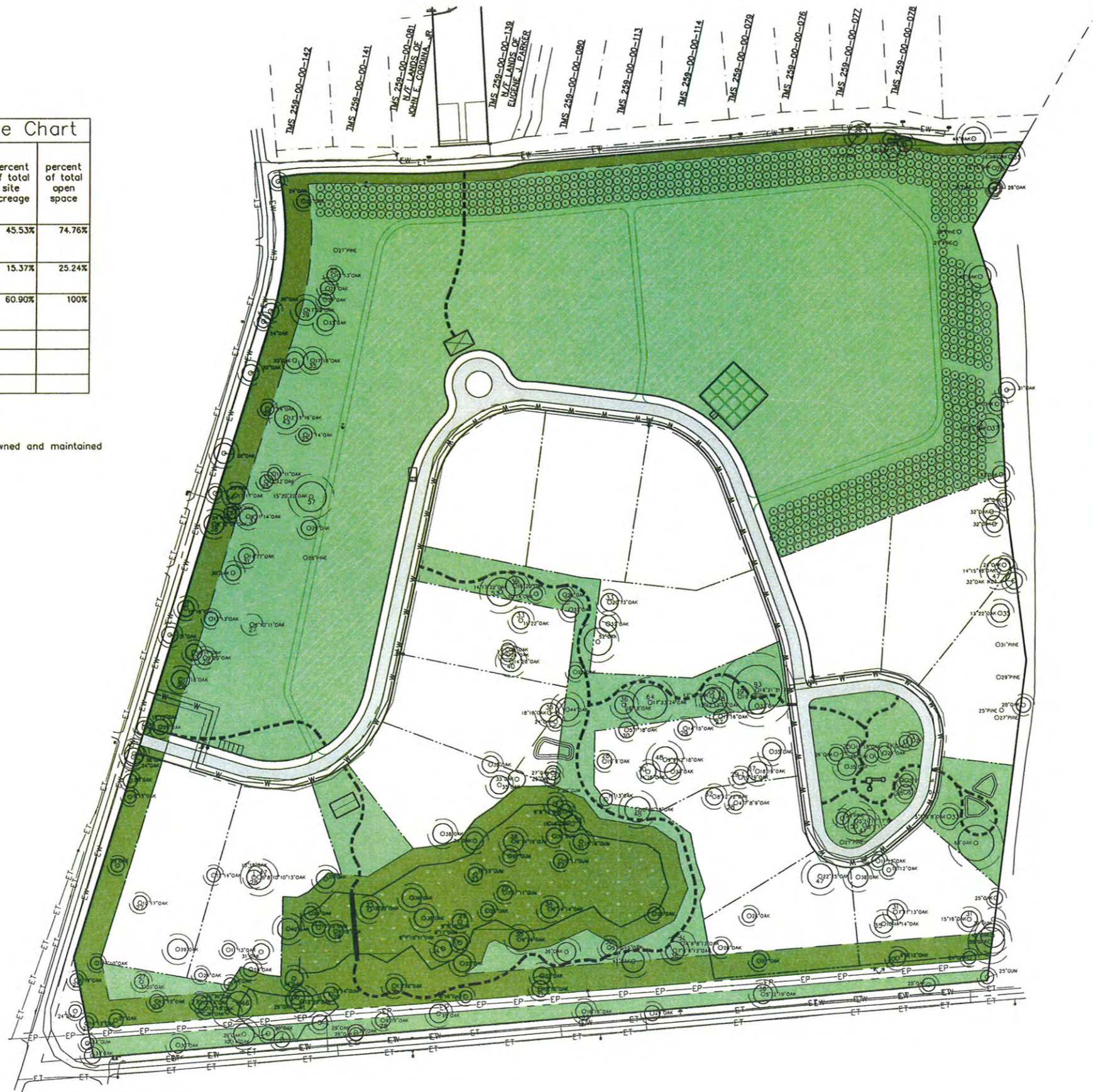
COPYRIGHT © SEAMON, WHITESIDE & ASSOCIATES, INC.

Operator: Richard  
 Plotted: February 04, 2003 @ 3:25:12 p.m.  
 Drawing: 0:\DWG\5\544\_19.dwg

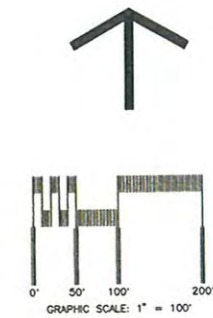
Open Space Chart

land use	acreage	percent of total site acreage	percent of total open space
useable and function of open space	26.57 AC.	45.53%	74.76%
non-useable open space	8.97 AC.	15.37%	25.24%
total open space	35.54 AC.	60.90%	100%
total site acreage	58.35		

Note:  
 All open space will be owned and maintained by the POA



- OPEN SPACE  
non-useable open space  
wetlands and buffers
- OPEN SPACE  
useable open space
- FUNCTIONAL OPEN SPACE  
functional useable open space  
farm and nursery use



**SEAMON, WHITESIDE & ASSOCIATES, INC.**  
 501 WANDO PARK BLVD. 299 E. WASHINGTON ST.  
 GREENVILLE, SC 29607-2835  
 29464-7849  
 (864) 298-0534 phone  
 (864) 298-0018 fax  
 www.seawhite.com



Bryans Dairy Road  
 Conservation Subdivision PD  
 Pritchett Partners LLC  
 Johns Island, Charleston County, South Carolina

DRAWN BY: DRS  
 CHECKED BY: KRS

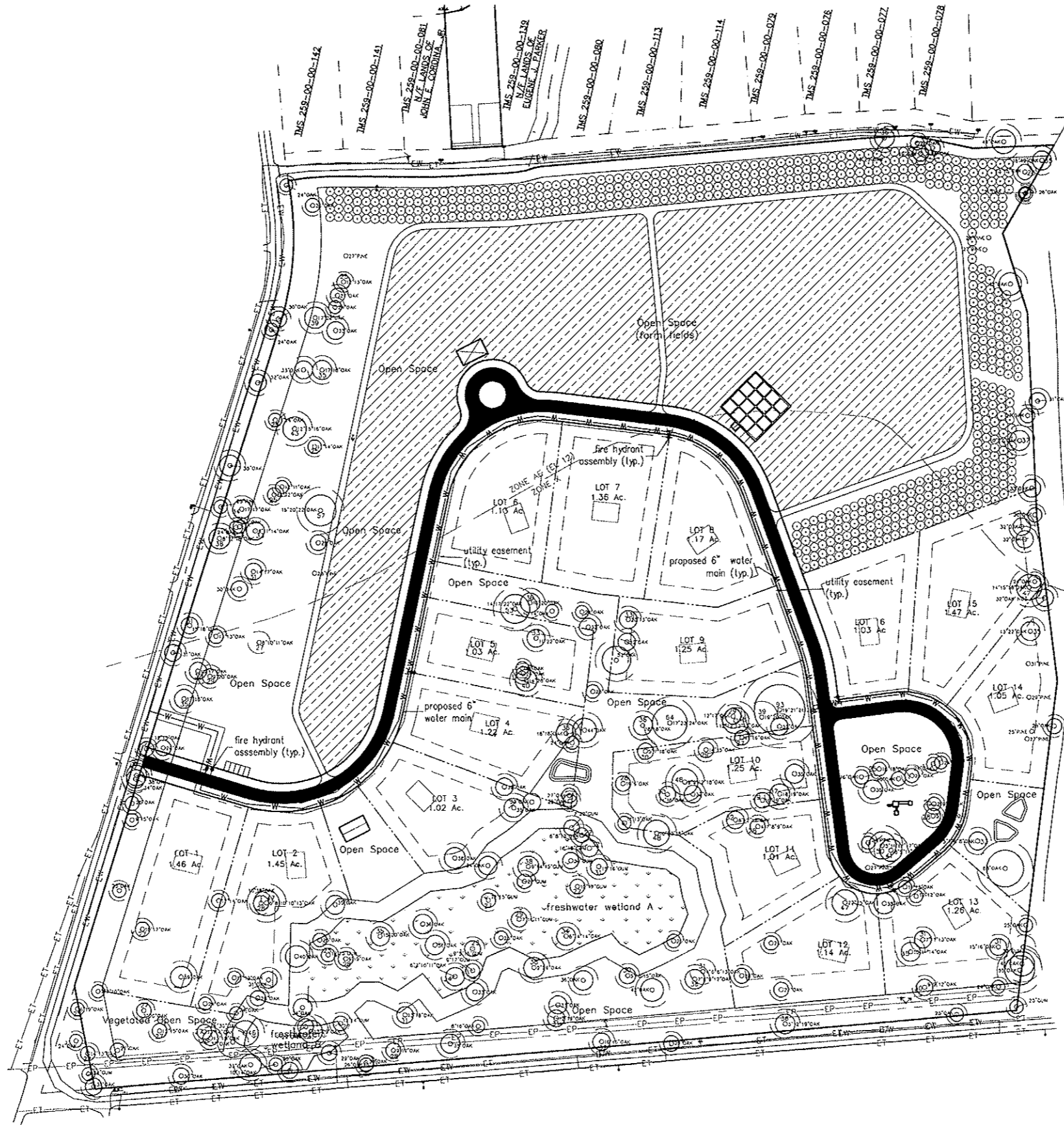
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 DATE: 12.15.08

NO.	DATE	REVISION NOTES

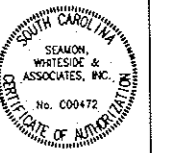
OPEN SPACE PLAN  
 SHEET OF

## **APPENDIX I**

# **UTILITY SKETCH PLAN**



**SEAMON, WHITESIDE & ASSOCIATES, INC.**  
 601 MARSHO PARK BLVD. 208 E. WASHINGTON ST.  
 SUITE 200 GREENVILLE, SC 29607-2835  
 MOUNT PLEASANT, SC 29544-7849  
 (843) 884-4662 phone (864) 298-0534 phone  
 (843) 884-6944 fax (864) 295-8078 fax



**Bryans Dairy Road  
 Conservation Subdivision PD  
 Pritchett Partners LLC**  
 Johns Island, Charleston County, South Carolina

DRAWN BY: DPS  
 CHECKED BY: KRS  
 PROJECT: 5235  
 DATE: 12.15.08

NO.	DATE	REVISION NOTES
1	X	X
2	X	X
3	X	X
4	X	X
5	X	X
6	X	X
7	X	X
8	X	X
9	X	X
10	X	X
11	X	X
12	X	X
13	X	X
14	X	X
15	X	X

**UTILITY SKETCH PLAN**

SHEET OF

## **APPENDIX J**

# **WETLAND DELINEATION REPORT AND WETLAND PLAT**



DEPARTMENT OF THE ARMY  
CHARLESTON DISTRICT, CORPS OF ENGINEERS  
69A Hagood Avenue  
CHARLESTON, SOUTH CAROLINA 29403-5107

REPLY TO  
ATTENTION OF

April 11, 2007

Regulatory Division

Mr. Chris Carter  
Tidewater Environmental Services, Inc.  
P.O. Box 865  
Johns Island, South Carolina 29457-0865

Re: SAC 2006-3568-2JY

Dear Mr. Carter:

This is in response to your letter received November 16, 2006, requesting a wetland determination, on behalf of Wesley and Roland Pritchett, for a 58.35 acre tract located on the northeast corner of the intersection of Bryans Dairy Road and Legareville Road in Charleston County, South Carolina. The project area is depicted on the survey plat you submitted which was prepared by Richard J. Morf, dated February 19, 2006, and entitled "Wetland Plat of TMS No. 259-00-00—074 & No. 259-00-00-140 Surveyed at the Request of Wesley Pritchett Located on Johns Island Charleston County, South Carolina".

This plat depicts surveyed boundaries of wetlands or other waters of the United States as established by your office. You have requested that this office verify the accuracy of this mapping as a true representation of wetlands or other waters of the United States within the regulatory authority of this office. The property in question contains 2.85 acres of freshwater wetlands.

It should be clearly noted that the decision of the U.S. Supreme Court to exclude certain waters and wetlands from federal jurisdiction under the Clean Water Act has no effect on any state or local government restrictions or requirements concerning aquatic resources, including wetlands. You are strongly cautioned to ascertain whether such restrictions or requirements exist for the area in question before undertaking any activity which might destroy or otherwise impact these wetland resources.

Furthermore, in the wake of the recent Supreme Court combined decisions issued June 19, 2006 in *Rapanos v. United States* and *Carabell v. the U.S. Army Corps of Engineers*, the U.S. Army Corps of Engineers and the Environmental Protection Agency are examining the scope, methodology, and documentation of jurisdictional determinations (JDs) pursuant to the Clean Water Act (CWA). In order to allow the Corps and EPA to prepare and issue substantive guidance, the Charleston District is, in accordance with guidance from our Headquarters and to the extent circumstances allow, delaying making final CWA jurisdictional determinations for areas beyond the limits of traditional navigable waters (Section 10 waters) until new guidance is issued.



JURISDICTIONAL DETERMINATION  
U.S. Army Corps of Engineers

Revised 8/13/04

DISTRICT OFFICE: SAC  
FILE NUMBER: 2006-3564-2JY

PROJECT LOCATION INFORMATION:

State: South Carolina  
County: Charleston  
Center coordinates of site (latitude/longitude): 80.05966 32.65764  
Approximate size of area (parcel) reviewed, including uplands: 58.35 acres.  
Name of nearest waterway: Abapoola Creek  
Name of watershed: Coastal Ashley

JURISDICTIONAL DETERMINATION

Completed: Desktop determination  Date:  
Site visit(s)  Date(s): 11-24-06

Jurisdictional Determination (JD):

- Preliminary JD - Based on available information,  *there appear to be* (or)  *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
- Approved JD -- An approved JD is an appealable action (Reference 33 CFR part 331).  
Check all that apply:
- There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
- There are* "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
- There are* "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  
 Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) – (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

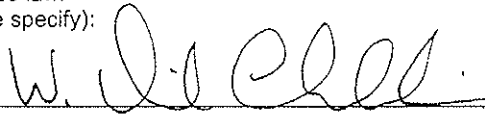
**DATA REVIEWED FOR JURSDICTIONAL DETERMINATION (mark all that apply):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant.
- Data sheets prepared/submitted by or on behalf of the applicant.
- This office concurs with the delineation report, dated 11-15-06, prepared by (company): Tidewater Environmental Services, Inc.

This office does not concur with the delineation report, dated \_\_\_\_\_, prepared by (company):

- Data sheets prepared by the Corps.
- Corps' navigable waters' studies:
- U.S. Geological Survey Hydrologic Atlas:
- U.S. Geological Survey 7.5 Minute Topographic maps:
- U.S. Geological Survey 7.5 Minute Historic quadrangles:
- U.S. Geological Survey 15 Minute Historic quadrangles:
- USDA Natural Resources Conservation Service Soil Survey: Charleston 75
- National wetlands inventory maps: 11233:46
- State/Local wetland inventory maps:
- FEMA/FIRM maps (Map Name & Date):
- 100-year Floodplain Elevation is: \_\_\_\_\_ (NGVD)
- Aerial Photographs (Name & Date): 99:11233:46
- Other photographs (Date):
- Advanced Identification Wetland maps:
- Site visit/determination conducted on: 11-24-06
- Applicable/supporting case law:
- Other information (please specify):

Signature: Project Manager



<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

PLANNING & RMC USE ONLY

**SURVEY NOTES**

- THIS PROPERTY IS CURRENTLY LOCATED IN FLOOD ZONE "X" AND "AE" WITH A BASE FLOOD ELEVATION OF 12' AS INDICATED ON FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 45019C 0670J, DATED 11/17/2004.
- THE BEARINGS SHOWN HEREON ARE MAGNETIC AND AS SUCH ARE SUBJECT TO LOCAL ATTRACTION.
- THIS PLAT REPRESENTS A SURVEY BASED UPON THE LISTED REFERENCES ONLY, AND IS NOT THE RESULT OF A TITLE SEARCH.
- AREA DETERMINED BY COORDINATE METHOD.
- WETLANDS WERE FLAGGED BY ROSS NELSON, TIDEWATER ENVIRONMENTAL WETLAND DELINEATION SPECIALIST.

**AREA TABULATION**

	AREA(SF)	AREA(AC)
HIGHLAND	2,417,748.42	55.50
WETLAND "A"	12,228.25	0.28
WETLAND "B"	111,898.24	2.57
<b>TOTAL</b>	<b>2,541,874.91</b>	<b>58.35</b>

**LINE TABLE**

LINE	BEARING	DISTANCE
L1	S77°01'49"E	114.43
L2	S77°01'49"E	27.73
L3	S80°52'53"E	102.71
L4	S80°48'32"E	93.44
L5	S65°28'46"E	114.90
L6	N09°09'46"E	250.51
L7	S88°53'49"E	32.83
L8	N71°59'46"E	27.63
L9	N79°13'13"E	37.96
L10	S09°10'18"W	280.66
L11	N80°50'54"W	92.73
L12	N09°08'26"E	49.96
L13	S59°23'24"E	21.94
L14	S69°40'26"E	43.47
L15	S77°15'19"E	52.39
L16	N89°12'52"E	33.25
L17	S22°54'13"E	34.58
L18	S61°36'49"W	41.61
L19	S86°45'06"W	31.87
L20	S40°27'16"W	28.61
L21	N80°26'26"W	56.37
L22	N56°47'32"W	17.90
L23	N32°57'40"W	57.06
L24	N23°18'08"E	26.31
L25	N44°07'51"E	29.79
L26	S13°32'29"W	109.14
L27	S74°50'12"W	37.85
L28	S57°35'51"W	39.50
L29	N72°22'32"W	70.75
L30	S70°24'05"W	51.87
L31	S69°54'06"W	53.14
L32	N84°20'25"W	56.92

**LINE TABLE**

LINE	BEARING	DISTANCE
L33	S81°34'33"W	44.58
L34	S49°00'35"W	50.55
L35	S67°39'37"W	39.51
L36	S62°00'37"W	47.74
L37	N78°57'20"W	50.82
L38	N54°46'19"W	43.55
L39	N25°05'20"W	52.40
L40	N67°31'33"W	63.36
L41	N69°47'30"W	47.68
L42	N42°24'22"W	29.59
L43	N01°23'07"E	35.24
L44	N06°07'16"W	32.88
L45	N35°11'13"E	40.71
L46	N74°42'42"E	48.53
L47	N77°43'25"E	34.57
L48	S48°12'33"E	40.57
L49	S27°03'13"E	24.25
L50	N80°26'06"E	42.57
L51	N76°36'43"E	58.88
L52	S86°52'37"E	44.39
L53	S52°08'53"E	54.37
L54	N78°52'23"E	45.64
L55	N31°25'09"E	41.32
L56	N64°22'02"E	29.49
L57	N78°17'56"E	46.51
L58	S26°24'06"E	58.43
L59	N67°30'18"E	56.43
L60	S92°56'03"E	39.08
L61	S77°30'04"E	34.86
L62	N60°26'28"E	38.55
L63	N84°47'15"E	32.82
L64	S79°40'46"E	34.78

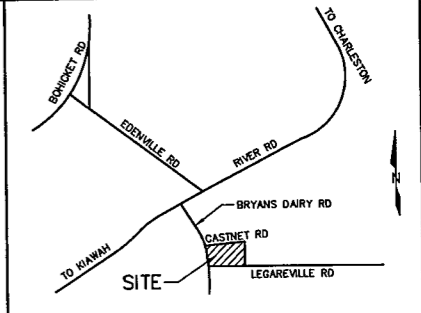
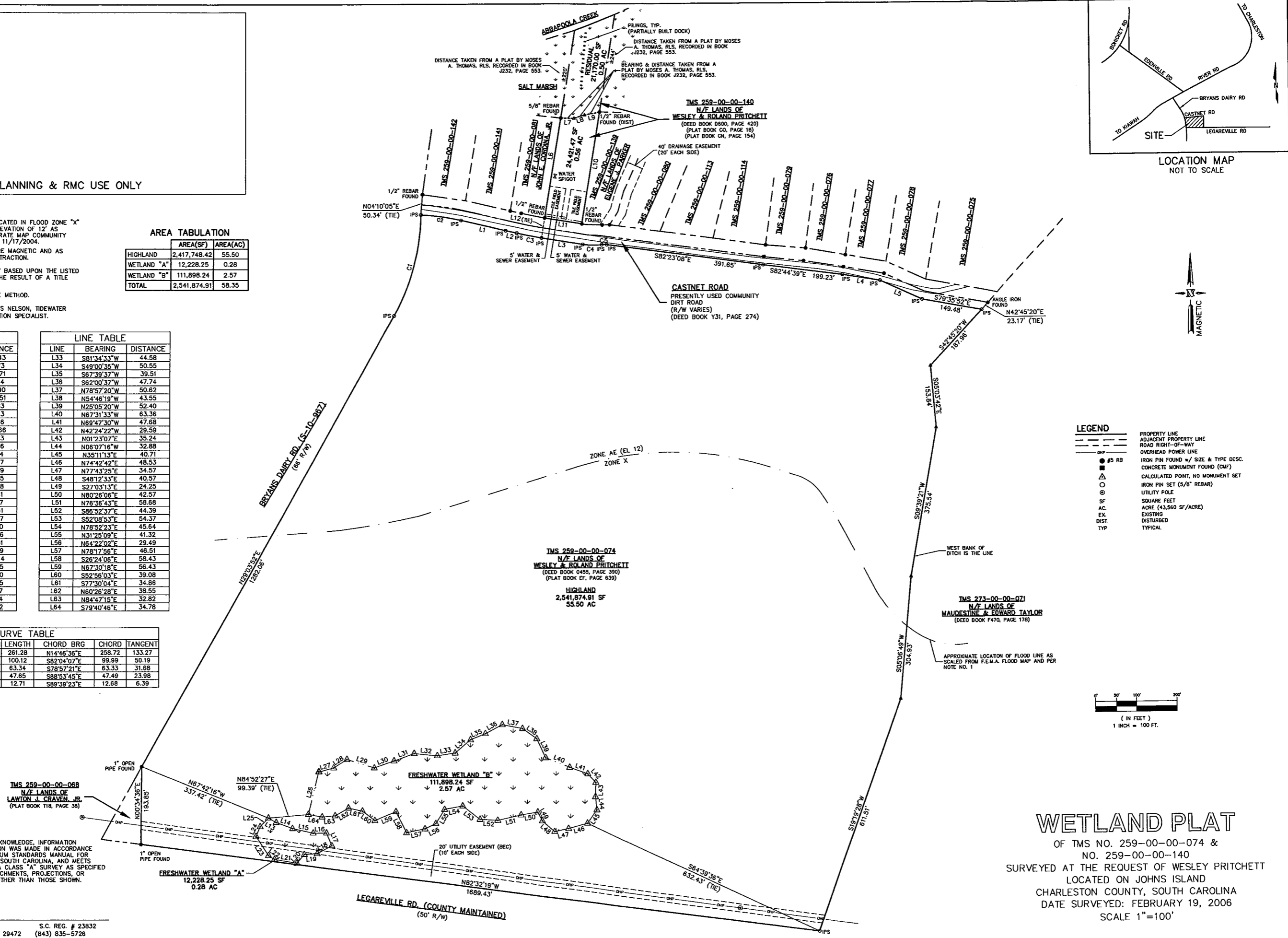
**CURVE TABLE**

CURVE	RADIUS	DELTA	LENGTH	CHORD BRG	CHORD	TANGENT
C1	538.26	27°48'43"	261.28	N14°46'36"E	258.72	133.27
C2	569.27	10°04'36"	100.12	S82°04'07"E	99.99	50.19
C3	942.33	3°51'05"	63.34	S78°57'21"E	63.33	31.68
C4	169.64	16°05'33"	47.65	S88°53'45"E	47.49	23.98
C5	50.00	14°34'10"	12.71	S89°39'23"E	12.68	6.39

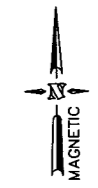
**CERTIFICATION NOTE**

I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN. ALSO THERE ARE NO ENCROACHMENTS, PROJECTIONS, OR SETBACKS AFFECTING THE PROPERTY OTHER THAN THOSE SHOWN. SURVEY PRECISION EXCEEDS 1/10,000.

RICHARD J. MORF, P.L.S. S.C. REG. # 23832  
5961 PIERCE ROAD, RIDGEVILLE, S.C. 29472 (843) 835-5726

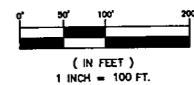


LOCATION MAP  
NOT TO SCALE



**LEGEND**

- PROPERTY LINE
- ADJACENT PROPERTY LINE
- ROAD RIGHT-OF-WAY
- OVERHEAD POWER LINE
- IRON PIN FOUND w/ SIZE & TYPE DESC.
- ▲ CONCRETE MONUMENT FOUND (CMF)
- CALCULATED POINT, NO MONUMENT SET
- ⊙ IRON PIN SET (5/8" REBAR)
- UTILITY POLE
- SF SQUARE FEET
- AC ACRE (43,560 SF/ACRE)
- EX EXISTING
- DIST DISTURBED
- TYP TYPICAL



**WETLAND PLAT**

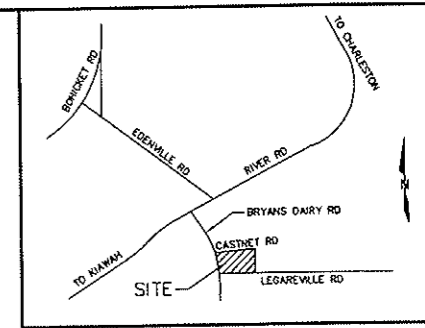
OF TMS NO. 259-00-00-074 &  
NO. 259-00-00-140  
SURVEYED AT THE REQUEST OF WESLEY PRITCHETT  
LOCATED ON JOHNS ISLAND  
CHARLESTON COUNTY, SOUTH CAROLINA  
DATE SURVEYED: FEBRUARY 19, 2006  
SCALE 1"=100'

## **APPENDIX K**

# **TOPOGRPAHIC AND TREE SURVEY**

**SURVEY NOTES**

1. THIS PROPERTY IS CURRENTLY LOCATED IN FLOOD ZONE "X" AND "AE" WITH A BASE FLOOD ELEVATION OF 12' AS INDICATED ON FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 45019C 0670J, DATED 11/17/2004.
2. THE BEARINGS SHOWN HEREON ARE MAGNETIC AND AS SUCH ARE SUBJECT TO LOCAL ATTRACTION.
3. THIS PLAT REPRESENTS A SURVEY BASED UPON THE LISTED REFERENCES ONLY, AND IS NOT THE RESULT OF A TITLE SEARCH.
4. AREA DETERMINED BY COORDINATE METHOD.
5. WETLANDS WERE FLAGGED BY ROSS NELSON, TIDEWATER ENVIRONMENTAL WETLAND DELINEATION SPECIALIST.
6. ALL HARDWOOD TREES 24" D.B.H. OR LARGER ARE SHOWN.
7. PRIOR TO CONDUCTING THIS SURVEY, PALMETTO UTILITIES LOCATION SERVICE (PULS) WAS CONTACTED IN ORDER TO HAVE THE LOCATION OF ALL EXISTING UNDERGROUND UTILITIES MARKED WITHIN THE PROJECT AREA. THE APPROXIMATE LOCATION OF EXISTING UNDERGROUND UTILITIES MARKED BY PULS ARE SHOWN ON THIS DRAWING. THIS SURVEY DOES NOT WARRANT THAT UNDERGROUND UTILITIES ARE SHOWN ACCURATELY NOR THAT ALL UTILITIES ARE SHOWN. CALL PALMETTO UTILITIES LOCATION SERVICE AT 1-888-721-7871 AT A MINIMUM OF THREE (3) WORKING DAYS PRIOR TO CONSTRUCTION TO HAVE UTILITY LOCATIONS VERIFIED.



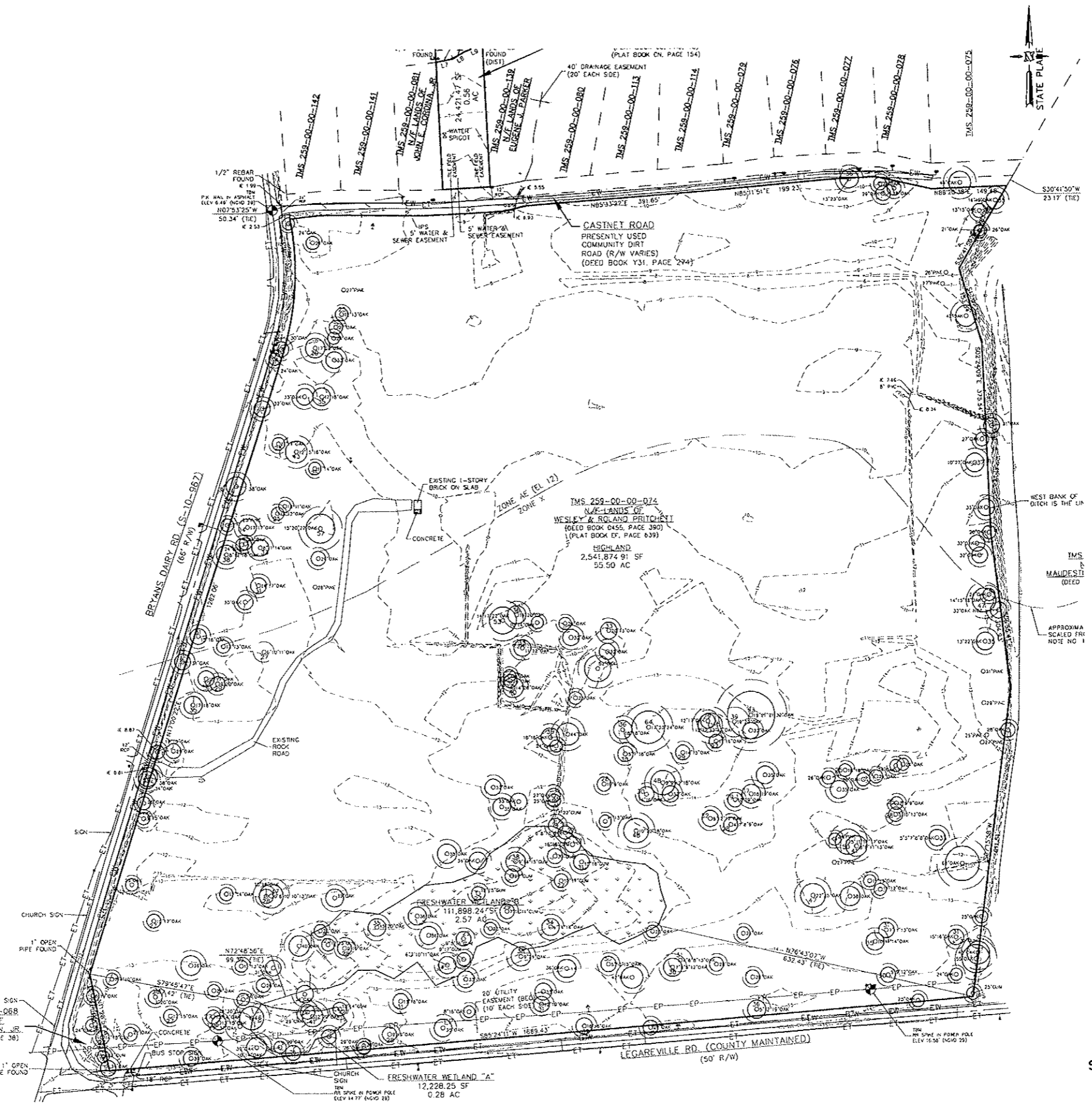
**AREA TABULATION**

	AREA(SF)	AREA(AC)
HIGHLAND	2,417,748.42	55.50
WETLAND "A"	12,228.25	0.28
WETLAND "B"	111,898.24	2.57
TOTAL	2,541,874.91	58.35

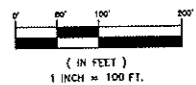
LINE	BEARING	DISTANCE
L1	N88°05'18"W	114.43
L2	N89°02'19"W	27.73
L3	S87°03'37"W	102.71
L4	S87°07'58"W	93.44
L5	N77°32'18"W	114.90
L6	N02°33'14"W	250.53
L7	N78°02'40"E	37.83
L8	N38°26'12"E	27.83
L9	N07°09'47"E	37.96
L10	N02°33'12"W	286.68
L11	N87°05'32"E	92.73
L12	N02°33'04"W	49.96
L13	S71°28'56"E	21.94
L14	S81°43'57"E	43.47
L15	S88°18'30"E	52.59
L16	N17°09'27"E	33.25
L17	S24°57'44"E	34.58
L18	S48°33'18"W	41.81
L19	S74°41'38"W	31.87
L20	S28°22'46"W	28.81
L21	S87°00'03"W	56.37
L22	N68°31'02"W	17.80
L23	N45°01'10"W	57.06
L24	N11°14'37"E	26.31
L25	N32°04'27"E	29.79
L26	S07°20'58"W	109.14
L27	N87°20'33"W	1.30
L28	S62°46'41"W	37.85
L29	S40°32'20"W	39.50
L30	N84°28'03"W	70.78
L31	S58°20'33"W	51.87
L32	S07°20'33"W	53.14
L33	S83°36'04"W	56.92

LINE	BEARING	DISTANCE
L34	S68°31'02"W	44.58
L35	S36°37'05"W	50.53
L36	S55°38'07"W	39.51
L37	S48°27'07"W	47.74
L38	S88°29'08"W	50.82
L39	N58°42'02"W	43.55
L40	N37°08'51"W	52.40
L41	N78°35'04"W	63.36
L42	N81°21'00"W	47.88
L43	N84°27'43"W	28.59
L44	N102°02'37"W	35.24
L45	N181°04'27"W	32.88
L46	N23°07'42"E	40.71
L47	N62°59'12"E	48.53
L48	N83°28'41"E	34.57
L49	S60°18'04"E	40.57
L50	S39°06'44"E	24.25
L51	N68°22'32"E	42.37
L52	N64°33'12"E	58.88
L53	N81°03'51"E	44.36
L54	S81°12'41"E	54.37
L55	N88°48'52"E	45.64
L56	N19°21'38"E	41.32
L57	N52°18'31"E	29.49
L58	N81°14'48"E	48.51
L59	S38°22'45"E	58.43
L60	N33°20'48"E	56.43
L61	S64°59'34"E	39.08
L62	S82°33'44"E	34.86
L63	N48°22'47"E	38.55
L64	N72°43'44"E	32.82
L65	N82°10'44"E	34.78

CURVE	RADIUS	DELTA	CHORD BRG	CHORD	TANGENT
C1	538.26	27°48'43"	N02°43'06"E	298.72	133.27
C2	869.27	102°43'34"	S86°32'23"W	89.99	50.19
C3	942.53	32°10'05"	N88°39'06"E	63.33	31.68
C4	169.64	18°03'31"	N78°02'45"E	47.49	23.86
C5	50.00	14°34'10"	S78°17'07"W	12.66	6.39



- LEGEND**
- PROPERTY LINE
  - ADJACENT PROPERTY LINE
  - ROAD RIGHT-OF-WAY
  - EDGE OF ASPHALT PAVEMENT
  - MAJOR CONTOUR (5' INTERVAL)
  - MINOR CONTOUR (1' INTERVAL)
  - FENCE LINE
  - OVERHEAD POWER LINE
  - UNDERGROUND POWER LINE
  - UNDERGROUND TELEPHONE LINE
  - DRAINAGE LINE
  - IRON PIN FOUND w/ SIZE & TYPE DESC.
  - CONCRETE MONUMENT FOUND (CMF)
  - CALCULATED POINT, NO MONUMENT SET
  - UTILITY POLE
  - TELEPHONE PEDESTAL
  - POWER BOX
  - WATER METER
  - TEMPORARY BENCHMARK (T.B.M.)
  - SPOT ELEVATION
  - TREE w/ SIZE & TYPE DESC.
  - SQUARE FEET
  - ACRE (43,560 SF/ACRE)
  - EXISTING
  - INVERT ELEVATION
  - REINFORCED CONCRETE PIPE
  - DISTURBED
  - TYPICAL



**TOPOGRAPHIC & TREE SURVEY**  
 OF TMS NO. 259-00-00-074 & NO. 259-00-00-140  
 SURVEYED AT THE REQUEST OF WESLEY PRITCHETT  
 LOCATED ON JOHNS ISLAND  
 CHARLESTON COUNTY, SOUTH CAROLINA  
 DATE SURVEYED: JUNE 28, 2007  
 SCALE 1"=100'

**CERTIFICATION NOTE**  
 I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN. ALSO THERE ARE NO ENCROACHMENTS, PROJECTIONS, OR SETBACKS AFFECTING THE PROPERTY OTHER THAN THOSE SHOWN. SURVEY PRECISION EXCEEDS 1/10,000.

## **APPENDIX L**

# **ARCHAEOLOGICAL AND CULTURAL RESOURCES OVERVIEW**

**Archaeological and Cultural Resources Overview  
Bryans Dairy Road Tract  
Johns Island, South Carolina  
TMS: 259 – 00 – 00 - 074**

**Ralph Bailey, Jr. and Charles F. Philips  
Brockington and Associates, Inc.  
May 6, 2008**

**Prepared For: Pritchett Partners, LLP (Property Owner)  
3280 Peachtree Road, 21<sup>st</sup> Floor  
Atlanta, GA 30305**

### **Introduction**

The purpose of this study is to combine previous studies in the immediate project area with information in the historic record to assess the potential for cultural resources to limit or delay the development of the tract as a low density residential community.

### **Previous Investigations**

While no systematic surveys have been conducted on the tract, historic architectural surveys have been conducted for Johns Island and Charleston County as a whole. There are no historic districts or historic architectural resources near the tract that could be affected by secondary impacts such as visual or audible intrusions that could come as a result of development of the project tract.

There are no recorded archaeological sites or historic architectural resources on the tract. There is a large historic archaeological site, 38CH468, located directly across Abbapoola Creek from the tract as well as a prehistoric and historic archaeological site, 38CH1185, approximately 2,500 feet east of the project tract. The significance of these sites is not known.

Generally speaking, while there are a relatively high number of sites on the island, including the land on either side of Abbapoola Creek, the vast majority of these sites are not significant and require no long term management. Most of the significant sites that have been identified are large plantation sites, such as Fenwick Hall, located on the perimeter of the island along the major creeks and rivers.

## Historic Overview

The project historian consulted archival resources at the South Carolina Historical Society, the South Caroliniana Library, and the South Carolina Department of Archives and History. He also consulted other primary maps including the John McCrady Plat collection (microfilm) in the South Carolina Room of the Charleston County Public Library, and he reviewed Jordan and Stringfellow, *A Place Called St. John*, The Reprint Press, Spartanburg (1998). He reviewed the following maps for information on the Bryan's Dairy:

- Thornton and Morden (1696)
- Moll (1715)
- DeBraham (1757)
- Bache et al. (1825)
- Mills Atlas, Charleston District (1825)
- Kinsey Burden Map of John's Island (1826)
- Civil War Atlas (Davis et al. 1863)
- South Carolina Highway Maps(1938)
- USGS Legareville, SC quadrangle (1957)

The project tract is likely in the eighteenth century Rush Plantation located along the southern end of Johns Island between Abbapoola Creek and the Kiawah River. In the mid nineteenth century, 300 acres of Rush Plantation was subdivided into a separate plantation called The Myrtles. The Myrtles was owned by Edward Benjamin Bryan, Jr. who located his country house there. Bryan was an ardent defender of Southern Rights and secession prior to the Civil War. He did much of his writing at his home on The Myrtles.

Apparently, The Myrtles was further subdivided in the late nineteenth century. The USGS map shows a structure on the project tract in 1957. If this structure is still standing and is good condition, it may qualify for inclusion in the statewide survey of historic architectural resources. If it is not standing the remnants of this structure may be an archaeological site. Either way, it is not likely that this resource is significant.

## Summary

There are no known cultural resources on the Bryans Dairy Tract. In addition the architectural surveys of Johns Island and Charleston County did not identify any significant historic architectural resources near the tract.

It is possible that, because of the high number of sites that have been recorded in the immediate area, the SHPO will require a formal Cultural Resources Assessment or survey of the project tract as part of a future OCRM or the US Army Corps of Engineers' permit process. However, we do not anticipate these studies, should they be required, to identify any cultural resources that could not be managed through standard, commonly used management strategies.

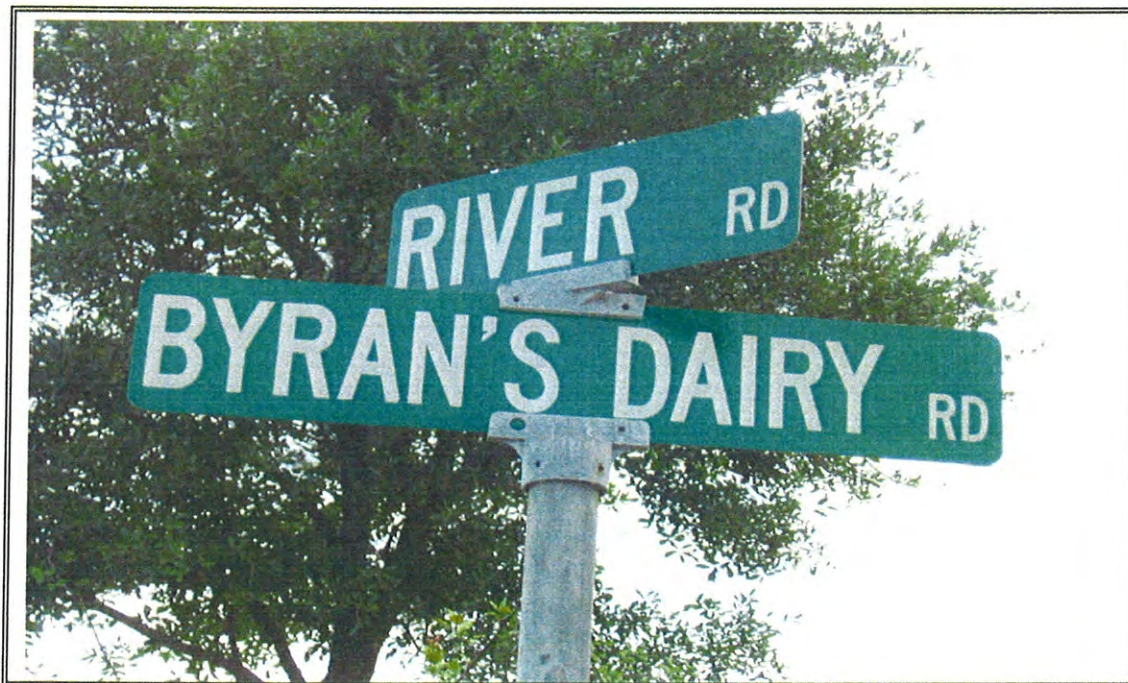


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1938 *General Highway and Transportation Map of Charleston County, South Carolina.*  
Originals in the South Caroliniana Library, Columbia.
- United State Geological Survey  
1971 *USGS Legareville, South Carolina quadrangle.*

# REPORT OF PHASE I ENVIRONMENTAL SITE ASSESSMENT

for  
BRYAN'S DAIRY WSCC-AM (TMS #259-00-00-074)  
2630 BRYAN'S DAIRY ROAD  
JOHNS ISLAND, SOUTH CAROLINA



Prepared For:

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Report Date: August 2, 2006  
JPEG Project: #1220-06

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## EXECUTIVE SUMMARY

**PROPERTY NAME:** Bryan's Dairy WSCC-AM (TMS #259-00-00-074)

**LOCATION:** 2630 Bryan's Dairy Road, Johns Island, SC

This executive summary is provided for convenience and should not substitute for review of the complete report, including all attachments. Based on the data collected during the assessment, our findings and conclusions are summarized as follows:

<b>Environmental Conditions</b>	<b>Acceptable</b>	<b>Further Research</b>	<b>Sampling and Testing</b>
Site Regulatory Status	Yes	Not Recommended	Not Recommended
Off-Site Listed Facilities	Yes	Not Recommended	Not Recommended
Site Use History	Yes	Not Recommended	Not Recommended
Present Site Use	Yes	Not Recommended	Not Recommended
Surrounding Land Use	Yes	Not Recommended	Not Recommended

The project site is located at 2630 Bryan's Dairy Road in Johns Island, Charleston County, South Carolina. The project site encompasses approximately 58.35-acres of land and is defined by the Charleston County Tax Assessor's Office as parcel number 259-00-00-074. The site is accessible from the west by an unimproved access drive that originates along Bryan's Dairy Road. Current improvements at the project consist of three communication towers and associated fenced compounds, equipment and shelters. The towers are registered as FCC numbers 1218282, 1218283, and 1218284. Each tower is approximately 70-feet in height and secured by guyed anchors. The towers are located on the northern portion of the project site and surrounded by approximately 40-acres of fallow agricultural fields. The southern third of the project site (approximately 20-acres) is densely wooded and undeveloped. Properties surrounding the project site are rurally developed for a mix of residential and agricultural land uses.

The site was not listed on the environmental regulatory databases reviewed for this assessment. Our review of historical data indicates the project site predominantly consisted of agricultural land and undeveloped woodlands prior to construction of the existing communication towers. JPEG has no reason to suspect that any previous application of pesticides and/or fertilizers was performed contrary to labeling requirements. According to the area topographic map, two residential-sized structures were formerly been located on the general eastern and central portions of the project site, respectively. There are no indications that the present or past uses of the site

have created recognized environmental conditions in relation to the site or surrounding properties. Additionally, JPEG is not aware of any existing regulatory mandates that would require further environmental investigation of the subject property at this time.

No off-site facilities were identified on the regulatory lists within the established search radii from the site. Conclusions from the off-site reconnaissance of neighboring properties also indicate that the current condition of surrounding property does not represent an environmental concern to the project site.

This assessment has revealed no evidence of a recognized environmental condition associated with the subject property. **Further environmental assessment is not recommended at this time.**

## 1. INTRODUCTION

Mr. Wesley Pritchett engaged J. N. Pease Environmental Group, LLC (JPEG) to provide environmental consulting services at the site. JPEG has completed a Phase I Environmental Site Assessment for an approximate 58-acre parcel located at 2630 Bryan's Dairy Road in Johns Island, Charleston County, South Carolina.

The purpose of conducting this Phase I Environmental Site Assessment is to assist the purchaser in qualifying for the bona fide prospective purchaser exception, the contiguous property exception, and/or the innocent landowner defense to CERCLA by making "all appropriate inquiry into the previous ownership and uses of the property consistent with good commercial or customary practice" as defined by 42 U.S.C § 9601 (35). The purpose of our services was to identify recognized environmental conditions and obvious potential recognized environmental conditions in connection with the property, based on readily available information and site observations. This assessment was performed as outlined in JPEG's proposal 106A-1259 and dated July 3, 2006. JPEG received written authorization to proceed on behalf of Mr. Pritchett from Mr. Bev Jenkins (broker/real estate) on July 5, 2006.

### 1.1 BACKGROUND

The project site is located at 2630 Bryan's Dairy Road in Johns Island, South Carolina. The property comprises approximately 58.35-acres of land and is presently improved with three communication towers. The balance of the site consists of former agricultural fields and woodlands.

JPEG was retained to conduct a Phase I Environmental Site Assessment of the subject property to provide documentation required for a potential real estate transaction and associated financing involving the project site. Completion of the Phase I report is also intended to assist the purchaser in qualifying for the bona fide prospective purchaser exception, the contiguous property exception, and/or the innocent landowner defense to CERCLA by making "all appropriate inquiry into the previous ownership and uses of the property consistent with good commercial or customary practice" as defined by 42 U.S.C § 9601 (35). The assessment was designed to provide an objective, independent, and professional opinion of the potential environmental risks, if any, associated with the project site.

## 1.2 PROCEDURES

The Phase I Environmental Site Assessment was performed using procedures as documented by American Society for Testing and Materials (ASTM) specification ASTM E 1527-00 and E 1527-97. The following services were provided for the assessment:

- A qualitative hydrogeologic evaluation of the site and vicinity using both published topographic and geologic maps and area observations to characterize the area drainage.
- A review of selected available documents, maps, aerial photographs and interviews with knowledgeable persons to evaluate present and past land uses.
- A review of selected environmental lists published by state and federal agencies to determine if the site or nearby properties are listed as having a present or past environmental problem, are under investigation, or are regulated by state or federal environmental regulatory agencies.
- A site and adjacent property reconnaissance for obvious indications of present or past activities that have or could have contaminated the site.
- An on-site limited polychlorinated biphenyl (PCB) survey consisting of a visual reconnaissance for fluid-containing major electrical devices (transformers and capacitor banks), excluding fluorescent light ballasts.
- Preparation of this report that presents our findings and conclusions. Although the same information is presented, JPEG's standard report format varies from the ASTM outline. Supporting research documents not included in the attached appendices can be provided upon request.

## 1.3 QUALIFICATIONS

The findings and opinions presented are relative to the dates of our site work and should not be relied on to represent conditions at substantially later dates. If additional information becomes available which might impact our environmental conclusions, we request the opportunity to review the information, reassess the potential concerns, and modify our opinions, if warranted. This assessment included a review of documents prepared by others and it must be recognized that JPEG has no responsibility for the accuracy of information contained therein.

Although this assessment has attempted to identify the potential for environmental impacts to the subject property, potential sources of contamination may have escaped detection due to: (1) the limited scope of this assessment, (2) the inaccuracy of public records, (3) the presence of



undetected or unreported environmental incidents, (4) inaccessible areas, and/or (5) deliberate concealment of detrimental information. It was not the purpose of this study to determine the actual presence, degree or extent of contamination, if any, at the site. This could require additional exploratory work, including environmental sampling and laboratory analysis.

ASTM E 1527-00 defines a "recognized environmental condition" as: "the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property. The term includes hazardous substances or petroleum products even under conditions in compliance with laws. The term is not intended to include *de minimis* conditions that generally do not present a material risk of harm to public health or the environment and that would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies."

c

## 2. SITE SETTING

Understanding of a site's physical setting is important to the recognition of environmental impacts to the property.

### 2.1 GENERAL DESCRIPTION

The project site is located at 2630 Bryan's Dairy Road in Johns Island, Charleston County, South Carolina (Figure 1, Appendix A). The project site encompasses approximately 58.35-acres of land and is defined by the Charleston County Tax Assessor's Office as parcel number 259-00-00-074. The site is accessible from the west by an unimproved access drive that originates along Bryan's Dairy Road (Photograph 1, Appendix B). Current improvements at the project consist of three communication towers and associated fenced compounds, equipment and shelters (Photograph 2, Appendix B). The towers are registered as FCC numbers 1218282, 1218283, and 1218284 (Photograph 3, Appendix B). Each tower is approximately 70-feet in height and secured by guyed anchors. The towers are located on the northern portion of the project site and surrounded by approximately 40-acres of fallow agricultural fields. The southern third of the project site (approximately 20-acres) is densely wooded and undeveloped. Properties surrounding the project site are rurally developed for a mix of residential and agricultural land uses.

### 2.2 HYDROGEOLOGY

A consideration of surface and subsurface drainage and geology are of interest since they provide an indication of the direction that contamination, if present on or off the site, could be transported. It was not the purpose of this study to evaluate the geotechnical conditions of the site or to assess engineering/geological concerns such as foundation conditions, faulting, or subsidence. JPEG reviewed the following information with regard to the development of the presumed local and regional geology and hydrogeology of the site and surrounding area:

- United States Geological Survey (USGS) Topographic Map, 7.5-minute series, Legareville, South Carolina Quadrangle, dated 1959, published by the USGS (Figure 2, Appendix A);
- Geologic Map of South Carolina Coastal Plain, dated 1983, University of South Carolina, Department of Geology;

- Groundwater Atlas of the United States, Hydrologic Investigations Atlas 730-G, Segment 6, Alabama, Florida, Georgia, and South Carolina, dated 1990, published by the USGS;
- Soil Survey of Charleston County (Map Sheet 75), published by the United States Department of Agriculture (USDA) Soil Conservation Service and dated March 1971.

### **2.2.1 Geologic Setting**

The site is situated in the Atlantic Coastal Plain Physiographic Province. The Atlantic Coastal Plain Physiographic Province generally extends seaward from the Fall Line, where it lies in contact with the Piedmont physiographic province, to the Atlantic Ocean. Sands, silts, and clays of recent geologic age immediately underlie the site. Surface soils are underlain at depth by much older marine sediments consisting of the Cooper Formation, a relatively impervious marine silt or marl. Extensive deposits of very weakly consolidated silts and clays, often of great depth, border rivers and harbors along the coast.

The Soil Survey for Charleston County, South Carolina classifies the majority of site soils as Kiawah loamy fine sand and Seabrook loamy fine sand. The Kiawah Series soils are characterized as deep, somewhat poorly drained, nearly level soils that are sandy throughout. Infiltration and permeability are rapid, but impeded by a high water table. Surface run-off is slow and ponding may occur for short periods after heavy rainfall. The available water capacity is low. The Seabrook Series soils are characterized as nearly level, moderately well drained soils that are sandy throughout. Infiltration and permeability are rapid, but impeded by a high water table during rainy seasons. Surface runoff is slow and the available water capacity is low.

Additional soil series mapped at the project include, but are not limited to Dawhoo-Rutledge complex.

### **2.2.2 Surface Drainage**

Surface drainage patterns within the Coastal Plain typically mimic the surface topography and indicate the direction contaminants would be transported by surface water or ground water. Based on a review of the USGS topographic map for Legareville, South Carolina (refer to Figure 2), and our site reconnaissance, surface drainage on the site presumably flows to the general north towards the

upper reaches of Abbapoola Creek. The average topographic elevation across the site is approximately 10 feet above mean sea level (MSL).

### **2.2.3 Groundwater**

In the Atlantic Coastal Plain Physiographic Province, ground water in the shallow aquifer generally occurs under water table conditions and is stored in the overlying mantle of alluvial and fluvial soils. Recharge to the water table is primarily by precipitation infiltrating the upper soils and percolating downward, under the influence of gravity, to the ground-water table. Typically, the water table is not a level surface, but a subdued reflection of the land surface. Also, the depth to the water table is variable, being dependent on many factors that include: the amount of rainfall, the permeability of the in place soils, tidal fluctuations, and the amount of the ground water being pumped in the area.

Ground water generally flows in directions subparallel to the ground surface slopes and under the influence of gravity towards points of discharge such as creeks, swamps, drainage swales, or pumped ground water wells. Based on our review of the topographic map and our site reconnaissance, we interpret the overall natural ground-water flow direction on the site to be to the general north towards the upper reaches of Abbapoola Creek. Subsurface drainage from this site would be expected to flow generally north. For the purposes of this report, areas to the immediate south are considered potentially upgradient, areas to north are considered downgradient, and areas to the east and west are considered crossgradient relative to the site. The direction of ground-water flow can not be accurately determined without on-site measurements.

### 3. REGULATORY INFORMATION

JPEG personnel spoke to Chief Chase with the Johns Island Fire Department regarding environmental incidents at the site or in the immediate surrounding area. To the best of the department personnel's knowledge, no emergency responses to incidents of environmental significance (i.e., HAZMAT) have been made to the site or the immediate surrounding area. Additionally, the fire chief was not aware of any registration or notification for the installation and/or operation of underground or aboveground storage tanks at the project site.

JPEG conducted a search of regulatory information provided by Environmental Data Resources, Inc. (EDR), a summary of which is provided in Appendix C. This regulatory records search is based on information published by State and Federal regulatory agencies and is used to evaluate if the site or nearby properties are listed as having a past or present record of actual or potential environmental impact. Please note that regulatory listings include only those sites, which are known to the regulatory agencies at the time of publication to be 1) contaminated, 2) in the process of evaluation for potential contamination, or 3) regulated.

#### 3.1 EPA NATIONAL PRIORITIES LIST (NPL)

The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) established the Environmental Protection Agency (EPA) National Priorities List (NPL) of federal "superfund" sites. These are the contaminated sites that have been assigned a high ranking, in terms of potential public health effects, by the EPA. The following information was found on the NPL, dated April 2006.

- The subject property does not appear on the NPL.
- No facilities were identified on the NPL within a one-mile radius from the subject property.

#### 3.2 EPA COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY INFORMATION SYSTEM (CERCLIS) LIST

The EPA Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) list identifies documented and suspected contamination sites throughout the

nation which were not ranked high enough to be listed on the NPL. On the CERCLIS list, dated February 2006, the following information was found.

- The subject property does not appear on CERCLIS list.
- No facilities were identified on the CERCLIS list within a one-half mile radius from the subject property.

### **3.3 EPA RESOURCE CONSERVATION & RECOVERY INFORMATION SYSTEM (RCRIS) LIST**

RCRIS is the EPA database of facilities that generate, transport, treat, store, or dispose of hazardous wastes. Generators and transporters are found on the RCRIS list of Notifiers. Treatment, Storage, and Disposal facilities are found on the RCRIS TSD list, and TSD facilities requiring corrective actions are found on the CORRACTS list.

The following information was found on the RCRIS Notifiers List, dated February 2006.

- The subject property does not appear on the RCRIS Notifiers (generators/transporters) list.
- No facilities were identified on the RCRIS list of Notifiers (generators/transporters) located adjacent to the subject property.

The following information was found on the RCRIS TSD list, dated February 2006.

- The subject property does not appear on the RCRIS non-CORRACTS TSD list.
- No facilities were identified on the RCRIS non-CORRACTS TSD list adjacent to the subject property.

The following information was found on the TSD CORRACTS list, dated March 2006.

- The subject property does not appear on the RCRIS CORRACTS TSD list.
- No facilities were identified on the RCRIS CORRACTS TSD list within a one-mile radius from the subject property.

### **3.4 EPA EMERGENCY RESPONSE NOTIFICATION SYSTEM (ERNS) LIST**

The EPA Emergency Response Notification System (ERNS) list is a list of hazardous material and petroleum spills reported to various State agencies. The specified ASTM search distance for the ERNS database is limited to the subject property. The following information was found on the ERNS list, dated December 2005.

- The subject property does not appear on the ERNS list.

### **3.5 STATE LANDFILL LIST**

Lists of active and inactive landfills, artificial fills, disposal sites, and solid waste facilities are maintained by the South Carolina Department of Health and Environmental Control (SCDHEC). The landfill listings include known unpermitted landfills or dumps as well as an inventory of solid waste facilities. The following information was found on the Landfill list, dated April 2006.

- The subject property does not appear on the landfill list.
- No facilities were identified on the state landfill list within a one-half mile radius from the subject property.

### **3.6 STATE LEAKING UNDERGROUND STORAGE TANK (LUST) LIST**

The State Leaking Underground Storage Tank (LUST) list identifies UST systems within the state of South Carolina which have reported releases of UST contents. This list is maintained by SCDHEC. The following information was found on the LUST list, dated March 2006.

- The subject property does not appear on the LUST list.
- No facilities were identified on the LUST list within a one-half mile radius from the subject property.

### **3.7 STATE UNDERGROUND STORAGE TANK (UST) LIST**

The State Underground Storage Tank (UST) list is a listing of petroleum storage tank systems, which are registered with the SCDHEC. The following information was found on the UST list, dated March 2006.

- The subject property does not appear on the UST list.
- No facilities were identified on the UST list located adjacent to the subject property.

### **3.8 GROUND-WATER CONTAMINATION INVENTORY (GWCI)**

The SCDHEC maintains a Ground-Water Contamination Inventory (GWCI) list. The following information was found on the GWCI list dated July 2005:

- The subject property does not appear on the GWCI list.
- No facilities were identified on the GWCI list within a one-half mile radius from the subject property.

### **3.9 STATE HAZARDOUS WASTE SITE (SHWS) LIST**

The State Hazardous Waste Site (SHWS) list is maintained by the SCDHEC. The following information was found on the SHWS list dated April 2006:

- The subject property does not appear on the SHWS list.
- No facilities were listed on the SHWS list within a one-mile radius from the subject property.



#### 4. SITE INFORMATION AND USE

JPEG performed a site and vicinity reconnaissance, conducted interviews, and reviewed selected historical information in order to evaluate the current and historical uses of the site and surrounding properties and to evaluate past or present activities of potential environmental conditions. The ASTM E 1527-00 standard lists the mandatory physical setting sources and specifies that the historical review should be conducted using as many sources as are practically reviewable from the initial development of the subject property or back to 1940, whichever is earlier. To comply with the ASTM standard, a reasonable attempt was made to obtain historical data from as many physical setting sources and to review historical records as far in the past as practical. The reference materials listed below are the physical setting and historical sources that were publicly available, obtainable within reasonable time and cost restraints, and practically reviewable as defined in the ASTM standard.

- Legareville, South Carolina 7.5-Minute Quadrangle Topographic Map, dated 1959 and published by the USGS.
- Aerial Photograph, dated 1963 included in the Soil Survey of Charleston County dated March 1971 and published by the United States Department of Agriculture (USDA).
- Aerial Photographs, dated, 1939, 1963, 1983-84, 1989, 1994, and 1995 were reviewed at the USDA Soil and Water Conservation Service located in North Charleston, South Carolina.
- Aerial Photograph dated 2001 obtained from the Charleston County website ([www.charlestoncounty.org](http://www.charlestoncounty.org)).
- Telephone interview with Mr. Brian Cannon, a representative of the current property owner.
- Cross Reference City Directories for Charleston, South Carolina dated 1963, 1973, 1978, 1983, 1985, 1988, 1993, 1995, 1998, 2002, and 2004, and Polk City Directories dated 1938, 1948, 1958, 1968, 1978, 1988, 1998, and 2004 reviewed at the Charleston County Public Library located in Charleston, South Carolina.
- Phase I Environmental Site Assessment for Charleston County TMS No. 259-00-00-074 prepared by General Engineering Laboratories, Inc., and dated October 11, 2001.
- Sanborn Fire Insurance Maps were not available for the area in which the project site is located.

Mr. James Pease conducted the site and area visits on July 9, 2006. The site reconnaissance consisted of a walkthrough of the site grounds and the area reconnaissance was a driving tour conducted on public access routes. The tower compounds and shelter were not accessible during the site reconnaissance.

#### **4.1 CURRENT SITE USE**

The project site is located at 2630 Bryan's Dairy Road in Johns Island, Charleston County, South Carolina. The project site encompasses approximately 58.35-acres of land and is defined by the Charleston County Tax Assessor's Office as parcel number 259-00-00-074. The site is accessible from the west by an unimproved access drive that originates along Bryan's Dairy Road. Current improvements at the project consist of three communication towers and associated fenced compounds, equipment and shelters. The towers are registered as FCC numbers 1218282, 1218283, and 1218284. Each tower is approximately 70-feet in height and secured by guyed anchors. The towers are located on the northern portion of the project site and surrounded by approximately 40-acres of fallow agricultural fields. The southern third of the project site (approximately 20-acres) is densely wooded and undeveloped.

JPEG personnel conducted a telephone interview with Mr. Brian Cannon the current property owner, regarding historical site information. Mr. Cannon was not aware of (1) any pending, threatened, or past litigation relevant to hazardous substances, or petroleum products in, on, or from the subject property, (2) any pending, threatened, or past administrative proceedings relevant to hazardous substances or petroleum products in or on or from the subject property, or (3) any notices from any governmental entity regarding any possible violations of environmental laws or possible liability relating to hazardous substances or petroleum products.

The following conditions were specifically assessed for their potential to create recognized environmental conditions.

##### **4.1.1 Storage Tanks**

No visible indications of existing or former underground storage tanks (USTs) were observed on the subject property. Mr. Cannon indicated that no underground storage tanks are currently used at

the site, and to the best of his knowledge, no underground tanks have historically been used at the site.

Two, abandoned, aboveground storage tanks (ASTs) were observed within the wood line near the western property boundary of the project site (Photograph 4, Appendix B). Each of the two tanks has an approximate capacity of 6,000-gallons and is constructed of plastic. The tanks appeared empty at the time of the site reconnaissance. No stressed vegetation, stained/discolored soils, chemical odors, or other evidence of chemical presence was observed in the immediate vicinity of ASTs during the site reconnaissance. The presence of the tanks does not represent a recognized environmental condition to the project site. JEPG recommends that the current property owner arrange for the removal and off-site disposal of the ASTs if no further use of the tanks is anticipated.

No other visible indications of existing aboveground storage tanks (ASTs) were observed on the subject property. Mr. Cannon indicated that no aboveground storage tanks are currently used at the site, and to the best of his knowledge, no aboveground tanks have historically been used at the site.

#### **4.1.2 Hazardous and Petroleum Products Containers/Drums/Storage**

Bulk quantities of hazardous and/or petroleum products were not observed to be used, abandoned, or discarded on the site.

#### **4.1.3 Heating and Cooling**

Electrical cooling systems service the communications equipment shelter observed at the site. The shelter is also equipped with a generator that is powered by a self-contained, small-volume, diesel tank. No odors, stained soils, stressed vegetation or evidence of chemical presence was observed in the vicinity of the generator. The presence of the generator does not represent a current recognized environmental condition to the project site.

#### **4.1.4 Solid Waste**

Significant quantities of abandoned/discarded solid waste debris were observed at the site, primarily within the wood line along the western property boundary. The materials observed

included, but were not limited to, tires, weather appliances, portions of an automobile, and other miscellaneous wooden and metal debris, (Photographs 5 and 6, Appendix B).

The observed solid waste materials do not represent a recognized environmental condition to the project site. JPEG recommends that the current property owner(s) arrange for the removal and off-site disposal of the abandoned solid waste materials, to include the two plastic ASTs. It is JPEG's opinion that the observed solid waste materials can be disposed of without specialized sampling and handling requirements.

#### **4.1.5 Sewage Disposal/Septic Tanks**

The property is not presently connected to a public sewer utility. Abandoned septic area may exist at the site in the vicinity of the former residential structure locations. The presence of underground septic tanks and drain fields do not represent an environmental concern to the site, provided the systems are in working order and/or the site water supply is derived from a municipal source or deep well. The septic tank areas should be located and the subsurface conditions at these locations evaluated with regards to future/proposed development layouts. The septic system areas will likely require undercutting and backfill prior to construction as well as removal and disposal of the septic tanks and contents. If a non-municipal water supply will be used at the project site, then the well should be cased away from known septic areas and sampled prior to consumption.

#### **4.1.6 Hydraulic Equipment**

No hydraulic equipment was observed at the site.

#### **4.1.7 Contracted Maintenance Services**

Contracted maintenance services are not routinely performed at the project site.

#### **4.1.8 Electrical Transformers**

Electrical transformers are a source of recognized environmental conditions due to the potential presence of polychlorinated biphenyls (PCBs) contained in dielectric fluids used in some units. PCBs used in electrical equipment are controlled by the USEPA regulations 40 CFR, Part 761. Under the regulations there are three general categories into which electrical equipment can be classified:

- Less than 50 parts per million (ppm) of PCBs – “*Non-PCB*” transformer;
- 50 ppm to 500 ppm – “*PCB-Contaminated*” transformer;
- Greater than 500 ppm – “*PCB*” transformer.

One pole mounted transformer unit was observed near the wood-line along western property boundary of the project site. No indications of spills or leaks were observed in the vicinity of the transformer. The transformer is owned and operated by Berkeley Electric Cooperative (BEC). It is our understanding that BEC maintains responsibility for their equipment to include repairs and clean up resulting from any damage, spills, leaks, or other transformer problems. The transformer unit is not considered to be a recognized environmental condition to the site.

#### **4.1.9 Water Supply and Wells**

The property is not presently connected to a municipal water supply.

#### **4.1.10 Drains and Sumps**

No designated chemical drains or sumps were observed at the site.

#### **4.1.11 Pits, Ponds, Lagoons, and Surface Waters**

No pits, ponds, lagoons, or major/named surface water bodies were observed at the site.

#### **4.1.12 Stressed Vegetation**

Visible indications of stressed vegetation were not observed on the site.

#### **4.1.13 Odors**

There were no obvious strong, pungent, or noxious odors noted during the site reconnaissance.

#### **4.1.14 Dry Cleaning**

Dry cleaning operations are frequently sources of recognized environmental conditions due to the chlorinated solvents used in the cleaning process. No dry cleaning operations were observed on the site.

#### 4.1.15 Other Observations

No other areas or conditions of concern were observed during this assessment.

#### 4.2 PAST SITE USE

JPEG personnel reviewed aerial photographs, city directories, topographic maps, and conducted interviews to gather historical information about the site and surrounding area. Our review of historical data indicates the project site predominantly consisted of agricultural land and undeveloped woodlands prior to construction of the existing communication towers. JPEG has no reason to suspect that any previous application of pesticides and/or fertilizers was performed contrary to labeling requirements. According to the area topographic map, two residential-sized structures were formerly been located on the general eastern and central portions of the project site, respectively. There are no indications that the present or past uses of the site have created recognized environmental conditions in relation to the site or surrounding properties. JPEG is not aware of any existing regulatory mandates that would require further environmental investigation of the subject property at this time. Additionally, it is noted that no recognized environmental documented at the project site during a previous Phase I ESA report prepared by General Engineering Laboratories, Inc. during October 2001.

The project site is depicted as a mix of agricultural land and woodlands in the aerial photographs dated 1939 through 2001. The extent of wooded and agricultural acreage remained consistent with current conditions in each of the aerial photographs reviewed. Copies of aerial photographs dated 1939 and 2001 are provided in Appendix A as Figures 3 and 4, respectively.

Two residential-sized structures were depicted at the site location on the area topographic map dated 1959. The structures are shaded black suggesting that construction occurred prior to the initial mapping date of 1959. No information was obtained to suggest when the structures were removed from the property.

The site address of 2630 Bryan's Dairy Road was not listed in the city directories reviewed for this assessment.

Mr. Cannon stated that he acquired the site in early 2006 from Clear Channel Communications. Additional owners listed in the Charleston County Real Property Records include Citicasters Co.

(2003) and Isaac Ancrum (1880). No evidence of recognized environmental conditions can be inferred from the list of recorded property owners. Please note this level of inquiry into past ownership of the site does not represent an official title search.

It is JPEG's opinion that the historical resources reviewed for this assessment provided consistent conclusions with regards to general historical site use and timeframes. There are no indications that the present or past uses of the site have created recognized environmental conditions in relation to the site or surrounding properties.

### **4.3 CURRENT AND PAST SURROUNDING LAND USE**

Nearby property usage could potentially impact the surface and subsurface conditions of a property. Developing a history of past to present uses or occupancies can provide an indication of the likelihood of recognized environmental conditions. There were no past surrounding land uses noted in the historical references reviewed that could be considered recognized environmental conditions in relation to the subject property. Information regarding surrounding land use is noted in the following sections.

#### **4.3.1 North**

Property to the north is generally considered to be topographically downgradient in relation to the site. Castnet Lane borders the project site to the immediate north. Property located across Castnet Lane and further north of the project site presently consists of limited residential development fronting Abapoola Creek followed by extensive agricultural land.

Property located north of the project site was largely depicted as agricultural land in the 1939 and 1963 aerial photographs. The extent of agricultural land and limited residential development located north of the project site is depicted similar to present day conditions in the 1983 through 2001 aerial photographs.

#### **4.3.2 South**

Property to the south is generally considered to be topographically upgradient in relation to the site. Legareville Road borders the project site to the immediate south. Property located across

Legareville Road and further north of the project site presently consists of limited residential development followed by agricultural land and woodlands.

Property located south of the project site was largely depicted as agricultural land in the 1939 and 1963 aerial photographs. The extent of agricultural land, woodlands, and limited residential development located south of the project site is depicted similar to present day conditions in the 1983 through 2001 aerial photographs.

#### **4.3.3 East**

Property to the east is generally considered to be topographically crossgradient in relation to the site. Property located east of the site presently consists of sparse residential development, agricultural land and woodlands.

Property located east of the project site was largely depicted as agricultural land in the 1939 and 1963 aerial photographs. The extent of agricultural land, woodlands, and limited residential development located east of the project site is depicted similar to present day conditions in the 1983 through 2001 aerial photographs.

#### **4.3.4 West**

Property to the west is generally considered to be topographically crossgradient in relation to the site. The site is bordered to the immediate west by Bryan's Dairy Road. Property located across Bryan's Dairy Road and further west of the project site presently consists of limited residential development followed by agricultural land and woodlands.

Property located west of the project site was largely depicted as agricultural land in the 1939 and 1963 aerial photographs. The extent of agricultural land, woodlands, and limited residential development located west of the project site is depicted similar to present day conditions in the 1983 through 2001 aerial photographs.



## 5. RESULTS

Based on the findings of our Phase I Environmental Site Assessment at the subject property, we offer the following comments relative to recognized environmental conditions.

The site was not listed on the environmental regulatory databases reviewed for this assessment. Our review of historical data indicates the project site predominantly consisted of agricultural land and undeveloped woodlands prior to construction of the existing communication towers. JPEG has no reason to suspect that any previous application of pesticides and/or fertilizers was performed contrary to labeling requirements. According to the area topographic map, two residential-sized structures were formerly been located on the general eastern and central portions of the project site, respectively. There are no indications that the present or past uses of the site have created recognized environmental conditions in relation to the site or surrounding properties. Additionally, JPEG is not aware of any existing regulatory mandates that would require further environmental investigation of the subject property at this time.

No off-site facilities were identified on the regulatory lists within the established search radii from the site. Conclusions from the off-site reconnaissance of neighboring properties also indicate that the current condition of surrounding property does not represent an environmental concern to the project site.

## 6. CONCLUSIONS

We have performed a Phase I Environmental Site Assessment in accordance with the scope and limitations of ASTM E 1527-00 and E 1527-97 for property located at 2630 Bryan's Dairy Road in Johns Island, Charleston County, South Carolina (also defined by county tax parcel number 259-00-00-074). Any exceptions to or deletions from this practice are described in the appropriate sections of this report. The property reconnaissance was performed on July 9, 2006.

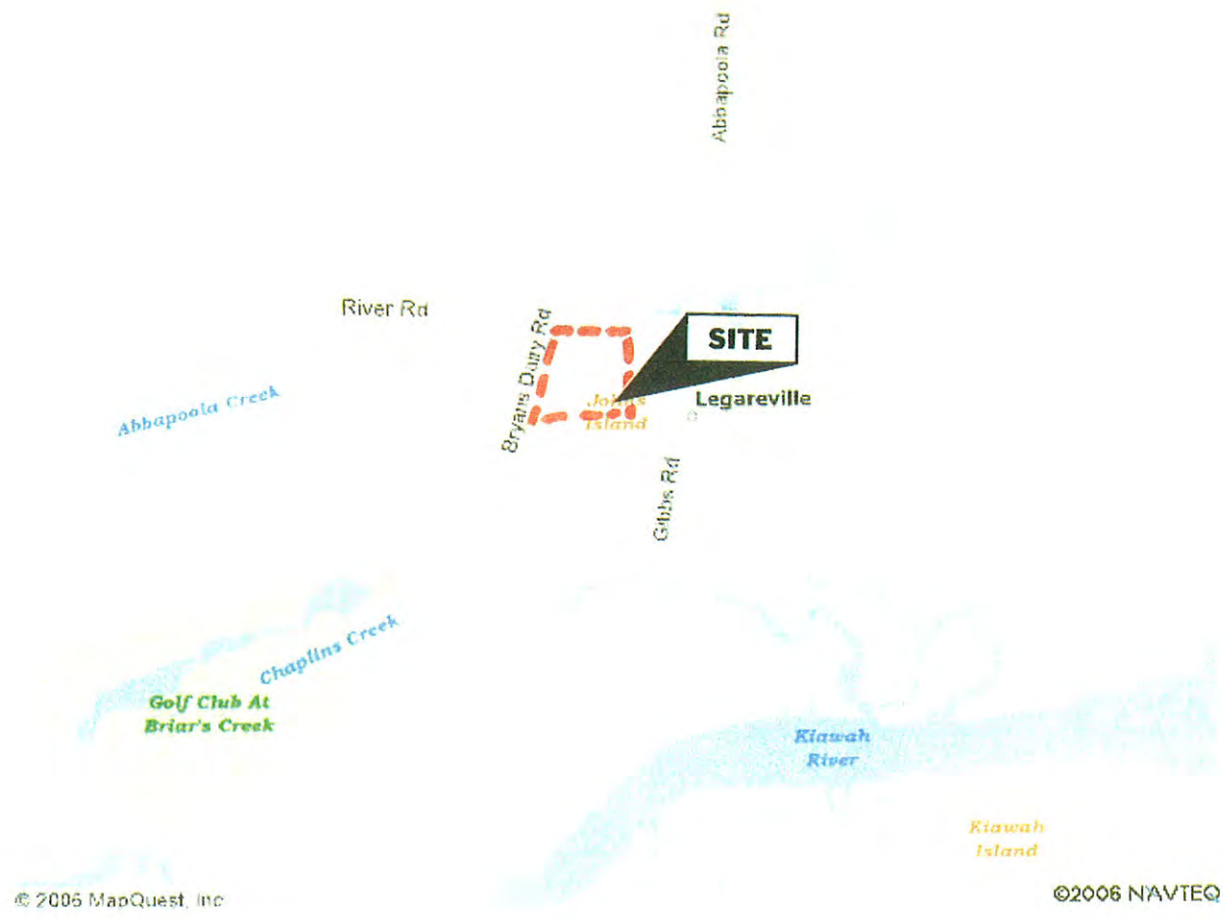
This assessment has revealed no evidence of a recognized environmental condition associated with the subject property. **Further environmental assessment is not recommended at this time.**

# APPENDIX A

## FIGURES

MAPQUEST

0 700m  
2100ft



\*\*\*Site Location Approximated\*\*\*  
 Source: 2006 Mapquest.com Inc. (downloaded July 2, 2006).

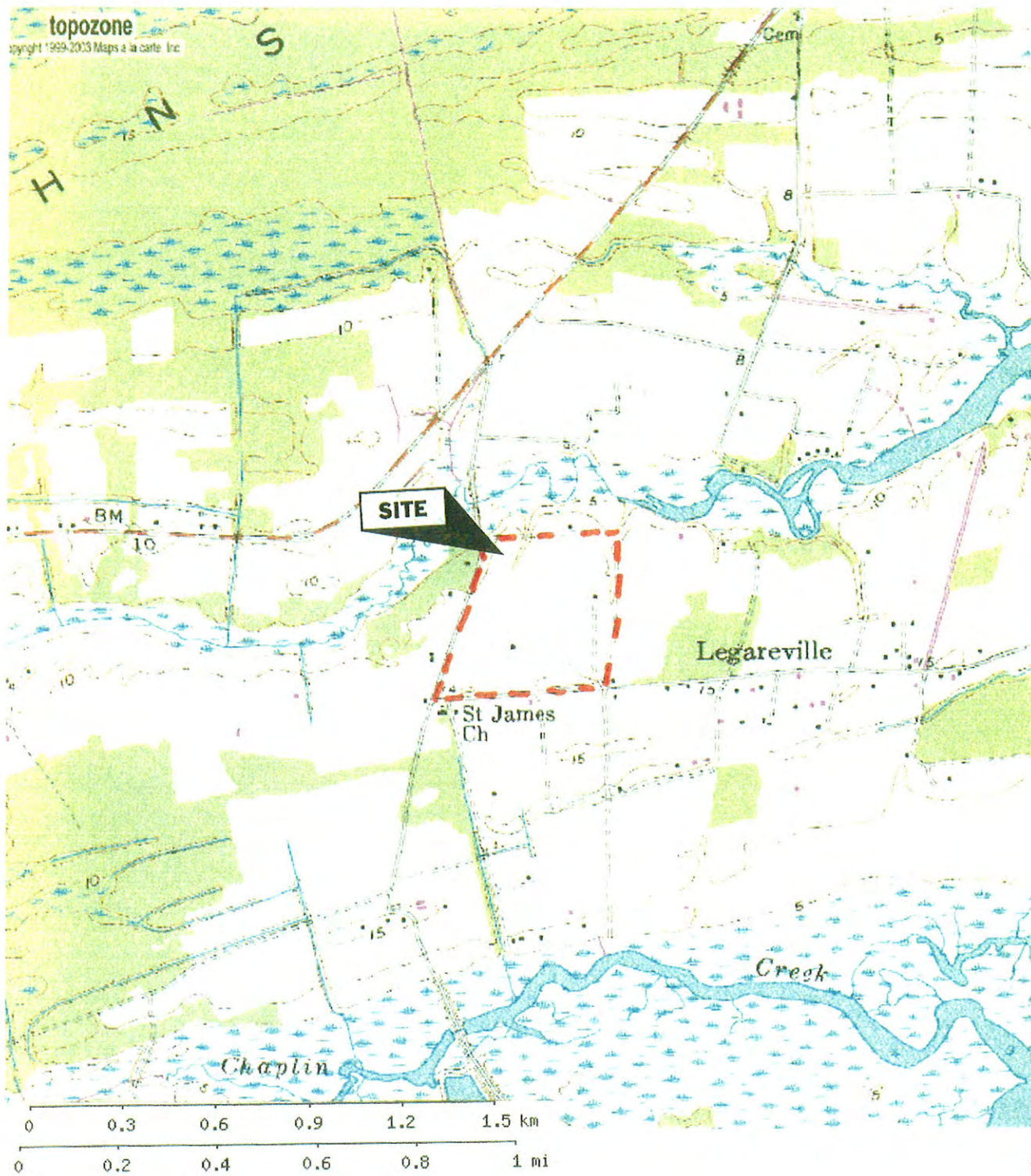
**BRYAN'S DAIRY (WSSC-AM)**  
 2630 Bryan's Dairy Road  
 Johns Island, South Carolina



**FIGURE 1**  
**SITE LOCATION MAP**

Prepared by: *JNP* Date: *7-2006*

Project No. 1220-06



Source: 1999-2003 Maps a la carte, Inc., (Downloaded at Topozone.com on July 2, 2006).

Legareville, SC Quadrangle

\*\*\*Site Location Approximated\*\*\*

**BRYAN'S DAIRY (WSCC-AM)**  
2630 Bryan's Dairy Road  
Johns Island, South Carolina

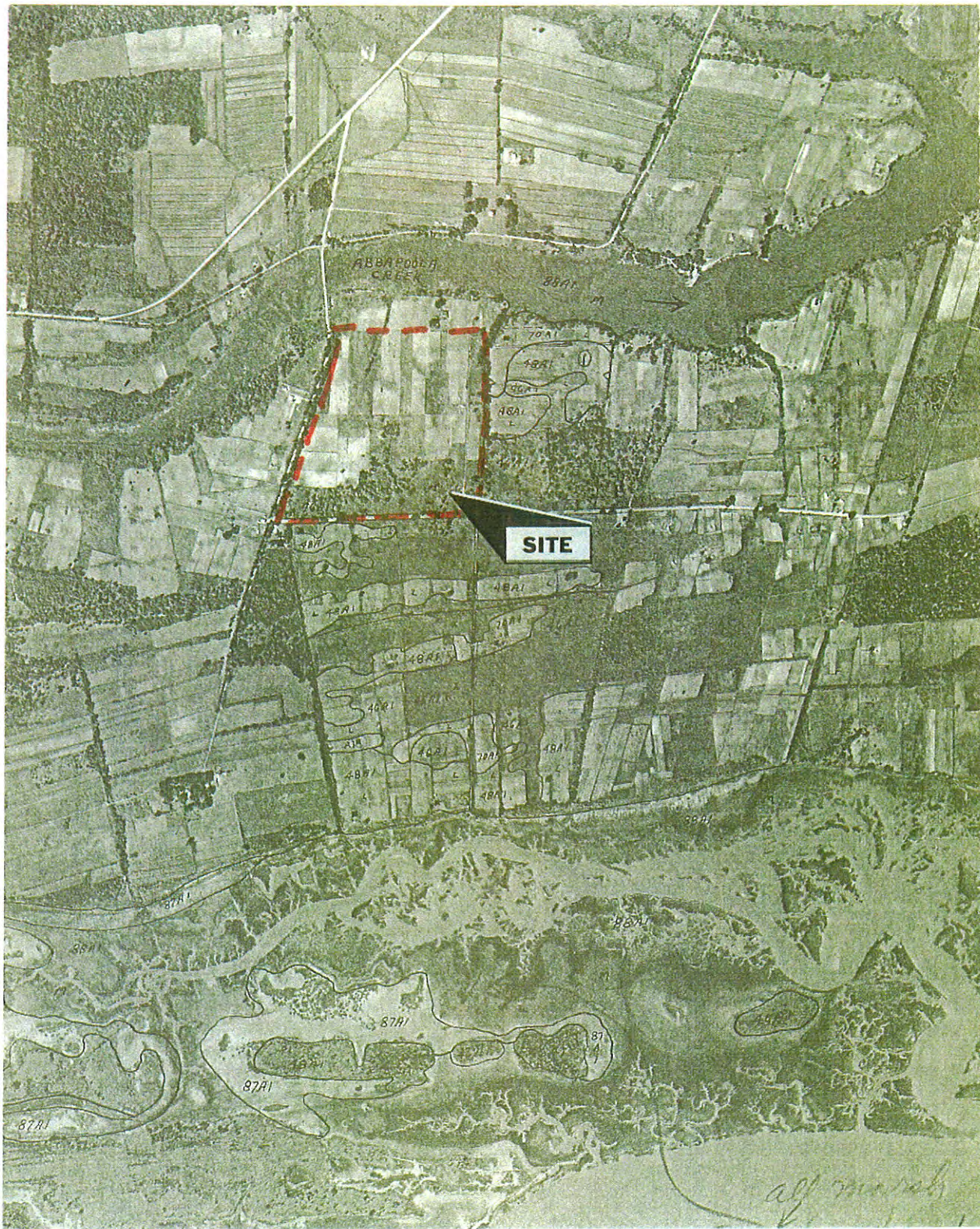


**FIGURE 2**  
**TOPOGRAPHIC/SITE**  
**LOCATION MAP**

Prepared by: *JNP*

Date: *7-2006*

Project No. 1220-06



Scale Not Provided/Site Location Approximated

Source: USDA District Office located in North Charleston, SC (1939 Map Index #1-117).

**BRYAN'S DAIRY (WSCC-AM)**  
2630 Bryan's Dairy Road  
Johns Island, South Carolina



**FIGURE 3**  
**1939 AERIAL PHOTOGRAPH**

Prepared by: JNP

Date: 7-2006

Project No. 1220-06



## Charleston County, South Carolina

Copyright 2004  
Charleston County GIS  
4045 Bridge View Drive  
North Charleston, SC 29405-7464

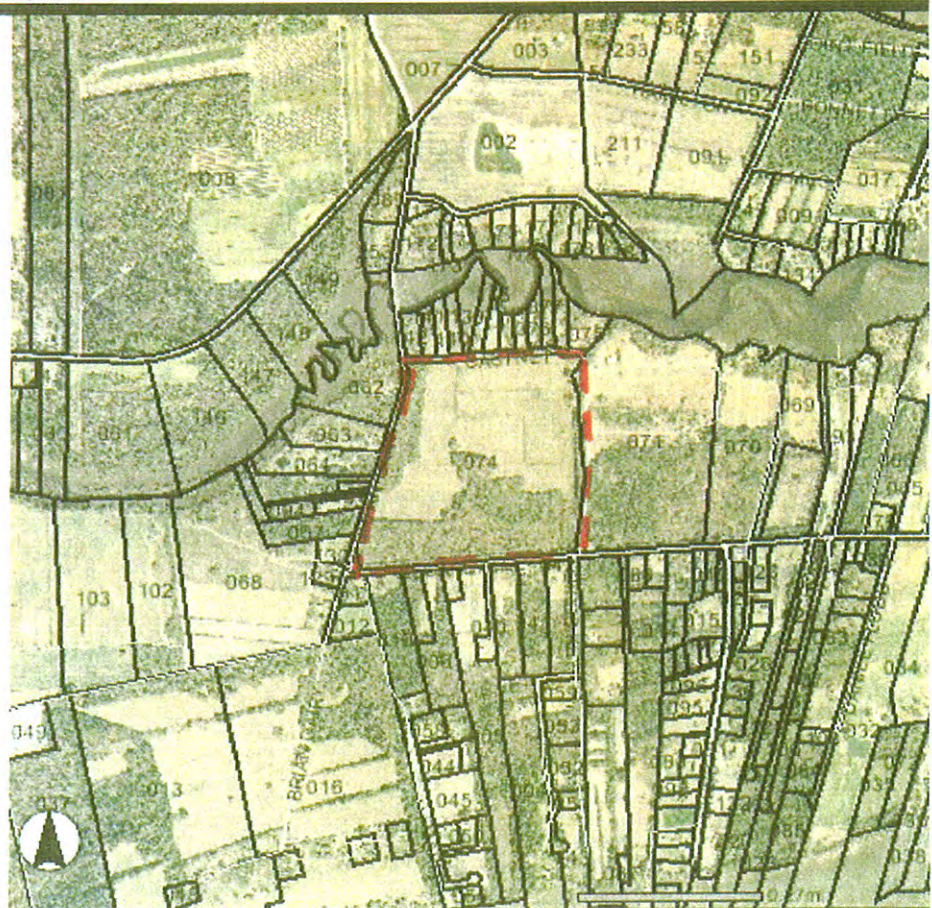
### Legend

Selected Features

Streets/Roads

 Parcels

Mar 2001  
Color Photos



\*\*\*Site Boundaries Approximated\*\*\*

Source: Charleston County GIS website: [www.charlestoncounty.org](http://www.charlestoncounty.org) (downloaded July 2, 2006).

**BRYAN'S DAIRY (WSCC-AM)**  
2630 Bryan's Dairy Road  
Johns Island, South Carolina



**FIGURE 4**  
**2001 AERIAL PHOTOGRAPH**

Prepared by: *JNP* Date: *7-2006*

Project No. 1220-06

# APPENDIX B

## PHOTOGRAPHS





Photograph Number 1: View depicts site access gate as observed in July 2006.



Photograph Number 2: View depicts communication towers observed at the project site.



Photograph Number 3: View depicts tower signage observed at the project site.



Photograph Number 4: View depicts example plastic AST observed at the project site.



Photograph Number 5: View depicts example solid waste debris observed at the project site.



Photograph Number 6: View depicts example solid waste debris observed at the project site.

# **APPENDIX C**

## **REGULATORY SEARCH INFORMATION**

**APPENDIX C**

**Listed Facilities**

No off-site facilities were identified within the applicable ASTM search radii.

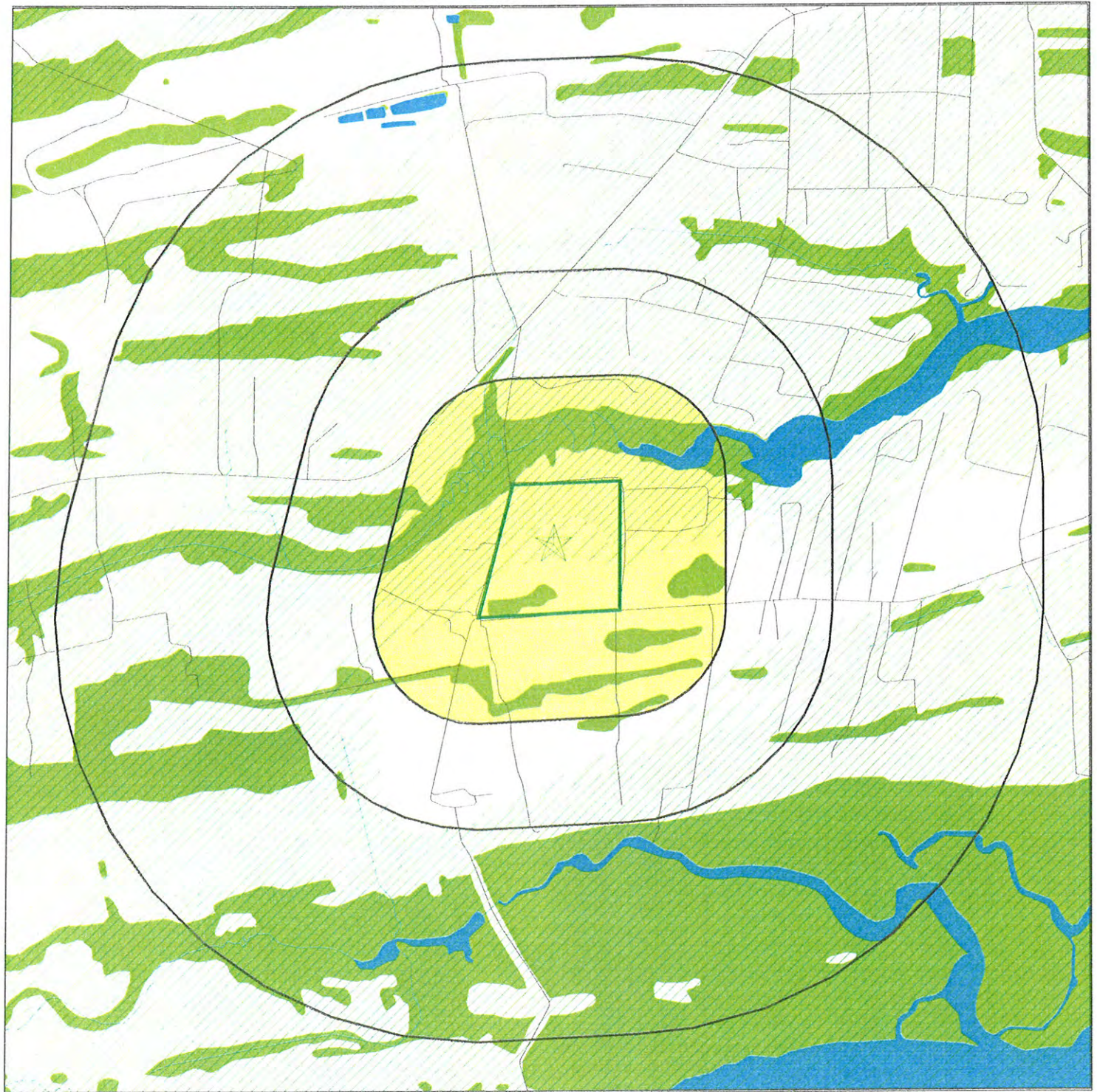
<b>SITE NAME (MAP ID)</b>	<b>APPX. DISTANCE (DIRECTION)</b>	<b>DATABASE</b>
---	---	---

**Note:** The EDR Radius Map is attached.

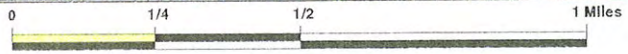
**Search Criteria**

<b>Regulatory List</b>	<b>Dated</b>	<b>Search Criteria Applied</b>
<b>FEDERAL DATABASES</b>		
NPL	April 2006	One mile
CERCLIS	February 2006	One-half mile
CORRACTS	March 2006	One mile
RCRIS	February 2006	Site and adjacent
RCRIS TSD	February 2006	One-half mile
ERNS	December 2005	Site only
<b>STATE DATABASES</b>		
SHWS	April 2006	One mile
LANDFILL	April 2006	One-half mile
LUST	March 2006	One-half mile
UST	March 2006	Site and adjacent
GWCI	July 2005	One-half mile

OVERVIEW MAP - 1712017.1s



- Target Property
- Sites at elevations higher than or equal to the target property
- Sites at elevations lower than the target property
- Manufactured Gas Plants
- National Priority List Sites
- Landfill Sites
- Dept. Defense Sites



- Indian Reservations BIA
- Oil & Gas pipelines
- 100-year flood zone
- 500-year flood zone
- National Wetland Inventory
- State Wetlands

77

<p>SITE NAME: Bryans Dairy                  ADDRESS: Bryans Dairy Road/Legarville Road                  Johns Island SC 29455                  LAT/LONG: 32.6571 / 80.0600</p>	<p>CLIENT: J.N. Pease Environmental Group                  CONTACT: Jay Pease                  INQUIRY #: 1712017.1s                  DATE: July 10, 2006</p>
--	---



"Linking Technology with Tradition"®

# Sanborn® Map Report

**Ship To:** Jay Pease  
J.N. Pease Environmental  
514 Mill Street  
Mount Pleasant, SC 29464

**Order Date:** 7/10/2006 **Completion Date:** 7/10/2006

**Inquiry #:** 1712017.2

**P.O. #:** NA

**Site Name:** Bryans Dairy

**Address:** Bryans Dairy Road/Legarville Road

**City/State:** Johns Island, SC 29455

**Cross Streets:**

**Customer Project:** 1220-06

014671ERN 843-345-4765

This document reports that the largest and most complete collection of Sanborn fire insurance maps has been reviewed based on client supplied information, and fire insurance maps depicting the target property at the specified address were not identified.

## NO COVERAGE

Report contains certain information obtained from a variety of public and other sources reasonably available to Environmental Data Resources, Inc. It cannot be concluded from this report that coverage information for the target and surrounding properties does not exist from other sources. NO WARRANTY EXPRESSED OR IMPLIED, IS MADE WHATSOEVER IN CONNECTION WITH THIS REPORT. ENVIRONMENTAL DATA RESOURCES, INC. SPECIFICALLY DISCLAIMS THE MAKING OF ANY SUCH WARRANTIES, INCLUDING WITHOUT LIMITATION, MERCHANTABILITY OR FITNESS FOR A PARTICULAR USE OR PURPOSE. ALL RISK IS ASSUMED BY THE USER. IN NO EVENT SHALL ENVIRONMENTAL DATA RESOURCES, INC. BE LIABLE TO ANYONE, WHETHER ARISING OUT OF ERRORS OR OMISSIONS, NEGLIGENCE, ACCIDENT OR ANY OTHER CAUSE, FOR ANY LOSS OF DAMAGE, INCLUDING, WITHOUT LIMITATION, SPECIAL, INCIDENTAL, CONSEQUENTIAL, OR EXEMPLARY DAMAGES. ANY LIABILITY ON THE PART OF ENVIRONMENTAL DATA RESOURCES, INC. IS STRICTLY LIMITED TO A REFUND OF THE AMOUNT PAID FOR THIS REPORT. Purchaser accepts this Report AS IS. Any analyses, estimates, ratings, environmental risk levels or risk codes provided in this Report are provided for illustrative purposes only, and are not intended to provide, nor should they be interpreted as providing any fact, prediction or forecast of, any environmental risk for any property. Only a Phase I Environmental Site Assessment performed by an environmental professional can provide information regarding the environmental risk for any property. Additionally, the information provided in this Report is not to be construed as legal advice.

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# **APPENDIX D**

## **PERSONNEL QUALIFICATIONS**





**JAMES N. "JAY" PEASE, IV, R.E.M.**  
*JPEG President/Registered Environmental Manager*

---

**EDUCATION**

Masters of Science, Environmental Science/Risk Assessment, 1997 (Medical University of South Carolina)  
Bachelors of Science, Biology, 1993 (Davidson College)

**PROFESSIONAL MEMBERSHIPS AND ASSOCIATIONS**

Registered Environmental Manager - #10923  
Certified Lead Based Paint Risk Assessor and Inspector #SC-R-7570-1 (Firm #SC-1144-1)  
Member: 1) National Registry of Environmental Professionals; 2) Society of American Military Engineers

**CAREER SUMMARY**

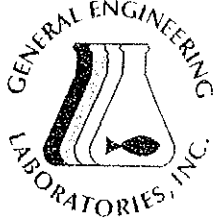
Mr. Pease is the President of J. N. Pease Environmental Group, LLC (JPEG), a South Carolina-based consulting firm that offers specialized expertise in the following types of environmental projects: Phase I and Phase II site assessments, HUD Form 4128 Environmental Reviews, underground storage tank assessments, mold inspections, asbestos and lead-based paint surveys, brownfields assessment, stormwater sampling, and natural resource projects (i.e., wetlands and endangered species). During his tenure as an environmental consultant, Mr. Pease has personally completed over 500 hundred Phase I projects and worked extensively on the following aspects of environmental investigations: site investigation, data collection and analysis, computer modeling, corrective action plan preparation, receptor surveys, project management, budget control, conceptual exposure model development, regulatory interface, third party access negotiations, records review, permitting, chain-of-title searches and report preparation. His previous project management experience included the direction of approximately 60 petroleum-contaminated sites located in the Carolinas, Georgia and Tennessee for two major domestic oil companies and a build out of over 400 cell phone towers. Mr. Pease also formerly worked for Georgia EPD and US EPA Region IV (under contract) and for Law Engineering where he served as a senior level project manager and environmental department head in the Charleston, SC office.

**PROJECT EXPERIENCE**

**Phase I and II Environmental Site Assessments:** JPEG's primary area of expertise is in conducting Phase I and Phase II environmental site assessments. JPEG has executed *hundreds* of Phase I projects across the southeast as well as in Texas and the New England area. JPEG has contracted with regional developers, commercial lenders, commercial attorneys, municipalities, CDC's, and area engineering firms to execute Phase I assessments prior to sales, purchases, and/or refinancing of real estate. Properties assessed include industrial facilities, commercial facilities, wireless telecommunications towers, brownfields, large acreage tracts, beachfront hotels, restaurants, and retail developments. Assessment methodologies include AAI and ASTM protocols and non-mandatory client protocols. Phase I scopes are routinely expanded to address client concerns such as mold, lead-based paint, asbestos, wetlands, and geotechnical.

**Site Contamination Assessments:** Mr. Pease has investigated soil and water quality problems related to petroleum contamination, hazardous materials and waste disposal. His work experience includes conducting geological and hydrogeological investigations, assessing the extent of soil and ground-water contamination, preparing work and safety plans, designing and implementing ground-water monitoring programs; delineating contaminants occurring within the ground-water and associated vadose soils. His responsibilities include supervising field activities, development of sampling programs, selection of analytical testing procedures and providing conceptual remediation alternatives.

*YEARS IN PROFESSION: 15*



# GENERAL ENGINEERING

A Division of General Engineering Laboratories, Inc.

October 11, 2001

Mr. Willie Bennett  
Clear Channel Communications  
950 Houston Northcutt Boulevard  
Mount Pleasant, South Carolina 29464

Re: Phase I Environmental Site Assessment  
Undeveloped Land  
Bryan Dairy Road  
Johns Island, South Carolina  
Charleston County TMS No. 259-00-00-074

Dear Mr. Bennett:

Enclosed are three copies of the "Phase I Environmental Site Assessment" for the referenced property. A summary of the findings of this assessment is included in the "Executive Summary."

If I can answer any questions or provide you with additional information regarding this report, please contact me at (843) 769-7378, extension 4265. On behalf of General Engineering, I would like to thank you for the opportunity to assist you in meeting your environmental needs.

Yours very truly,

Jennifer Gurreri  
Environmental Scientist I

enclosures

fc: clcc00101c.esa

P O Box 30712 • Charleston, SC 29417 • 2040 Savage Road • 29407

(843) 769-7378 • Fax (843) 769-7397



Printed on recycled paper.

**Phase I  
Environmental Site Assessment**

**Undeveloped Land  
Bryan Dairy Road  
Johns Island, South Carolina  
Charleston County TMS No. 259-00-00-074**

Submitted to:

**Mr. Willie Bennett**  
Clear Channel Communications  
950 Houston Northcutt Boulevard  
Mount Pleasant, South Carolina 29464

Submitted by:

**General Engineering**  
*A Division of General Engineering Laboratories, Inc.*  
Post Office Box 30712/2040 Savage Road  
Charleston, South Carolina 29417

Submittal Date: October 11, 2001

**Phase I  
Environmental Site Assessment**

**Undeveloped Land  
Bryan Dairy Road  
Johns Island, South Carolina  
Charleston County TMS No. 259-00-00-074**

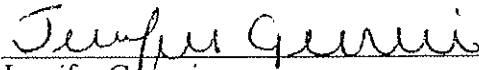
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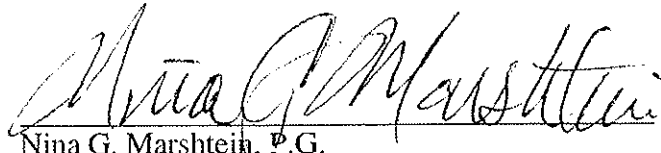
## Signature Page

This report, entitled "Phase I Environmental Site Assessment," has been prepared for a tract of undeveloped land located on Bryan Dairy Road on Johns Island, South Carolina. It has been prepared at the request of and for the exclusive use of Clear Channel Communications by Jennifer Gurreri. It has been prepared in accordance with accepted quality control practices and has been reviewed by the undersigned.

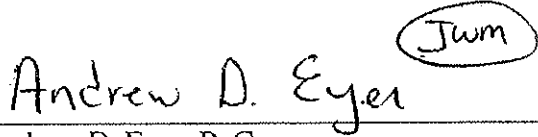
GENERAL ENGINEERING  
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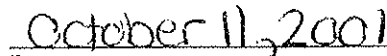
Jennifer Gurreri  
Environmental Scientist I



Nina G. Marshtein, P.G.  
Project Hydrogeologist II



Andrew D. Eyer, P. G.  
Senior Hydrogeologist

  
Date

# **Phase I Environmental Site Assessment**

**Undeveloped Land  
Bryan Dairy Road  
Johns Island, South Carolina  
Charleston County TMS No. 259-00-00-074**

## **Executive Summary**

This Phase I Environmental Site Assessment (ESA) was conducted to determine the presence or absence of potential sources of environmental impact to a tract of undeveloped land located on Bryan Dairy Road on Johns Island, South Carolina.

No on-site or off-site areas of environmental concern were identified. However, we recommend properly disposing of the on-site agricultural ASTs off site, as well as the improperly disposed household and construction debris. We also recommend that gates be placed on site to discourage future dumping.

# Phase I Environmental Site Assessment

Undeveloped Land  
Bryan Dairy Road  
Johns Island, South Carolina  
Charleston County TMS No. 259-00-00-074

## 1.0 Introduction

The subject site is comprised of a 58-acre tract of land located on Bryan Dairy Road on Johns Island, South Carolina. The location of this site is shown on Figure 1, an excerpt from the United States Geologic Survey (USGS) 7.5-minute quadrangle map of Legareville, South Carolina. Currently, the site is undeveloped, as shown on Figure 2.

Mr. Willie Bennett with Clear Channel Communications requested that General Engineering conduct a Phase I Environmental Site Assessment (ESA) for the site. This ESA was conducted to determine the potential of environmental impact to the site and is intended to fulfill the due diligence clause of the “innocent landowner” defense of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). This ESA was conducted in general accordance with the guidelines set forth in the American Society for Testing and Materials (ASTM) Standard E 1527-00, “Standard Practice for Phase I Environmental Site Assessments: Phase I Environmental Site Assessment Process,” and consisted of the tasks listed below.

- Inspection of the subject site and surrounding properties
- Examination of historical documents
- Interviews with individuals and public officials familiar with the site’s history
- Examination of state and federal regulatory agency records

This ESA varies from the following sections of ASTM Standard E 1527-00 because, in our best professional judgment, these sections were not applicable to this assessment.

- Section 11.1 - Report Format - We use our standard format, which varies from the ASTM Standard, but generally contains the same information.
- Section 11.2 - Documentation - For brevity, we have not attached the research documents. However, we will maintain them in our files if you should need them in the future.
- Section 11.7 - Conclusions - We vary from the ASTM format by including our conclusions and recommendations in the text of the report.

- Section 11.12 - Qualifications – Personnel credentials are typically supplied upon request.

The findings of this assessment are presented below. Per your request, we have included our recommendations.

## **2.0 Inspection of the Subject Site and Surrounding Properties**

On October 4, 2001, a visual inspection of the subject site and surrounding properties was conducted by Jennifer Gurreri of General Engineering by walking the site. There were no access restrictions. The site and surrounding properties, shown on Figure 2, were inspected for evidence of potential sources of environmental impact to the groundwater and soil of the subject site.

### **2.1 Subject Site**

The subject site, shown on Figure 2, consists of a wooded tract of land. The subject site has wooded borders surrounding cleared fields. The fields appear to be old crop fields with overgrown irrigation ditches. Trash and construction debris have been dumped across the property. These items do not represent potential sources of environmental concern to the site, but should be disposed off site. We also recommend that gates be placed on site to discourage future dumping. There are two agricultural aboveground storage tanks (ASTs) and two miscellaneous ASTs located on site. There were no signs of leaks or stains around the ASTs; however, if not in use, we recommend proper disposal of the ASTs off site.

There are no emergency generators, transformers, or underground storage tanks present on the site. A formal wetlands survey was not performed as part of this ESA. Stressed vegetation, irregular topography, and foul odors, which are potentially indicative of chemical disposal and/or buried wastes, were not observed on the subject site.

### **2.2 Site Hydrogeology**

The subject property is located in the coastal region of South Carolina. Typically, groundwater flow direction in the coastal region mimics surface topography. Based on a review of Figure 1, it appears that groundwater most likely flows to the north towards the Abbapoola Creek. Therefore, sites that are south of the subject site are likely hydraulically upgradient from the subject site.



### **2.3 Adjacent and Nearby Properties**

Adjacent sites were examined for conditions that could represent potential sources of impact to the subject property. Residential properties are located north, across Castnet Road, west, across Bryan Dairy Road, south, across Legareville Road, southeast, and northeast of the subject site. St. James Church is located southwest of the site, across Legareville Road, as shown on Figure 2. Undeveloped land abuts the site to the east. None of these properties represent potential sources of environmental impact to the subject site.

An inspection was also performed to identify properties within 500 feet of the site that represent potential sources of impact to the subject site. No properties meeting these criteria were identified.

### **3.0 Public Information Review**

This phase of the assessment included an examination of available public documents and interviews with local residents and public officials who might have knowledge of environmental conditions that could potentially impact the subject property. The public information review included an examination of fire insurance company maps, city directories, aerial photographs, and regulatory agency files. The information gathered from these sources was examined for evidence of past uses of the subject site and surrounding properties that could potentially impact the environmental integrity of the subject site. The results of this research are discussed below.

#### **3.1 City Directories**

City directories are compiled annually for many cities and towns in the United States, listing residents alphabetically by name, address, and telephone number. Each directory is cross-indexed by street address, allowing prior residents or businesses at a site to be determined. City directories were not available for the subject site and the surrounding properties.

#### **3.2 Chain of Title**

The Chain of title information was too complex to include in this report. However, according to Mr. Tony O'Neal, the lawyer for the family that owns the subject site, stated that no industrial facilities had ownership of the subject site in the past 50 years. He stated that the site was owned by one family throughout the years and used the site as cropland. Based on this title review, no additional potential sources of environmental impact to the subject site were identified.

### **3.3 Sanborn Fire Insurance Company Maps**

From the late 1800s to the mid-1900s, the Sanborn Fire Insurance Company mapped industrial areas of cities and towns in the United States where the potential for fire loss was the greatest. The subject site and its surrounding properties are not covered on the fire insurance maps, which indicates that this area was not extensively developed during this period.

### **3.4 Interviews**

Three people were interviewed concerning their knowledge of the history of the subject site and surrounding properties. The persons interviewed are listed below.

- Mr. Tony O'Neal, a lawyer representing the owners of the site
- Mr. Bill Seaborn, Regional Hydrogeologist with the Trident District office of DHEC
- Chief Jackie Stanley, with the St. Johns Fire Department

Mr. O'Neal stated that, to the best of his knowledge, the on-site ASTs were once used to store fertilizer for the crops.

Mr. Seaborn stated that he does not frequently work in the area of the subject site because the area is residential. He did not recall any reported spills or releases in the vicinity of the subject site.

Chief Stanley stated he was unaware of any fires or chemical spills on or in the vicinity the subject site.

### **3.5 Aerial Photographs**

Aerial photographs taken in 1976 and 1989 were examined for evidence of practices or conditions that could potentially impact the subject site. The descriptions of the property as it appears in the photographs are provided below.

- 1976 The subject site is undeveloped land and cropland, surrounded by undeveloped properties and cropland with the exception of St. James Church, located southwest.
- 1989 The subject site and surrounding properties appear similar to the 1976 aerial photograph, with the exception of residential development to the north.

The subject site and surrounding properties have no visible indications of impact in any of the photographs. No additional potential sources of environmental impact to the

subject site or surrounding properties were identified during examination of the aerial photographs.

### **3.6 State and Federal Records**

DHEC files were reviewed for listings of the subject site and surrounding properties by a subcontracted information service, VISTA Information Solutions, Incorporated (VISTA). The records reviewed included the files of the Groundwater, Wastewater, and Solid and Hazardous Waste Management offices of the Department. In addition to site-specific files, the following DHEC documents, which are updated regularly and accessed through the Internet, were reviewed for reference to the subject site or surrounding properties:

- The State CERCLA Site Inventory List or the State Priority List (SPL) - This list includes all sites identified as actual or potential federal or state Superfund sites within South Carolina. The list was examined for sites which are located within a 1.0-mile radius of the subject site.
- The State of South Carolina Landfill List - This list identifies all permitted domestic, industrial, cellulosic/construction, and inert waste landfills, as well as sludge and ash monofills. The list was examined for landfills which are located within a 0.5-mile radius of the subject site.
- The Underground Storage Tank (UST) list - This list is DHEC's database of sites where USTs are registered. The list was examined for USTs which are located within a 0.125-mile radius of the subject site.
- The Leaking Underground Storage Tank (LUST) list - This list is DHEC's database of sites where UST releases have been confirmed. The list was examined for LUST sites which are located within a 0.5-mile radius of the subject site.
- The Spills List - This list is DHEC's database of locations where spills have been documented. The status of any spill site within a 0.125-mile radius of the subject site is evaluated.

The subject site and the surrounding properties are not listed on the state listings.

The United States Environmental Protection Agency's (EPA's) listings of sites with potential environmental impact were also reviewed for references to the subject site or nearby properties. These listings include information gathered in cooperation with DHEC, thereby duplicating some of the data contained in the DHEC files. The information in these files was accessed by VISTA through the Internet. The lists reviewed included:

- National Priority List (NPL) - The NPL is EPA's database of uncontrolled or abandoned hazardous waste sites identified for priority remedial actions under the Superfund program. The status of any NPL site within a 1.0-mile radius of the subject site is evaluated.

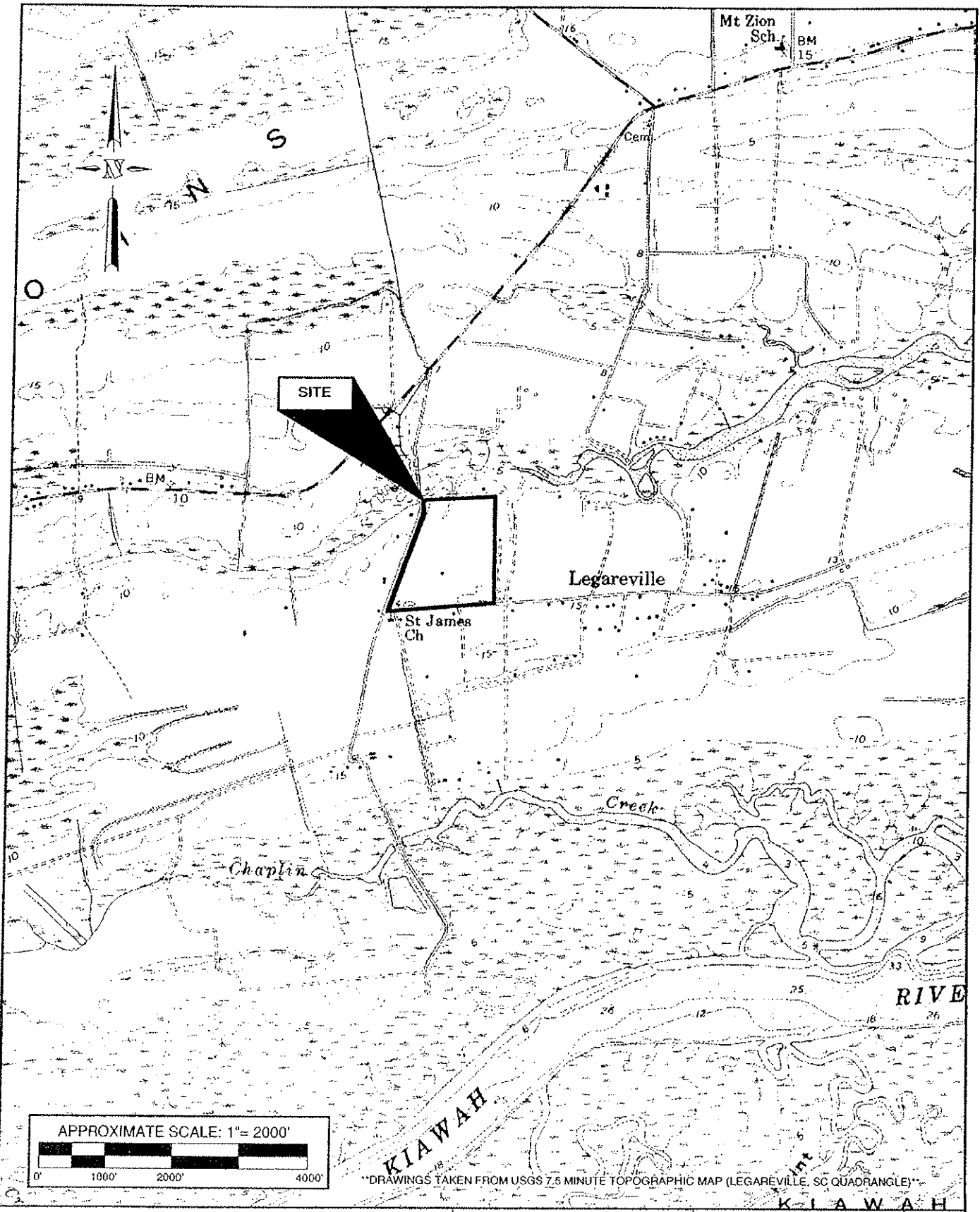
- Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) - CERCLIS is a compilation of sites which the EPA has investigated or is currently investigating a release or threatened release of hazardous substances as defined by CERCLA. It also includes those CERCLA sites at which the EPA has determined that no further remedial action is required (NFRAP). The status of any CERCLA site within a 0.5-mile radius of the subject site is evaluated.
- Resource Conservation and Recovery Information System (RCRIS) Database - The RCRIS Database is a compilation of facilities identified under the Resource Conservation and Recovery Act (RCRA) that generate, store, transport, treat, or dispose of hazardous wastes. It includes RCRA sites permitted for the treatment, storage, and/or disposal (TSD), hazardous waste facilities that are large quantity (LQGs) or small quantity (SQGs) generators of hazardous waste, and sites at which the EPA is taking corrective action against responsible parties of a RCRA site (CORRACTS). The status of any RCRA site within a 1.0-mile radius of the subject site is evaluated and the status of any LQG or SQG within 0.125-mile radius is evaluated.
- Emergency Response Notification System (ERNS) Database - ERNS identifies emergency notifications of chemical releases reported to the EPA since 1992. The status of any ERNS site within a 0.125-mile radius is evaluated.

The subject site and surrounding properties are not listed on any of the federal regulatory listings.

#### **4.0 Conclusions and Recommendations**

This ESA identified no on-site or off-site potential sources of environmental concern. However, we recommend properly disposing of the on-site agricultural ASTs off site, as well as the improperly disposed household and construction debris. We also recommend that gates be placed on site to discourage future dumping.

## FIGURES



**GENERAL ENGINEERING**  
 A Division of General Engineering Laboratories, Inc.



P.O. BOX 30712  
 CHARLESTON, SC 29417  
 (843) 763-7378

PROJECT: cbr.00101c

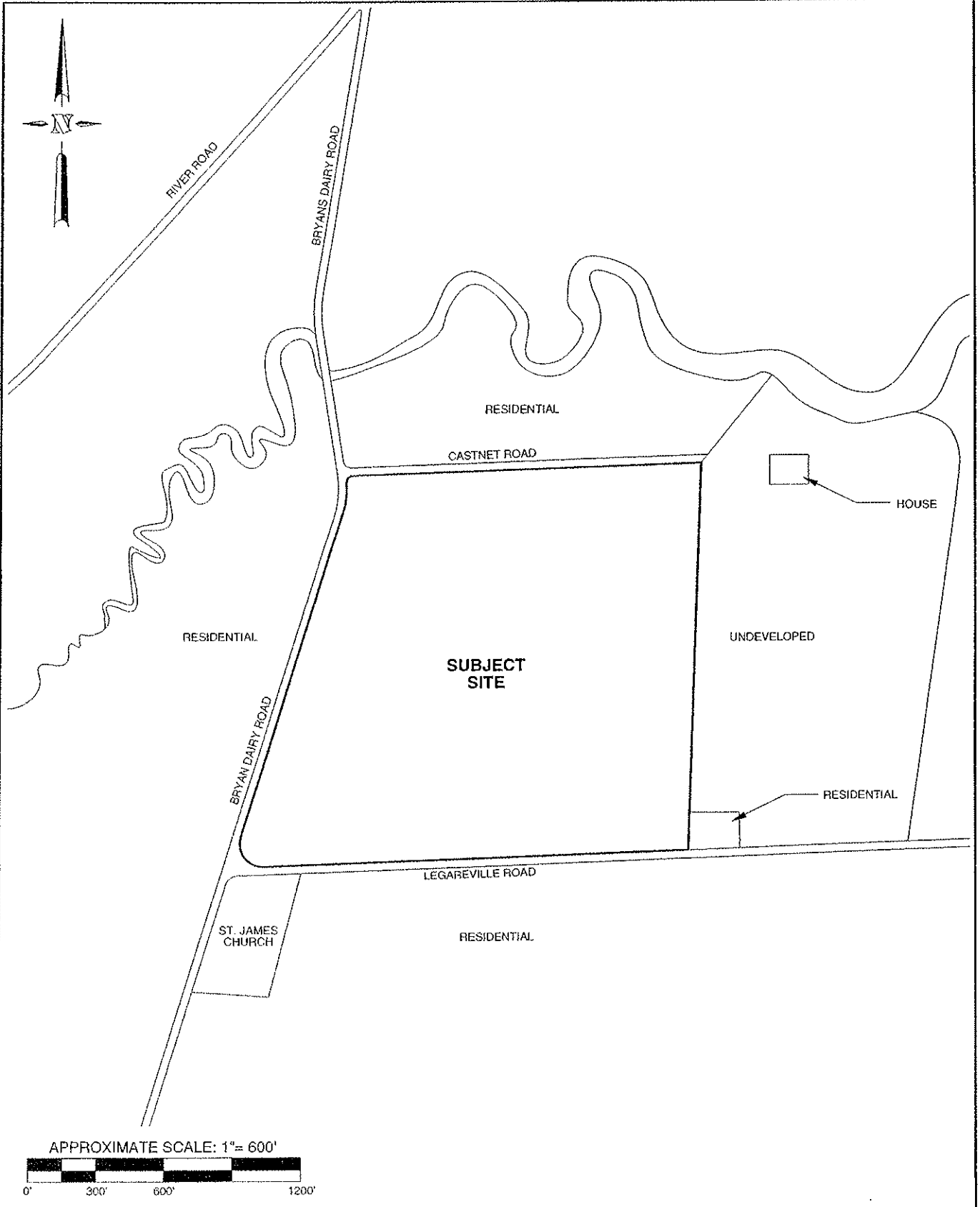
PHASE I  
 ENVIRONMENTAL SITE ASSESSMENT  
 UNDEVELOPED LAND  
 BRYAN DAIRY ROAD  
 JOHNS ISLAND, SOUTH CAROLINA

DATE: October 10, 2001

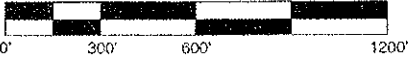
SITE LOCATION MAP

DRAWN BY: TJP APPRV. BY: JLG

FIGURE  
 1



APPROXIMATE SCALE: 1" = 600'



<b>GENERAL ENGINEERING</b> A Division of General Engineering Laboratories, Inc.		PROJECT: ckc00101c	SITE MAP WITH SURROUNDING PROPERTIES	FIGURE 2
		PHASE I ENVIRONMENTAL SITE ASSESSMENT UNDEVELOPED LAND BRYAN DAIRY ROAD JOHNS ISLAND, SOUTH CAROLINA		
P.O. BOX 26712 CHARLESTON, SC 29417 (843) 769-7370		DATE: October 5, 2001	DRAWN BY: TJP	APPRV. BY: JLG

## **APPENDIX N**

# **THREATENED AND ENDANGERED SPECIES ASSESSMENT**





May 8, 2008

Pritchett Partners, LLP  
3280 Peachtree Road, 21<sup>st</sup> Floor  
Atlanta, GA 30305  
c/o Mr. Robert Miller

RE: Threatened and Endangered Species Assessment  
Bryans Dairy Road Tract, 58.35 Acres  
Charleston County TMS Nos. 259-00-00-074 & -140  
Johns Island, South Carolina

Dear Mr. Miller:

Enclosed please find the Threatened and Endangered Species (T&E) assessment for the referenced project. The T&E species assessment was conducted on May 7, 2008. This T&E species assessment includes information obtained from a review of federal and state records of known T&E species occurrences and a site inspection.

No federal and/or state T&E species were observed within the project boundaries on the day of the site inspection. Furthermore, there are no known recorded occurrences of federally and/or state listed T&E species within the project boundaries nor are there any known recorded occurrences of federal and/or state listed T&E species within a one mile radius of the project boundaries. Therefore, no further investigation is recommended at this time.

Thank you for allowing us to assist you with this project. If you have any questions, or need any additional information, please do not hesitate to contact me.

Sincerely,

Chris Carter  
Tidewater Environmental Services Inc.

Enclosures



May 8, 2008

Re: Threatened and Endangered Species Assessment  
Bryans Dairy Road Tract, 58.35 Acres

Dear Mr. Miller:

As requested, Tidewater Environmental Services Inc. (Tidewater) completed a Threatened and Endangered (T&E) species assessment for the above referenced tract. Tidewater personnel performed a site inspection on May 7, 2008 to characterize the available habitat within the project boundaries and to determine the habitat's suitability for federally and state listed T&E species. A Location and USGS Topographic Map is depicted in Figure 1. The results of our T&E species assessment are presented herein.

### Available Habitat

The forested portion of the tract is dominated by a mixed upland forest consisting of a mature canopy of evergreen and deciduous trees. A diverse sub-canopy of various immature canopy and scrub-shrub species is also present. Two palustrine forested broad-leaved deciduous freshwater wetlands are located within the forested portion of the tract. These wetlands have been partially ditched and drained and appear to be temporarily flooded after significant rain events. Cropland/pasture comprises the remaining portion of the tract. The cropland/pasture has been left fallow for several years and is in the early successional stage of natural revegetation. The cropland/pasture portion of the tract is primarily dominated by Broomsedge bluestem (*Andropogon virginicus*), wax myrtle (*Myrica cerifera*), and Loblolly pine (*Pinus taeda*).

Examples of mature canopy species, and immature sub-canopy species, that occur within the mixed upland forested portion of the tract include Live oak (*Quercus virginiana*), Southern magnolia (*Magnolia grandiflora*), Loblolly pine, sweetgum (*Liquidambar styraciflua*), and Water oak (*Quercus nigra*). Scrub-shrub and herbaceous species include Muscadine (*Vitis rotundifolia*), wax myrtle, Partridgeberry (*Mitchella repens*), and Western brackenfern (*Pteridium aquilinum*).

Examples of mature canopy species, and immature sub-canopy species, that occur within the wetland portions of the site include sweetgum, Red maple (*Acer rubrum*), Blackgum (*Nyssa sylvatica*), and Redbay (*Persea borbonia*). Scrub-shrub and herbaceous species include wax myrtle, Notted Chainfern (*Woodwardia areolata*), Virginia Chainfern (*Woodwardia virginica*), Cinnamon fern (*Osmunda cinnamomea*), and Royal fern (*Osmunda regalis*).

The moderate to low quality of the available habitat within the project boundaries indicates that past disturbance has occurred. The level of disturbance or impairment of a system affects the system's ability to support appropriate habitat for some T&E species. Furthermore, many of the listed T&E species have very specific habitat requirements.

### Potential and Known Threatened and Endangered Species

The aquatic and natural resources in Charleston County support the following known federally listed T&E species (updated list of March 2008). These species, and their associated threat status, are listed below.

- West Indian manatee (*Trichechus manatus*) – Endangered (Known)
- Bald Eagle (*Haliaeetus leucocephalus*) – BGEPA (Known)
- Bachman's warbler (*Vermivora bachmanii*) – Endangered (Known)
- Wood stork (*Mycteria americana*) – Endangered (Known)
- Red-cockaded woodpecker (*Picoides borealis*) – Endangered (Known)
- Piping plover (*Charadrius melodus*) – Threatened (Known)
- Kemp's ridley sea turtle (*Lepidochelys kempii*) – Endangered (Known)
- Leatherback sea turtle (*Dermochelys coriacea*) – Endangered (Known)
- Loggerhead sea turtle (*Carretta carretta*) – Threatened (Known)
- Green sea turtle (*Chelonia mydas*) – Threatened (Known)
- Flatwoods salamander (*Ambystoma cingulatum*) – Threatened (Known)
- Shortnose sturgeon (*Acipenser brevirostrum*) – Endangered (Known)
- Sea-beach amaranth (*Amaranthus pumilus*) – Threatened (Known)
- Pondberry (*Lindera melissifolia*) – Endangered (Possible)
- Canby's dropwort (*Oxypolis canbyi*) – Endangered (Known)
- American chaffseed (*Schwalbea americana*) – Endangered (Known)
- Kirtland's Warbler (*Dendroica kirtlandii*) – Endangered (Known)

Please note that as of August 8, 2007, the Bald Eagle was removed from the list of T&E species and will no longer be protected under the Endangered Species Act. However, the Bald Eagle remains protected under the Bald and Golden Eagle Protection Act (BGEPA) and the Migratory Bird Treaty Act. Under the BGEPA, specific habitat management guidelines must be followed. Also, the Bald Eagle is still classified as a state endangered species, as noted below.

A review of state records indicated the likelihood of seventeen state T&E species listed for Charleston County. These species, and their associated threat status within South Carolina, are listed below.

- Bald eagle (*Haliaeetus leucocephalus*) – Endangered
- Bachman's warbler (*Vermivora bachmanii*) – Endangered
- Wood stork (*Mycteria americana*) – Endangered
- Red-cockaded woodpecker (*Picoides borealis*) – Endangered
- Wilson's plover (*Charadrius wilsonia*) – Threatened
- Loggerhead sea turtle (*Caretta caretta*) – Threatened
- Flatwoods salamander (*Ambystoma cingulatum*) – Endangered
- Shortnose sturgeon (*Acipenser brevirostrum*) – Endangered
- Sea-beach amaranth (*Amaranthus pumilus*) – Threatened
- Canby's dropwort (*Oxypolis canbyi*) – Endangered
- American chaffseed (*Schwalbea americana*) – Endangered
- Spotted turtle (*Clemmys guttata*) – Threatened
- Rafinesque's big-eared bat (*Corynorhinus rafinesquii*) – Endangered
- American swallow-tailed kite (*Elanoides forficatus*) – Endangered

- Dwarf siren (*Pseudobranchius striatus*) – Threatened
- Gopher frog (*Rana capito*) – Endangered
- Least tern (*Sterna antillarum*) – Threatened

The database of the Heritage Trust Division of the South Carolina Department of Natural Resources (SCDNR) was queried to obtain information regarding known occurrences of federal and state listed protected species in the vicinity of the project boundaries. The project is located within the Legareville USGS Quadrangle. According to the database, there are no recorded occurrences of federal and/or state T&E species within the project boundaries nor are there any recorded occurrences of federal and/or state T&E species within a one mile radius of the project boundaries. Figure 2 illustrates the information identified in the Heritage Trust Database. The numbered red dots indicate an occurrence of a protected species or a species of concern. As clarification, species identified in the database but not identified on federal & state T&E species lists are Species of Concern. These species do not carry the same level of protection as T&E species.

### **Discussion of Threatened and Endangered Species**

Suitable habitat does not exist within the project boundaries to support the West Indian Manatee, Bachman's Warbler, Red-Cockaded Woodpecker, Piping Plover, Kemp's Ridley Sea Turtle, Leatherback Sea Turtle, Loggerhead Sea Turtle, Green Sea Turtle, Flatwoods Salamander, Shortnose Sturgeon, Sea-Beach Amaranth, Canby's Dropwort, American Chaffseed, Kirtland's Warbler, Red Knot, Wilson's Plover, Least Tern, Dwarf Siren, or Spotted Turtle. The subject site does contain potentially suitable habitat for Bald Eagles, Wood Storks, Pondberry, Rafinesque's Big-Eared Bats, American Swallow-Tailed Kites, and Gopher Frogs. A review of these species, and their specific habitat requirements, is included below.

The Bald Eagle typically constructs its nest near water since its diet is largely dependent upon fish and small waterfowl. In the southeast, the nesting period is during the fall, winter, and early spring months when foraging is easier due to the reduction in aquatic vegetation. The nesting period/breeding season in the southeast is considered to be from October 1 to May 15. The Bald Eagle generally nests in large, live pine trees. There are very few large live pine trees that are the preferred nesting site of Bald Eagles within the project boundaries and it is unlikely that the area within the project boundaries would be used by foraging eagles due to a lack of permanent open water habitat. Furthermore, no Bald Eagles were observed on the day of the site inspection.

Wood Storks can be found in swamps, marshes, and ponds in the southern United States, and as far south as Argentina in South America. Wood Storks are wading birds that walk along slowly in shallow waters looking for food such as small fish, tadpoles, and crayfish. The Wood Stork is a resident late winter breeder in lowland wetlands and builds large stick nests in the tops of mature trees. Wood Storks live in colonies called rookeries. Suitable habitat to support Wood Stork rookeries is very limited within the project boundaries and no active or derelict Wood Stork nests were observed on the day of the site inspection. Furthermore, no Wood Storks were observed on the day of the site inspection.

Pondberry, also called Southern Spicebush, is a perennial, deciduous medium-sized shrub that grows on the margins of sinks, ponds, and swampy depressions in lowland forests and pinelands. These depressions are typically underwater (up to 12 inches)

during the spring but are dry by autumn. This shrub produces pale yellow flowers in February or March before its leaves emerge. Pondberry leaves are long, oval, untoothed and droop from the branches. The lower surface of each leaf is slightly hairy. The leaves have a strong sassafras-like aroma when crushed. Pondberry produces bright red elliptical fruits during late summer; fruits mature during the fall. Pondberry competes poorly with shade-intolerant plants and is most often found in shaded areas. While suitable habitat may be available for Pondberry within the project boundaries on the margins of the wetland depressions, Pondberry was not identified within the project boundaries on the day of the site inspection.

Rafinesque's Big-Eared Bats typically inhabit forested regions largely devoid of natural caves. Their natural roosting places are in hollow trees, crevices behind bark, and under dry leaves. Rafinesque's Big-Eared Bat has also been found roosting in abandoned buildings and under bridges. Colonies consist of several to a hundred individuals. While suitable habitat may be available for Rafinesque's Big-Eared Bats within the project boundaries, no Rafinesque's Big-Eared Bat's were observed on the day of the site inspection. As well, these bats are not federally listed species; therefore, they are not afforded the same protection as federal T&E species.

The American Swallow-Tailed Kite has a long, deeply forked tail and a distinctive black and white plumage. Its head and underparts are white, except for the black tail and primary flight feathers. The back is also black. From March to June, American Swallow-Tailed Kites breed from South Carolina south to Florida and west to Louisiana. American Swallow-Tailed Kites prefer wooded swamps, marshes, and hardwood forests and they require very tall living trees for nesting. No American Swallow-Tailed Kites were observed on the day of the site inspection. As well, these birds are not federally listed species; therefore, they are not afforded the same protection as federal T&E species.

The Gopher Frog is endemic to the Southeastern United States. Its primary habitat includes sandhill communities, pine flatwoods, and scrub in the Atlantic coastal plain where it is usually found near ponds. These nocturnal frogs are noted for their short, stubby appearance. Their backs are marked heavily with dark spots, sometimes causing a clouded pattern. Their dorsolateral ridges are very distinctive. The Gopher Frog usually spends daylight hours in burrows, holes, or tunnels that are created by other animals. The Gopher Frog breeds on spring nights in very wet conditions. While limited suitable habitat may be available for Gopher Frogs within the project boundaries, no Gopher Frogs were observed during the site inspection. As well, Gopher Frogs are not federally listed species; therefore, they are not afforded the same protection as federal T&E species.

## **Conclusions**

Suitable habitat is not available within the project boundaries to support a number of federally and/or state listed T&E species, as noted above. Although suitable habitat may potentially be available for the remainder of the species noted above, no federal and/or state T&E species were observed within the project boundaries during the site inspection. Furthermore, the Heritage Trust Database did not reveal any known recorded occurrences of federally and/or state listed T&E species within the project boundaries nor did it reveal any known recorded occurrence of federally and/or state listed T&E species within a one mile radius of the project boundaries. It appears that the conversion of habitat into cropland/pasture, as well as incompatible land management practices,

have led to the destruction, degradation, and/or conversion of any suitable habitat that may have potentially been available for T&E species. Therefore, no further T&E species assessment within the project boundaries is recommended at this time. There is, however, the potential for future occurrences of T&E species since the list of federal and/or state T&E species can be modified, and since populations can diversify over time in response to natural migration and habitat changes.

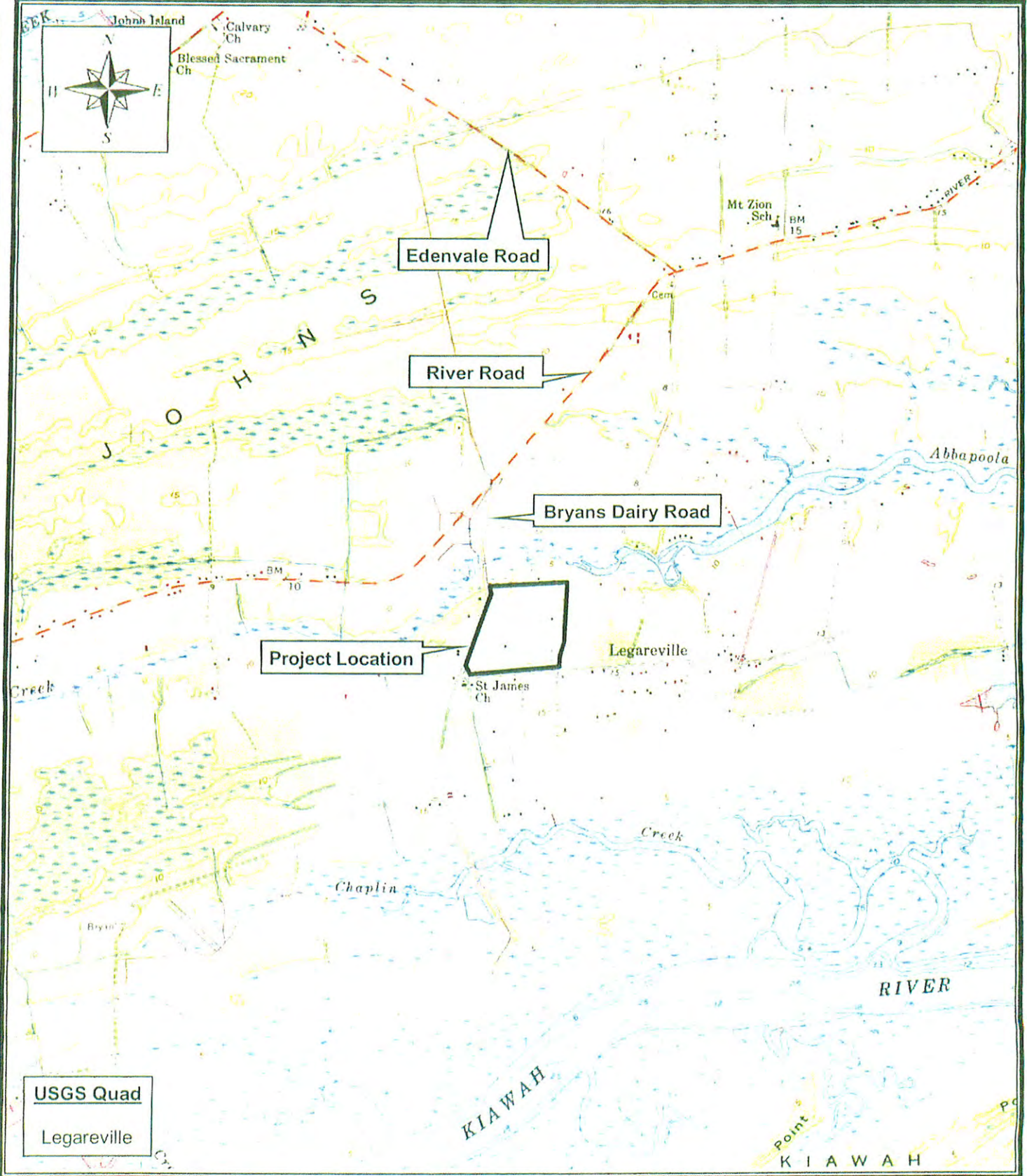
If you have any questions, or need any additional information, please do not hesitate to contact me.

Yours truly,



Chris Carter  
Tidewater Environmental Services, Inc.

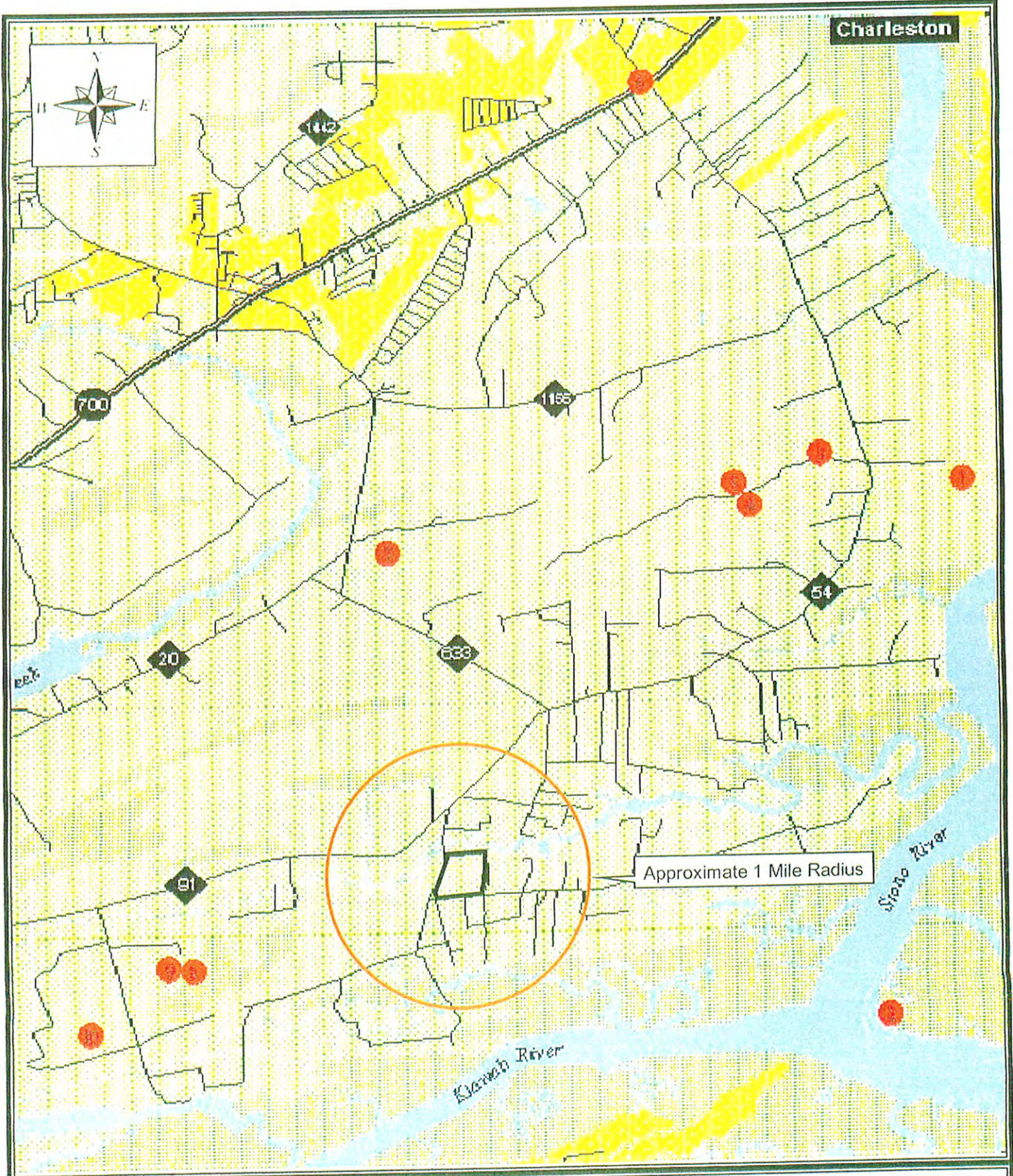
Enclosures



**Figure 1: Location and USGS Topographic Map**  
 Bryans Dairy Road Tract  
 Threatened and Endangered Species Assessment  
 Source: SCDNR  
 Scale: 1" = ~ 2,500'  
 Date: May 8, 2008



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[www.tidewaterenvironmental.com](http://www.tidewaterenvironmental.com)



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**Figure 2: Legareville Quad T&E Species Map**  
 Bryans Dairy Road Tract  
 Threatened and Endangered Species Assessment  
 Source: SCDNR  
 Scale: Not to Scale  
 Date: May 8, 2008



# **APPENDIX O**

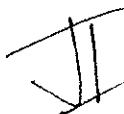
## **TRAFFIC ANALYSIS**

**Traffic Analysis  
Bryans Dairy Road Tract  
Johns Island, South Carolina  
TMS: 259-00-00-074**

**May 13, 2008**

**Prepared For:** Pritchett Partners, LLP (property owner)  
3280 Peachtree Road, 21<sup>st</sup> Floor  
Atlanta, GA 30305

**Prepared By:** Jeff Ingham, P.E.  
Thomas & Hutton Engineering  
935 Houston Northcutt Blvd  
Mt Pleasant, SC 29464



**Introduction**

Thomas & Hutton has completed a brief traffic assessment for the proposed Bryans Dairy Road development on Johns Island. The proposed development is planned to contain between 14 and 16 residences.

The proposed development is on a 58.35 acre parcel at the corner of Bryans Dairy Road and Legareville Road. One access on to Bryans Dairy Road is planned.

**Existing Conditions**

The South Carolina Department of Transportation (DOT) maintains a database of daily road volumes along all major DOT roadways. Based on the latest set of volumes available (2006), the average daily traffic on roadways surrounding the proposed development is as follows:

Roadway	Segment	2006 volume (vehicles per day)	Approximate capacity*
Bohicket Road	Edenvale to River	11,200	17,000
Bohicket Road	Maybank to Edenvale	13,800	17,000
Evendale Road	Bohicket to N Edenvale	1,700	10,300
Plow Ground Road	River to Bohicket	1,050	11,600
River Road	Maybank to Plowground	5,700	17,000
River Road	Plow Ground to Fort Trenholm	4,600	17,000

\*General capacities taken from BCDCOG regional model

### Historical Growth

The DOT database also contains historical data for traffic volumes over the past 10 years. This data can be used to determine the rate of growth on surrounding roadways. The percent change column represents the average annual growth rate over the past 10 years.

Roadway	Segment	1996 volumes	2006 volume	Annual growth %
Bohicket Road	Edenvale to River	9,300	11,200	2%
Bohicket Road	Maybank to Edenvale	11,200	13,800	2%
Evendale Road	Bohicket to N Edenvale	1,550	1,700	<1%
Plow Ground	River to Bohicket	700	1,050	4%
River Road	Maybank to Plowground	4,600	5,700	2%
River Road	Plow Ground to Ft Trenholm	3,100	4,600	4%

### Trip Generation

The Institute of Transportation Engineers (ITE) publishes an informational report *Trip Generation*. The guidance provided in *Trip Generation* is typically used as the standard practice in predicting how much traffic a particular development or land use will produce. The average trip generation rates in the report represent the weighted averages from studies conducted throughout the United States and Canada since 1960.

The category "Single Family Detached Homes" is one of the most studied types of uses. The average trip generation rates for a typical single family home development has been calculated based on data collected from over 300 separate studies. These rates represent all of the traffic associated with a development, including resident and non-resident (i.e. mail, garbage, service vehicles, etc) traffic. Average Weekday Rates are as follows:

- 9.57 daily trips per dwelling unit
- 0.75 trips per dwelling unit for one hour between 7 and 9 AM (25% entering; 75% exiting)
- 1.01 trips per dwelling unit for one hour between 4 and 6 PM (63% entering; 37% exiting)

Based on the standard ITE rates, the Bryans Dairy development (shown with 2 scenarios; 14 lots and 16 lots) could be expected to generate the following number of trips.

Land Use Code	Land Use	24 Hour	AM Peak Hour		PM Peak Hour	
			In	Out	In	Out
210	14 single family homes	134	3	8	9	5
210	16 single family homes	153	3	9	10	6

Source: Institute of Transportation Engineers, *Trip Generation*, 7<sup>th</sup> Edition, 2003

### **Trip Distribution**

Most of the external traffic associated with this development is likely to travel toward and from the Charleston area via River Road. Smaller percentages are likely to use Edenvale to access Bohicket Road or River Road south toward Kiawah and Seabrook. Assumed distributions for the site traffic are as follows:

- 60% to/ from River Road north
- 30% to/ from Edenvale Road
- 10% to/ from River Road south

### **Trip Assignment**

Based on the trip generation and distribution, a 16 home development on Bryans Dairy Road could be expected to generate the following volumes on each road segment.

<b>Roadway</b>	<b>Segment</b>	<b>Daily Site Generated Trips*</b>	<b>2006 volume (vehicles per day)</b>	<b>Percent of overall traffic</b>
Bohicket Road	Edenvale to River	<25	11,200	<1%
Bohicket Road	Maybank to Edenvale	<25	13,800	<1%
Edenvale Road	Bohicket to N Edenvale	45	1,700	<3%
Plow Ground	River to Bohicket	<10	1,050	<1%
River Road	Maybank to Plowground	90	5,700	<2%
River Road	Plow Ground to Ft Trenholm	90	4,600	<2%

\*includes vehicles coming and going to the development

### **Conclusions**

Volumes on the roadways surrounding the proposed development are relatively low. Recent traffic growth has been steady, but also relatively slow over the past 10 years.

The differences in the amount of traffic generated by a 14 home development versus a 16 home development are negligible. A 16 home development on Bryans Dairy Road could be expected to generate roughly 150 daily trips (75 trips entering and 75 leaving). This amount of traffic would have insignificant effects on the area roadways.

**Traffic Analysis  
Bryans Dairy Road Tract  
Johns Island, South Carolina  
TMS: 259-00-00-074**

**Prepared For:** Pritchett Partners, LLP (property owner)  
3280 Peachtree Road, 21<sup>st</sup> Floor  
Atlanta, GA 30305

**Prepared By:** Jeff Ingham, P.E.  
Thomas & Hutton Engineering  
935 Houston Northcutt Blvd  
Mt Pleasant, SC 29464



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## **APPENDIX P**

# **COORDINATION LETTERS**



# MiLand Solutions, Inc.

CONSULTANTS TO THE REAL ESTATE, DEVELOPMENT AND HOSPITALITY INDUSTRIES

May 26, 2009

Charleston County Planning Department  
ATTN: Ms. Andrea Pietras, AICP  
Ms. Jenny J. Werking, AICP  
4045 Bridge View Road  
North Charleston, SC 29405

**RE: BRYANS DAIRY CONSERVATION COMMUNITY PLANNED DEVELOPMENT**  
**TMS # 259 - 00 - 00 - 074**  
**CASE #: ZPD - 12 - 08 - 2132**  
**PROJECT #: 1035**

Dear Ladies:

I want to thank you on behalf of the Bryans Dairy project team for the challenges you and your associates presented to us as well as the assistance and counsel you provided as we worked through the Rezoning Application process for the Bryans Dairy PD. As I said from the outset of our meetings, we wanted you to give us the hard questions and challenge our development program each opportunity you had. This enabled us to modify our planning and adjust our Application as necessary prior to appearing before the various review and approval committees and the County Council.

Russ Seamon has modified the PD text per Exhibit "A" to the Ordinance for the PD as issued by the Charleston County Council on May 5, 2009. One of the conditions noted in Exhibit "A" to the Ordinance required us to provide a letter of coordination from SCDOT. Thomas and Hutton Engineering provided all of the traffic study and related coordination work for our Application. I am attaching a letter to me from Jeff Ingham PE PTOE regarding his conversations with SCDOT as well as a copy of an email from Marcie Timmons at SCDOT that delineates the design work, studies, coordination, etc. that will be required as we proceed with the development of this Property. I trust this information will satisfy the requirements of the Condition as referenced.

Thank you again for your assistance on this application, and please contact me (843 - 670 - 1949) should any issues arise.

Very truly yours,

**MiLand Solutions, Inc.**

Robert L. Miller  
Owners Representative for  
Roland Pritchett and Wesley Pritchett

CC: Roland Pritchett  
Wesley Pritchett  
Russ Seamon - Urban Edge Studio

**From:** Timmons, Marcie S. [mailto:TimmonsMS@dot.state.sc.us]  
**Sent:** Friday, November 14, 2008 4:01 PM  
**To:** Ingham, Jeffrey  
**Cc:** Hanna, Wesley R.  
**Subject:** RE: Brians Dairy Conservation community - Johns Island

Hi Jeff,

We were able to make a site visit this afternoon. This project will require modifications to the existing driveway. In order to accommodate a 16 lot subdivision, the driveway needs to meet the current ARMS manual standards for a Medium Volume Driveway. If this existing access is going to be turned into road, the access should meet the requirements of Chapter 3 and Chapter 5. The SCDOT will need a full permit application package which includes:

- ? Permit Application completed in the property owner's name
- ? Full set of civil constructions plans, signed by a P.E. that include existing and proposed site layout, grading/drainage plan, utility plan, appropriate details. A sight distance exhibit needs to be included and calculated in accordance with Chapter 7.
- ? Hydrology Study for pre- and post-development conditions with CD of actual program data input and output.
- ? SCDHEC approved permit and USACOE wetlands fill permit, if applicable.

Please let me know if you have any questions.

Regards,  
Marcie Timmons, E.I.T.  
ARME/Encroachment Permit Coordinator  
SCDOT District 6  
843-740-1655 ext 532

---

**THOMAS & HUTTON ENGINEERING CO.**

935 HOUSTON NORTH CUTT BOULEVARD  
POST OFFICE BOX 1522  
MOUNT PLEASANT, SOUTH CAROLINA 29465-1522  
TELEPHONE (843) 849-0200  
FAX (843) 849-0203

December 2, 2008

Mr. Robert L. Miller  
MiLand Solutions, Inc.  
1078 Loyalist Lane  
Mt. Pleasant, SC 29464

**RE: BRYANS DAIRY CONSERVATION COMMUNITY PD  
TMS# 259 - 00 - 00 - 074  
COORDINATION WITH SC DEPARTMENT OF TRANSPORTATION**

Dear Mr. Miller:

I have been in contact with both the SCDOT District Six Traffic Engineering and Encroachment Permit representatives regarding the entrance from Bryans Dairy Road for the proposed Bryans Dairy Conservation Community.

The Permit Coordinator, Ms. Marcie Timmons, conducted a site visit on November 14<sup>th</sup> and advises that the existing driveway will require modifications.

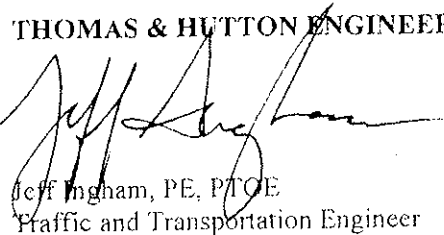
She also provided guidelines, references and requirements that must be completed in the event the existing access is going to be turned into a road. Considering that the internal road on the property will be privately maintained, any permitting requirements should be limited to the area where this road intersects with Bryans Dairy Road.

Although satisfaction of the applicable DOT requirements will be necessary prior to beginning construction of this entrance, I do not feel this should impact the processing and approval of your PD Application by Charleston County.

Thank you for choosing Thomas & Hutton for your traffic engineering services and please contact me directly if I can provide further assistance.

Yours truly,

**THOMAS & HUTTON ENGINEERING CO.**



Jeff Ingham, PE, PTOE  
Traffic and Transportation Engineer

**Don Lundy**  
Director



843.202.6700  
Fax 843.202-6712  
Lonnie Hamilton, III Public Services Bldg.  
Ste. B309, 4045 Bridge View Drive  
North Charleston, SC 29405-7464

**EMERGENCY MEDICAL SERVICES**  
**RECIPIENT OF THE 2006 EMS AWARD OF EXCELLENCE**

May 1, 2008

Sharon Chapman  
Administrative Coordinator  
Seamon, Whiteside and Associates  
501 Wando Park Blvd., Suite 200  
Mt. Pleasant, SC 29464

RE: TMS # 259-00-00-074

Dear Ms. Chapman;

We are in receipt of your request of April 18, 2008, regarding the above tract.

Charleston County EMS has two paramedic staffed and equipped ambulances stationed on Johns Island. Although the department does practice dynamic deployment (vehicles are moved to insure coverage when the system is busy) from their stations, the response time to this area would be roughly 5-6 minutes.

Please feel free to contact me if you need any further information.

Sincerely,

A handwritten signature in black ink, appearing to read "DL", is written over a circular stamp. The signature is fluid and cursive.

Don Lundy  
EMS Director

DL/kfo

# ST. JOHN'S FIRE DISTRICT

## COMMISSIONERS:

THOMAS KULICK, Chairman  
JOHN HART, Vice-Chairman  
ERIC P. BRITTON  
SAMUEL BROWNLEE  
WANDA FORD  
SUSANNE HOLLOMAN  
GENEVA SMITH

P.O. BOX 56  
JOHNS ISLAND, S.C. 29457  
PHONE: (843) 559-9194  
FAX: (843) 559-3687



KARL E. RISTOW, Fire Chief

April 23, 2008

Sharon Chapman  
Administrative Coordinator  
Seamon Whiteside & Associates

Re: Bryan's Dairy Road Tract  
TMS: 259-00-00-074

Ms. Chapman,

Upon review of the site plan of the above identified area, I affirm that St. Johns Fire District shall enforce the requirements outlined in the National Fire Protection Association's (NFPA) 1141, *Standard for Fire Protection in Planned Building Groups*, 2003 Edition. (Copy available upon request)

St. Johns Fire Department provides a variety of emergency services to the aforementioned area. Services provided include fire protection and prevention, hazardous materials response, emergency medical response and specialized rescue.

Additionally, adequate fire flow (available water supply for structure firefighting) shall be required from the established water supply to ratify size and access to any prospective commercial or residential structures.

Should you require any additional assistance regarding this issue or any further explanation regarding the aforementioned requirements; please contact the St. Johns Fire Prevention Division.

Respectfully,

*Clifford J. Smith Sr.*

Clifford J. Smith Sr.  
Chief Fire Investigator  
St. Johns Fire / Rescue

c.c. Karl E. Ristow, Fire Chief  
File

**ST. JOHN'S WATER COMPANY, INC.**

Post Office Box 629  
John's Island, South Carolina 29457-0629  
(843) 559-0186

Original: June 1, 2007  
Reissued: May 6, 2008

Ms. Sharon Chapman  
Seamon, Whiteside & Associates  
501 Wando Park Blvd., Suite 200  
Mt. Pleasant, SC 29464

Re: TMS # 259-00-00-074  
Updated Water Availability and Willingness to Serve Letter

Dear Ms. Chapman:

This letter is to confirm that the property at TMS number 259-00-00-074 on the corner of Bryan's Dairy Road and Legareville Road, proposing to construct approximately 16 single-family units on Johns Island, is within the water service area of the St. John's Water Company, Inc. (SJWC). We have an existing 6-inch water line on Bryan's Dairy Road and a 6-inch water line on Legareville Road.

We are currently under construction with our installation of the 24-inch Water Line Project and we estimate that construction will be completed in June 2008. SJWC realizes that you are eager to start construction at your site. With that being said, SJWC is confident we can work together to be able to provide water service to your site as soon as possible. It would be likely that the Developer could start construction concurrently with SJWC's 24-inch water line construction with SC DHEC's approval and with SJWC's approval of the development plans and meeting all the development requirements of SJWC. Please be aware that the Developer is taking a risk with this process in that the development will not receive its permit to operate and water service until SJWC receives our permit to operate for the new 24-inch water line project. Therefore, water service for the above referenced development is still contingent upon the construction of the SJWC 24-inch water line; once the new 24-inch water line is operational we will have available capacity to serve water to the proposed development.

If you have any questions, please feel free to give me a call.


Sincerely,

*Colleen Schild*  
Colleen Schild  
Assistant Manager/Engineer

RECEIVED  
MAY 07 2008



**BERKELEY**  
**ELECTRIC COOPERATIVE, INC.**

Your Touchstone Energy Partner 

August 16, 2007

Seamon, Whiteside & Associates, Inc.  
C/o: Sharon Chapman  
501 Wando Park Blvd., Suite 200  
Mount Pleasant, SC 29464

**RE: Power Availability: Proposed Development, Bryan's Dairy Road –  
TMS # 259-00-00-074, Johns Island, SC**

Dear Sharon:

Berkeley Electric Cooperative is able and willing to provide the electrical energy requirements for the above referenced development consisting of 58 lots more or less.

If you could please provide us with a copy of the plans once they are available. Berkeley Electric Cooperative will extend service pursuant to our Service Rules and Regulations, which are in effect at the time of services rendered.

If you have any questions, please don't hesitate to give me a call.

Sincerely,

*Richard L. Walker /ld*

Richard L. Walker  
Superintendent of Field Engineering

RLW/ld

c: Tim Mobley

Encl.

RECEIVED  
AUG 18 2007  
BY:

Post Office Box 1234  
Moncks Corner, SC 29461  
(843) 761-8200  
(843) 825-3383  
Fax (843) 572-1280

Post Office Box 128  
Johns Island, SC 29457  
(843) 559-2458  
Fax (843) 559-3876

Post Office Box 1549  
Goose Creek, SC 29445  
(843) 553-5020  
Fax (843) 553-6761

3745 N. Highway 17  
Awendaw, SC 29429  
(843) 884-7525  
Fax (843) 884-3044



May 8, 2008

Sharon Chapman  
Seamon, Whiteside & Associates, Inc  
501 Wando Park Blvd. Ste. 200  
Mt. Pleasant, SC 29464

Re: Bryan's Dairy Road Development TMS #259-00-00-074

Dear Ms. Chapman,

Upon the development of the above referenced project, Comcast of Carolina, Inc. has cable facilities in the general area and will be able to serve the above referenced project. However, depending on the type of construction required, Comcast may pass some or all of the costs to build this plant extension to the developer. Please contact our construction department at 843-266-3152 about any pre-construction meetings. You can also send any drawings or plans to our construction coordinator, Gary Komosa at [gary\\_komosa@cable.comcast.com](mailto:gary_komosa@cable.comcast.com).

Best regards,

William M. Watson  
Vice President and General Manager  
Comcast of Carolina, Inc.  
4400 Belle Oaks Drive  
North Charleston, SC 29405

cc: Jeff Nunn / Comcast of Carolina, Inc.



---

BellSouth Telecommunications, Inc.  
P.O. Box 118050  
Charleston, South Carolina 29423

May 5, 2008

Seamon, Whiteside & Associates, Inc.  
501 Wando Park Blvd  
Suit 200  
Mount Pleasant, SC 29464-7849

% Sharon Chapman

Re: Intention to provide telephone service

To Whom It May Concern:

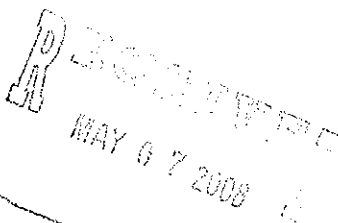
This is to confirm that BellSouth intends to provide telephone service to the property of Charleston tax ID# 259-00-00-074 in the Johns Island area. The proposed zoning would be for a maximum of sixteen lots. The provisioning of this service is contingent upon our receiving detailed plans of the development with utility easements granted, proper lead-time to install these services, the correct 911 street addresses, and 30 x 30 easement for remote equipment to provide service (if needed). Plans should be submitted to Alan Squires (tel.# 843-722-5179) at the following address 2600 Meeting St., Charleston, S.C. 29405-8307

Should you have any questions or concerns, please contact me.

Sincerely,



Alan Squires  
Designer-BellSouth

  
MAY 6 7 2008

**APPENDIX Q**

**APPLICABLE CHARLESTON COUNTY ORDINANCE  
SECTIONS**

## CHAPTER 4 | BASE ZONING DISTRICTS

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**CHAPTER 4 | BASE ZONING DISTRICTS****ARTICLE 4.1 GENERAL****§4.1.1 ESTABLISHMENT OF ZONING DISTRICTS**

The following base zoning districts are hereby established:

District Name		<i>Comprehensive Plan Land Use Designation</i>
RM	Resource Management	Resource Management [Agricultural]
AG-15	Agricultural Preservation	Agricultural Preservation [Agricultural]
AG-10	Agricultural Preservation	Agricultural Preservation [Agricultural]
AG-8	Agricultural Preservation	Agricultural Preservation [Agricultural] Rural Agricultural [Rural]
AGR	Agricultural/Residential	Agricultural Residential [Agricultural]
RR-3	Rural Residential	Rural Residential [Rural]
S-1	Special Management 1	Residential/Special Management (Suburban)
S-2	Special Management 2	Residential/Special Management (Suburban)
S-3	Special Management 3	Residential/Special Management (Suburban)
R-2	Single Family Residential 2	Single Family Residential (Suburban)
R-3	Single Family Residential 3	Single Family Residential (Suburban)
R-4	Single Family Residential 4	Single Family Residential (Suburban)
M-8	Mixed Style Residential 8	Mixed Style Residential (Suburban)
M-12	Mixed Style Residential 12	Mixed Style Residential (Suburban)
MHS	Low-Density Manufactured Housing Subdivision	Residential Low Density [Suburban]
MHP	Manufactured Housing Park	Residential Moderate Density [Suburban]
OR	Residential Office	Commercial [Suburban]
OG	General Office	Commercial [Suburban]
CN	Neighborhood Commercial	Commercial [Suburban]
CT	Commercial Transition	Commercial [Suburban]
CR	Rural Commercial	Commercial [Rural and Agricultural]
CC	Community Commercial	Commercial [Suburban]
I	Industrial	Industrial [Rural and Suburban]
PD	Planned Development	Planned Development (All areas of Plan)

**§4.1.2 ZONING DISTRICT REFERENCES**

References in this Ordinance to "nonresidential" zoning districts shall be construed as references to all base zoning districts beginning with the letters "O" (Office), "C" (Commercial) or "I" (Industrial). References to "residential" zoning districts shall be construed as references to all base zoning districts beginning with the letter "S", "R" and "M". References to "agricultural" zoning districts shall be construed as references to all base zoning districts beginning with the letter "A."

**§4.1.3 ZONING DISTRICT HIERARCHY**

Under the hierarchy established by this Ordinance, the RM district is the most restrictive base zoning district, while the I district is the least restrictive base zoning district. The table of Section 4.1.1 presents the districts in order, from most to least restrictive. The Planned Development, Overlay and Special Purpose zoning districts are not included in the zoning district hierarchy.

**ARTICLE 4.2 MEASUREMENTS, COMPUTATIONS AND EXCEPTIONS****§4.2.1 DENSITY**

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

**§4.2.2 LOT AREA****A. Measurement**

Lot area refers to the horizontal land area within lot lines, including freshwater wetlands.

**B. Exceptions**

No zoning permit, building permit or development approval may be issued for a lot that does not meet the minimum lot area requirements of this Ordinance except in the following cases:

1. Nonconforming lots may be used in accordance with the provisions contained in Chapter 10 of this Ordinance.
2. Utilities using land or an unoccupied building covering less than 1,000 square feet of site area shall be exempt from minimum lot area standards.

**C. Absence of Sewer or Water**

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

**§4.2.3 SETBACKS**

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

**A. Exceptions to Setbacks**

Every part of a required setback must be open and unobstructed from the ground to the sky except as set out in this subsection.

1. Trees, shrubbery or other landscape features may be located within any required setback.
2. Fences and walls may be located within any required setback, provided that in residential, office and commercial districts no fence, wall or hedge shall exceed:
  - a. Four feet in height when located within any front or street side setback;

- b. Eight feet in height when located in an interior side or rear setback.
3. Driveways may be located in front and street side setbacks.
4. Sidewalks may be located within any required setback.
5. Utility lines, wires and associated structures, such as power poles, may be located within any required setback.
6. Uncovered porches, uncovered steps to building entrances, uncovered patio decks and uncovered balconies may extend up to five feet into any required front, rear or street side setback.
7. Openwork fire balconies and fire escapes may extend up to five feet into any required side setback.
8. Sills, belt courses, cornices, buttresses, eaves and other architectural features may extend up to two feet into any required setback.
9. Chimneys and flues may extend up to two feet into any required setback.
10. Satellite dish antennas may be placed in required rear setbacks.
11. Mechanical equipment, including Heating Ventilation and Air Conditioning (HVAC) equipment, may be extended up to five feet into required side or rear setbacks in all zoning districts.

**B. Contextual Setbacks**

Notwithstanding the front setback requirements of the underlying zoning district, the front building line of any structure or addition to a structure may be as close to the street as the front building line of a structure located on any lot that is immediately adjacent to the subject lot. If the subject lot is located between two developed lots, the front building line of the structure that is set back further from the street shall apply to the subject lot.

**C. Setback Reductions**

Where the front, interior side and rear setbacks of the underlying zoning district reduces the buildable width of a lot to less than 40 feet, the Planning Director shall be authorized to reduce the required setbacks as much as necessary. However, no setback reduction granted by the Planning Department shall be for more than 15 feet.

**D. Front Setbacks on Narrow Streets**

Where a lot abuts a dedicated street (that has been accepted for street maintenance) with a right-of-way width of less than 50 feet, the required front setback shall be measured from a line measured 25 feet from the center of such right-of-way.

**E. Setbacks on Corner and Double-Frontage Lots**

On corner and double-frontage lots, front setback standards will apply to each lot line that borders a street. The remaining lot lines will be subject to side setback standards. There is no rear lot line.

**F. Reduction for Public Purpose**

When an existing setback is reduced because of conveyance to a federal, state or local government for a public purpose and the remaining setback is at least 50 percent of the required minimum setback for the district in which it is located, then that remaining setback will be deemed to satisfy the minimum setback standards of this Ordinance.

**§4.2.4 BUILDING HEIGHT**

Building height refers to the vertical distance between the base flood elevation and: (1) the average height level between the eaves and ridge line of a gable, hip or gambrel roof; (2) the highest point of a mansard roof; or (3) the highest point of the coping of a flat roof.

**A. Fences or Walls**

In the case of fences or walls, height shall be measured from ground level on the higher side of the fence or wall.

**B. Exceptions to Height Limits**

Unless otherwise expressly stated, the height limitations of this Ordinance shall not apply to any of the following:

1. Farm buildings in any Agricultural zoning (A) district;
2. Electrical power transmission lines;
3. Belfries, cupolas, spires, domes, monuments, flagpoles, chimneys, radio/television receiving antennas or chimney flues; or
4. Bulkhead, elevator, water tank, or any other similar structure or necessary mechanical appurtenance extending above the roof of any building, if such structure does not occupy more than 33 1/3 percent of the area of the roof.

**§4.2.5 BUILDING COVERAGE**

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



<b>ARTICLE 4.3 RM, RESOURCE MANAGEMENT DISTRICT</b>
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**§4.3.1 DESCRIPTION**

The RM, Resource Management district implements the Resource Management (Rural Landscape-Agricultural Area) policies of the *Comprehensive Plan*.

**§4.3.2 USE REGULATIONS**

Uses are allowed in the RM district in accordance with the Use Regulations of Chapter 6.

**§4.3.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS**

All residential and nonresidential development in the RM district shall be subject to the following density, intensity and dimensional standards:

<b>RM DENSITY/INTENSITY AND DIMENSIONAL STANDARDS</b>	
<b>MAXIMUM DENSITY [1]</b>	1 dwelling unit per 25 acres
<b>MINIMUM LOT AREA</b>	1 acre
<b>MINIMUM LOT WIDTH</b>	135 feet
<b>MINIMUM SETBACKS</b>	
Front/Street Side	50 feet
Interior Side	15 feet
Rear	30 feet
<b>OCRM Critical Line</b>	50 feet
<b>MAXIMUM BUILDING COVER</b>	30% of lot
<b>MAXIMUM HEIGHT</b>	35 feet

[1] On tracts of 100 or more acres, where lots ranging from one to three acres are created, a bonus of one dwelling shall be allowed on the residual area of the parent tract.

**§4.3.4 OTHER REGULATIONS**

Development in the RM district shall comply with all other applicable regulations of this ordinance, including the development standards of Chapter 9. All waterfront property subdivided after April 21, 1999, shall be subject to the provisions of the Waterfront Development Standards contained in Article 4.26 of this Chapter.

**§4.3.5 ONE TIME SUBDIVISION OF NONCONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999**

A one time subdivision creating one lot from a nonconforming lot of record (lot existing prior to April 21, 1999) shall be allowed, if each lot resulting from the subdivision meets the minimum lot area requirement of the RM Zoning District.

**ARTICLE 4.4 AG-15, AGRICULTURAL PRESERVATION DISTRICT**

**§4.4.1 DESCRIPTION**

The AG-15, Agricultural Preservation district implements the Agricultural Preservation (Rural Landscape-Agricultural Area) policies of the *Comprehensive Plan*.

**§4.4.2 USE REGULATIONS**

Uses are allowed in the AG-15 district in accordance with the Use Regulations of Chapter 6.

**§4.4.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS**

**A. Density/Intensity and Dimensional Standards Table**

All residential and nonresidential development in the AG-15 district shall be subject to the following density, intensity and dimensional standards:

<b>AG-15 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS</b>	
<b>MAXIMUM DENSITY</b>	1 dwelling unit per 15 acres
<b>MINIMUM LOT AREA</b>	3 acres
<b>MINIMUM LOT WIDTH</b>	135 feet
<b>MINIMUM SETBACKS</b>	
Front/Street Side	50 feet
Interior Side	15 feet
Rear	30 feet
<b>OCRM Critical Line</b>	50 feet
<b>MAXIMUM BUILDING COVER</b>	30% of lot
<b>MAXIMUM HEIGHT</b>	35 feet

**B. Development Along Critical Line**

The area of a parcel in the AG-15 district within 1,000 feet of the OCRM Critical Line has a Maximum Density of one dwelling unit per three acres with a minimum lot area of three acres. The remaining acreage of the parcel (more than 1,000 feet from the OCRM Critical Line) maintains a density of one dwelling unit per 15 acres.

**§4.4.4 OTHER REGULATIONS**

Development in the AG-15 district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9. All waterfront property subdivided after April 21, 1999, shall be subject to the provisions of the Waterfront Development Standards contained in Article 4.26 of this Chapter.

**§4.4.5 ONE TIME SUBDIVISION OF NONCONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999**

A one time subdivision creating one lot from a nonconforming lot of record (lot existing prior to April 21, 1999) shall be allowed, if each lot resulting from the subdivision meets the minimum lot area requirement of the AG-15 Zoning District.

<b>ARTICLE 4.5 AG-10, AGRICULTURAL PRESERVATION DISTRICT</b>
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**§4.5.1 DESCRIPTION**

The AG-10, Agricultural Preservation district implements the Agricultural Preservation (Rural Landscape-Agricultural Area) policies of the *Comprehensive Plan*.

**§4.5.2 USE REGULATIONS**

Uses are allowed in the AG-10 district in accordance with the Use Regulations of Chapter 6.

**§4.5.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS**

All residential and nonresidential development in the AG-10 district shall be subject to the following density, intensity and dimensional standards:

<b>AG-10 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS</b>	
<b>MAXIMUM DENSITY</b>	1 dwelling unit per 10 acres
<b>MINIMUM LOT AREA</b>	1 acre
<b>MINIMUM LOT WIDTH</b>	135 feet
<b>MINIMUM SETBACKS</b>	
Front/Street Side	50 feet
Interior Side	15 feet
Rear	30 feet
<b>OCRM Critical Line</b>	50 feet
<b>MAXIMUM BUILDING COVER</b>	30% of lot
<b>MAXIMUM HEIGHT</b>	35 feet

**§4.5.4 OTHER REGULATIONS**

Development in the AG-10 district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9. All waterfront property subdivided after April 21, 1999, shall be subject to the provisions of the Waterfront Development Standards contained in Article 4.26 of this Chapter.

**§4.5.5 ONE TIME SUBDIVISION OF NONCONFORMING LOT OF RECORD EXISTING PRIOR to APRIL 21, 1999**

A one time subdivision creating one lot from a nonconforming lot of record (lot existing prior to April 21, 1999) shall be allowed, if each lot resulting from the subdivision meets the minimum lot area requirement of the AG-10 Zoning District.

<b>ARTICLE 4.6 AG-8, AGRICULTURAL PRESERVATION DISTRICT</b>
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**§4.6.1 DESCRIPTION**

The AG-8, Agricultural Preservation district implements the Agricultural Preservation (Rural Landscape-Agricultural Area) and Rural Agricultural (Rural Landscape-Rural Area) policies of the *Comprehensive Plan*.

**§4.6.2 USE REGULATIONS**

Uses are allowed in the AG-8 district in accordance with the Use Regulations of Chapter 6.

**§4.6.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS**

All residential and nonresidential development in the AG-8 district shall be subject to the following density, intensity and dimensional standards:

<b>AG-8 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS</b>	
<b>MAXIMUM DENSITY</b>	1 dwelling unit per 8 acres
<b>MINIMUM LOT AREA</b>	1 acre
<b>MINIMUM LOT WIDTH</b>	135 feet
<b>MINIMUM SETBACKS</b>	
Front/Street Side	50 feet
Interior Side	15 feet
Rear	30 feet
<b>OCRM Critical Line</b>	50 feet
<b>MAXIMUM BUILDING COVER</b>	30% of lot
<b>MAXIMUM HEIGHT</b>	35 feet

**§4.6.4 OTHER REGULATIONS**

Development in the AG-8 district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9. All waterfront property subdivided after April 21, 1999, shall be subject to the provisions of the Waterfront Development Standards contained in Article 4.26 of this Chapter.

**§4.6.5 ONE TIME SUBDIVISION OF NONCONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999**

A one time subdivision creating one lot from a nonconforming lot of record (lot existing prior to April 21, 1999) shall be allowed, if each lot resulting from the subdivision meets the minimum lot area requirement of the AG-8 Zoning District.

<b>ARTICLE 4.7 AGR, AGRICULTURAL/RESIDENTIAL DISTRICT</b>
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**§4.7.1 DESCRIPTION**

The AGR, Agricultural/Residential district implements the Agricultural Residential (Rural Landscape-Agricultural Area) policies of the *Comprehensive Plan*. The district is intended for application in all settlement areas.

**§4.7.2 USE REGULATIONS**

Uses are allowed in the AGR district in accordance with the Use Regulations of Chapter 6.

**§4.7.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS**

All residential and nonresidential development in the AGR district shall be subject to the following density, intensity and dimensional standards:

<b>AGR DENSITY/INTENSITY AND DIMENSIONAL STANDARDS</b>	
<b>MAXIMUM DENSITY</b>	1 dwelling unit per Acre
<b>MINIMUM LOT AREA</b>	30,000 square feet
<b>MINIMUM LOT WIDTH</b>	100 feet
<b>MINIMUM SETBACKS</b>	
Front/Street Side	50 feet
Interior Side	15 feet
Rear	30 feet
<b>OCRM Critical Line</b>	50 feet
<b>MAXIMUM BUILDING COVER</b>	30% of lot
<b>MAXIMUM HEIGHT</b>	35 feet

**§4.7.4 OTHER REGULATIONS**

Development in the AGR district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9. All waterfront property subdivided after April 21, 1999, shall be subject to the provisions of the Waterfront Development Standards contained in Article 4.26 of this Chapter.

**§4.7.5 ONE TIME SUBDIVISION OF NONCONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999**

A one time subdivision creating one lot from a nonconforming lot of record (lot existing prior to April 21, 1999) shall be allowed, if each lot resulting from the subdivision meets the minimum lot area requirement of the AGR Zoning District.

**§4.7.6 SETTLEMENT AREAS**

Settlement areas include small older crossroads communities, family lands, typical suburban-style subdivisions, frontage lots along local roads, waterfront developments, and vacant land that has been subdivided for residential use but not yet built upon. The criteria for parcels to qualify for inclusion into a "Settlement Area" are as follows:

1. Parcel size of 30 acres or less on parcels existing prior to April 21, 1999; and
2. Parcel must be located in an AG-8, AG-10, or RM Zoning Districts or adjacent to lands currently zoned AGR; and
3. Parcel must be either within 1,000 feet of an existing AGR Zoning District or

show the same obvious spatial characteristics of other existing AGR Zoning Districts in the agricultural area; and

4. Tax parcels are not located on Wadmalaw Island.

#### **ARTICLE 4.8 RR-3, RURAL RESIDENTIAL DISTRICT**

##### **§4.8.1 DESCRIPTION**

The RR-3, Rural/Residential district implements the Rural Residential (Rural Landscape-Rural Area) policies of the *Comprehensive Plan*.

##### **§4.8.2 USE REGULATIONS**

Uses are allowed in the RR-3 district in accordance with the Use Regulations of Chapter 6.

##### **§4.8.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS**

All residential and nonresidential development in the RR-3 district shall be subject to the following density, intensity and dimensional standards:

<b>RR-3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS</b>	
<b>MAXIMUM DENSITY</b>	1 dwelling unit per 3 acres
<b>MINIMUM LOT AREA</b>	30,000 sq. ft.
<b>MINIMUM LOT WIDTH</b>	100 feet
<b>MINIMUM SETBACKS</b>	
Front/Street Side	50 feet
Interior Side	15 feet
Rear	30 feet
<b>OCRM Critical Line</b>	50 feet
<b>MAXIMUM BUILDING COVER</b>	30% of lot
<b>MAXIMUM HEIGHT</b>	35 feet

##### **§4.8.4 OTHER REGULATIONS**

Development in the RR-3 district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9. All waterfront property subdivided after April 21, 1999, shall be subject to the provisions of the Waterfront Development Standards contained in Article 4.26 of this Chapter.

##### **§4.8.5 ONE TIME SUBDIVISION OF NONCONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999**

A one time subdivision creating one lot from a nonconforming lot of record (lot existing prior to April 21, 1999) shall be allowed, if each lot resulting from the subdivision meets the minimum lot area of the RR-3 zoning district.

**ARTICLE 4.9 S-1, SPECIAL MANAGEMENT 1 DISTRICT**

**§4.9.1 DESCRIPTION**

The S-1, Special Management Residential district implements the Special Management (Suburban Area) policies of the *Comprehensive Plan*.

**§4.9.2 USE REGULATIONS**

Uses are allowed in the S-1 district in accordance with the Use Regulations of Chapter 6.

**§4.9.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS**

All residential and nonresidential development in the S-1 district shall be subject to the following density, intensity and dimensional standards:

<b>S-1 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS</b>	
<b>MAXIMUM DENSITY</b>	1 dwelling unit per acre
<b>MINIMUM LOT AREA</b>	30,000 square feet
<b>MINIMUM LOT WIDTH</b>	90 feet [1]
<b>MINIMUM SETBACKS</b>	
Front/Street Side [2]	25 feet
Interior Side	15 feet
Rear	25 feet
<b>OCRM Critical Line</b>	35 feet
<b>MAXIMUM BUILDING COVER</b>	30% of lot
<b>MAXIMUM HEIGHT</b>	35 feet

[1] 100 feet without public water and/or public sewer.

[2] Front/Street Side Setback reductions of 15 feet may be approved by the Planning Director when deemed compatible with existing development patterns or setbacks shown on approved plats.

**§4.9.4 OTHER REGULATIONS**

Development in the S-1 district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9. All waterfront property subdivided after April 21, 1999 shall be subject to the provisions of the Waterfront Development Standards contained in Article 4.26 of this Chapter.

**§4.9.5 ONE TIME SUBDIVISION OF NON-CONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999**

A one time subdivision creating gone lot from a non-conforming lot of record (lot existing prior to April 21, 1999) shall be allowed, if each lot resulting from the subdivision meets the minimum lot area of the S-1 zoning district.

**ARTICLE 4.10 S-2, SPECIAL MANAGEMENT 2 DISTRICT**

**§4.10.1 DESCRIPTION**

The S-2, Special Management Residential district implements the Special Management (Suburban Area) policies of the *Comprehensive Plan*.

**§4.10.2 USE REGULATIONS**

Uses are allowed in the S-2 district in accordance with the Use Regulations of Chapter 6.

**§4.10.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS**

All residential and nonresidential development in the S-2 district shall be subject to the following density, intensity and dimensional standards:

<b>S-2 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS</b>	
<b>MAXIMUM DENSITY</b>	2 dwelling units per acre
<b>MINIMUM LOT AREA</b>	20,000 square feet
<b>MINIMUM LOT WIDTH</b>	80 feet [1]
<b>MINIMUM SETBACKS</b>	
Front/Street Side [2]	25 feet
Interior Side	15 feet
Rear	25 feet
<b>OCRM Critical Line</b>	35 feet
<b>MAXIMUM BUILDING COVER</b>	30% of lot
<b>MAXIMUM HEIGHT</b>	35 feet

[1] 90 feet without public water and/or public sewer.

[2] Front/Street Side Setback reductions of 15 feet may be approved by the Planning Director when deemed compatible with existing development patterns or setbacks shown on approved plats.

**§4.10.4 OTHER REGULATIONS**

Development in the S-2 district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9. All waterfront property subdivided after April 21, 1999 shall be subject to the provisions of the Waterfront Development Standards contained in Article 4.26 of this Chapter.

**§4.10.5 ONE TIME SUBDIVISION OF NON-CONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999**

A one time subdivision creating one lot from a non-conforming lot of record (lot existing prior to April 21, 1999) shall be allowed, if each lot resulting from the subdivision meets the minimum lot area of the S-2 zoning district.



<b>ARTICLE 4.11 S-3, SPECIAL MANAGEMENT 3 DISTRICT</b>
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**§4.11.1 DESCRIPTION**

The S-3, Special Management Residential district implements the Special Management (Suburban Area) policies of the *Comprehensive Plan*.

**§4.11.2 USE REGULATIONS**

Uses are allowed in the S-3 district in accordance with the Use Regulations of Chapter 6.

**§4.11.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS**

All residential and nonresidential development in the S-3 district shall be subject to the following density, intensity and dimensional standards:

<b>S-3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS</b>	
<b>MAXIMUM DENSITY</b>	3 dwelling units per acre
<b>MINIMUM LOT AREA</b>	14,500 square feet [1]
<b>MINIMUM LOT WIDTH</b>	70 feet [2]
<b>MINIMUM SETBACKS</b>	
Front/Street Side [3]	25 feet
Interior Side	15 feet
Rear	25 feet
<b>OCRM Critical Line</b>	35 feet
<b>MAXIMUM BUILDING COVER</b>	30% of lot
<b>MAXIMUM HEIGHT</b>	35 feet

[1] Minimum lot area of 12,500 sq. ft. if water or sewer is available.

[2] 80 feet without public water and/or public sewer.

[3] Front/Street Side Setback reductions of 15 feet may be approved by the Planning Director when deemed compatible with existing development patterns or setbacks shown on approved plats.

**§4.11.4 OTHER REGULATIONS**

Development in the S-3 district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9. All waterfront property subdivided after April 21, 1999 shall be subject to the provisions of the Waterfront Development Standards contained in Article 4.26 of this Chapter.

**§4.11.5 ONE TIME SUBDIVISION OF NON-CONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999**

A one time subdivision creating one lot from a non-conforming lot of record (lot existing prior to April 21, 1999) shall be allowed, if each lot resulting from the subdivision meets the minimum lot area of the S-3 zoning district.

<b>ARTICLE 4.12 R-2, SINGLE FAMILY RESIDENTIAL 2 DISTRICT</b>
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**§4.12.1 DESCRIPTION**

The R-2, Single Family Residential district implements the Single Family Residential (Suburban Area) policies of the *Comprehensive Plan*.

**§4.12.2 USE REGULATIONS**

Uses are allowed in the R-2 district in accordance with the Use Regulations of Chapter 6.

**§4.12.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS**

All residential and nonresidential development in the R-2 district shall be subject to the following density, intensity and dimensional standards:

<b>R-2 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS</b>	
<b>MAXIMUM DENSITY</b>	2 dwelling units per acre
<b>MINIMUM LOT AREA</b>	14,500 square feet
<b>MINIMUM LOT WIDTH</b>	80 feet [1]
<b>MINIMUM SETBACKS</b>	
Front/Street Side [2]	25 feet
Interior Side	15 feet
Rear	25 feet
<b>OCRM Critical Line</b>	35 feet
<b>MAXIMUM BUILDING COVER</b>	30% of lot
<b>MAXIMUM HEIGHT</b>	35 feet

[1] 90 feet without public water and/or public sewer.

[2] Front/Street Side Setback reductions of 15 feet may be approved by the Planning Director when deemed compatible with existing development patterns or setbacks shown on approved plats.

**§4.12.4 OTHER REGULATIONS**

Development in the R-2 district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9. All waterfront property subdivided after April 21, 1999 shall be subject to the provisions of the Waterfront Development Standards contained in Article 4.26 of this Chapter.

**§4.12.5 ONE TIME SUBDIVISION OF NON-CONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999**

A one time subdivision creating one lot from a non-conforming lot of record (lot existing prior to April 21, 1999) shall be allowed, if each lot resulting from the subdivision meets the minimum lot area of the R-2 zoning district.

<b>ARTICLE 4.13 R-3, SINGLE FAMILY RESIDENTIAL 3 DISTRICT</b>
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**§4.13.1 DESCRIPTION**

The R-3, Single Family Residential district implements the Single Family Residential (Suburban Area) policies of the *Comprehensive Plan*.

**§4.13.2 USE REGULATIONS**

Uses are allowed in the R-3 district in accordance with the Use Regulations of Chapter 6.

**§4.13.3 DENISTY/INTENSITY AND DIMENSIONAL STANDARDS**

All residential and nonresidential development in the R-3 district shall be subject to the following density, intensity and dimensional standards:

<b>R-3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS</b>	
<b>MAXIMUM DENSITY</b>	3 dwelling units per acre
<b>MINIMUM LOT AREA</b>	12,000 square feet
<b>MINIMUM LOT WIDTH</b>	70 feet [1]
<b>MINIMUM SETBACKS</b>	
Front/Street Side [2]	25 feet
Interior Side	10 feet
Rear	20 feet
<b>OCRM Critical Line</b>	35 feet
<b>MAXIMUM BUILDING COVER</b>	30% of lot
<b>MAXIMUM HEIGHT</b>	35 feet

[1] 80 feet without public water and/or public sewer.

[2] Front/Street Side Setback reductions of 15 feet may be approved by the Planning Director when deemed compatible with existing development patterns or setbacks shown on approved plats.

**§4.13.4 OTHER REGULATIONS**

Development in the R-3 district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9. All waterfront property subdivided after April 21, 1999 shall be subject to the provisions of the Waterfront Development Standards contained in Article 4.26 of this Chapter.

**§4.13.5 ONE TIME SUBDIVISION OF NON-CONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999**

A one time subdivision creating one lot from a non-conforming lot of record (lot existing prior to April 21, 1999) shall be allowed, if each lot resulting from the subdivision meets the minimum lot area of the R-3 zoning district.

<b>ARTICLE 4.14 R-4, SINGLE FAMILY RESIDENTIAL 4 DISTRICT</b>
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**§4.14.1 DESCRIPTION**

The R-4, Single Family Residential district implements the Single Family Residential (Suburban Area) policies of the *Comprehensive Plan*.

**§4.14.2 USE REGULATIONS**

Uses are allowed in the R-4 district in accordance with the Use Regulations of Chapter 6.

**§4.14.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS**

All residential and nonresidential development in the R-4 district shall be subject to the following density, intensity and dimensional standards:

<b>R-4 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS</b>	
<b>MAXIMUM DENSITY</b>	4 dwelling units per acre
<b>MINIMUM LOT AREA</b>	
With Public Water AND Sewer	7,250 square feet
With Public Water OR Sewer	10,000 square feet
Without Public Water AND Sewer	14,500 square feet
<b>MINIMUM LOT WIDTH</b>	60 feet
<b>MINIMUM SETBACKS</b>	
Front/Street Side [1]	25 feet
Interior Side	5 feet
Rear	15 feet
<b>OCRM Critical Line</b>	35 feet
<b>MAXIMUM BUILDING COVER</b>	30% of lot
<b>MAXIMUM HEIGHT</b>	35 feet

[1] Front/Street Side Setback reductions of 15 feet may be approved by the Planning Director when deemed compatible with existing development patterns or setbacks shown on approved plats.

**§4.14.4 OTHER REGULATIONS**

Development in the R-4 district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9. All waterfront property subdivided after April 21, 1999 shall be subject to the provisions of the Waterfront Development Standards contained in Article 4.26 of this Chapter.

**§4.14.5 ONE TIME SUBDIVISION OF NON-CONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999**

A one time subdivision creating one lot from a non-conforming lot of record (lot existing prior to April 21, 1999) shall be allowed, if each lot resulting from the subdivision meets the minimum lot area of the R-4 zoning district.

**ARTICLE 4.15 M-8, MIXED STYLE RESIDENTIAL 8 DISTRICT**

**§4.15.1 DESCRIPTION**

The M-8, Mixed Style Residential district implements the Mixed Style Residential (Suburban Area) policies of the *Comprehensive Plan*.

**§4.15.2 USE REGULATIONS**

Uses are allowed in the M-8 district in accordance with the Use Regulations of Chapter 6.

**§4.15.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS**

All residential and nonresidential development in the M-8 district shall be subject to the following density, intensity and dimensional standards and shall provide proof to the Planning Director that the property will be served by public water and sewer:

<b>M-8 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS</b>	
<b>MAXIMUM DENSITY</b>	8 dwelling units per acre
<b>MINIMUM LOT WIDTH</b>	12 feet
<b>MINIMUM SETBACKS</b>	
Front/Street Side	15 feet [1]
Interior Side	0/5 feet [2]
Rear	10 feet
<b>OCRM Critical Line</b>	35 feet
<b>MAXIMUM BUILDING COVER</b>	50% of lot
<b>MAXIMUM HEIGHT</b>	4 stories/50 feet

[1] Front/Street Side Setback reductions of 15 feet may be approved by the Planning Director when deemed compatible with existing development patterns or setbacks shown on approved plats.

[2] Zero lot line homes may be built with no setback on one side of the property, but must have at least 14 feet of separation between buildings.

**§4.15.4 OTHER REGULATIONS**

Development in the M-8 district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9.

**ARTICLE 4.16 M-12, MIXED STYLE RESIDENTIAL 12 DISTRICT**

**§4.16.1 DESCRIPTION**

The M-12, Mixed Style Residential district implements the Mixed Style Residential (Suburban Area) policies of the *Comprehensive Plan*.

**§4.16.2 USE REGULATIONS**

Uses are allowed in the M-12 district in accordance with the Use Regulations of Chapter 6.

**§4.16.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS**

All residential and nonresidential development in the M-12 district shall be subject to the following density, intensity and dimensional standards and shall provide proof to the Planning Director that the property will be served by public water and sewer:

<b>M-12 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS</b>	
<b>MAXIMUM DENSITY</b>	12 dwelling units per acre
<b>MINIMUM LOT WIDTH</b>	12 feet
<b>MINIMUM SETBACKS</b>	
Front/Street Side	15 feet [1]
Interior Side	0/5 feet [2]
Rear	10 feet
<b>OCRM Critical Line</b>	35 feet
<b>MAXIMUM BUILDING COVER</b>	50% of lot
<b>MAXIMUM HEIGHT</b>	4 stories/50 feet

- [1] Front/Street Side Setback reductions of 15 feet may be approved by the Planning Director when deemed compatible with existing development patterns or setbacks shown on approved plats.
- [2] Zero lot line homes may be built with no setback on one side of the property, but must have at least 14 feet of separation between buildings.

**§4.16.4 OTHER REGULATIONS**

Development in the M-12 district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9.

**ARTICLE 4.17 MHS, LOW-DENSITY MANUFACTURED HOUSING SUBDIVISION DISTRICT**

**§4.17.1 DESCRIPTION**

The MHS, Low-Density Manufactured Home Subdivision district implements the Mixed Style Residential (Suburban Area) policies and the housing policies of the *Comprehensive Plan*.

**§4.17.2 USE REGULATIONS**

Uses are allowed in the MHS district in accordance with the Use Regulations of Chapter 6.

**§4.17.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS**

<b>MHS DENSITY/INTENSITY AND DIMENSIONAL STANDARDS</b>	
<b>MAXIMUM DENSITY</b>	6 dwelling units per acre
<b>MINIMUM LOT AREA</b>	5,000 square feet
<b>MINIMUM LOT WIDTH</b>	50 feet
<b>MINIMUM SETBACKS</b>	
Front/Street Side [1]	25 feet
Interior Side	5 feet
Rear	15 feet
<b>OCRM Critical Line</b>	35 feet
<b>MAXIMUM BUILDING COVER</b>	30% of lot
<b>MAXIMUM HEIGHT</b>	35 feet

[1] Front/Street Side Setback reductions of 15 feet may be approved by the Planning Director when deemed compatible with existing development patterns or setbacks shown on approved plats.

**§4.17.4 OTHER REGULATIONS**

Development in the MHS district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9. For properties abutting an OCRM Critical Line, all applicable Waterfront Development Standards of the R-4 Zoning District shall apply, with the following exception:

- A. Where a current lot of record (existing prior to April 21, 1999) zoned MHS has resulted from the combination of two (2) previously platted and recorded lots, the current lot of record may be subdivided into the configuration of the originally platted lots as shown on the corresponding approved, recorded plat of record. The subdivision resulting in the original configuration of the previously recorded lots may occur even if the originally platted lots do not meet the minimum lot width requirement of this Section and/or the minimum lot area, minimum lot width and minimum lot width average requirements of Article 4.26, Waterfront Development Standards, provided that the subdivision meets all other requirements of this Ordinance.

**§4.17.5 ONE TIME SUBDIVISION OF NONCONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999**

A one time subdivision creating one lot from a nonconforming lot of record (lot existing prior to April 21, 1999) shall be allowed, if each lot resulting from the subdivision meets the minimum lot area of the MHS zoning district.

**ARTICLE 4.18 MHP, MANUFACTURED HOUSING PARK DISTRICT**

**§4.18.1 DESCRIPTION**

The MHP, Manufactured Housing Park district implements the Residential Moderate Density (Suburban Area) policies of the *Comprehensive Plan*. It is primarily intended to accommodate manufactured housing park developments.

**§4.18.2 USE REGULATIONS**

Uses are allowed in the MHP district in accordance with the Use Regulations of Chapter 6.

**§4.18.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS**

All development in the MHP district shall be subject to the following density, intensity and dimensional standards:

<b>MHP DENSITY/INTENSITY AND DIMENSIONAL STANDARDS</b>	
<b>MAXIMUM DENSITY</b>	10 dwelling units per acre
<b>MINIMUM PARK AREA</b>	1 acre
<b>MINIMUM SETBACKS</b>	
Front/Street Side	25 feet [1]
Interior Side	5 feet
Rear	10 feet
<b>OCRM Critical Line</b>	35 feet
<b>MAXIMUM BUILDING COVER</b>	35% of lot
<b>MAXIMUM HEIGHT</b>	35 feet

[1] Front/Street Side Setback reductions up to 15 feet may be approved by the Planning Director when deemed compatible with existing development patterns or setbacks shown on approved plats.

**§4.18.4 OTHER REGULATIONS**

Development in the MHP district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9.

**§4.18.5 SUPPLEMENTAL DISTRICT STANDARDS**

In addition to all other applicable provisions of this ordinance, manufactured housing parks within the MHP district shall be subject to the following standards.

- A. Area per Manufactured Housing Unit Space**  
There shall be no less than 4,000 square feet of zoning lot area per manufactured housing unit space.
- B. Separation of Service Buildings**  
Every service building in a manufactured housing park shall be at least 25 feet from the boundary of any other property in any residential or office zoning district. When a property line is on a natural waterway, a property line setback shall not be required.



- C. Access Road**  
Each manufactured housing unit space shall abut an access road that is constructed under the Charleston County Road Construction Standards and is not less than 20 feet wide.
- D. Drainage Plan**  
A drainage plan shall be approved by the Public Works Department prior to the processing of a manufactured housing park development.
- E. Temporary, Accessory Manufactured Housing Park**  
A temporary, accessory manufactured housing park shall be established only in connection with a construction project and shall be discontinued within 60 days after such project is completed. Written approval from the South Carolina Department of Health and Environmental Control (DHEC) shall be obtained prior to the issuance of a Zoning Permit.

**ARTICLE 4.19 OR, RESIDENTIAL OFFICE DISTRICT**

**§4.19.1 DESCRIPTION**

The OR, Residential Office district implements the Commercial (Suburban Area) policies of the *Comprehensive Plan*.

**§4.19.2 USE REGULATIONS**

Uses are allowed in the OR district in accordance with the Use Regulations of Chapter 6.

**§4.19.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS**

All development in the OR district shall be subject to the following density, intensity and dimensional standards:

<b>OR DENSITY/INTENSITY AND DIMENSIONAL STANDARDS</b>	
<b>MINIMUM LOT AREA</b>	6,000 square feet
<b>MINIMUM LOT WIDTH</b>	50 feet
<b>MINIMUM SETBACKS</b>	
Front/Street Side	25 feet
Interior Side	5 feet
Rear	5 feet
<b>OCRM Critical Line</b>	50 feet
<b>MAXIMUM BUILDING COVER</b>	35% of lot
<b>MAXIMUM HEIGHT</b>	35 feet

**§4.19.4 OTHER REGULATIONS**

Development in the OR district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9.

**§4.19.5 SUPPLEMENTAL DISTRICT STANDARDS**

In addition to all other applicable provisions of this Ordinance, structures within the OR district shall be subject to the following standards:

**A. Architectural Character**

Structures in the OR district shall be compatible with the established architectural character of the neighborhood in which they are located by using a design that is complementary in terms of:

1. Consistency of roof lines, roof materials and roof colors;
2. Use of similar proportions in building mass and outdoor spaces;
3. Similar relationships to the street;
4. Similar window and door patterns; and
5. Similar streetscapes including landscaping, light fixtures and other site amenities.

**B. Building Orientation**

Primary facades and entries shall face the adjacent street.

**C. Building Materials**

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

**D. Building Colors**

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

**§4.19.6 RESIDENTIAL USES**

Residential uses in the OR district shall be subject to the density/intensity and dimensional standards of the R-4 district (Article 4.14).

**ARTICLE 4.20 OG, GENERAL OFFICE DISTRICT**

**§4.20.1 DESCRIPTION**

The OG, General Office district implements the Commercial (Suburban Area) policies of the *Comprehensive Plan*.

**§4.20.2 USE REGULATIONS**

Uses are allowed in the OG district in accordance with the Use Regulations of Chapter 6.

**§4.20.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS**

All development in the OG district shall be subject to the following density, intensity and dimensional standards:

<b>OG DENSITY/INTENSITY AND DIMENSIONAL STANDARDS</b>	
<b>MINIMUM LOT AREA</b>	2,000 square feet
<b>MINIMUM LOT WIDTH</b>	50 feet
<b>MINIMUM SETBACKS</b>	
Front/Street Side	25 feet
Interior Side	5 feet
Rear	5 feet
<b>OCRM Critical Line</b>	50 feet
<b>MAXIMUM BUILDING COVER</b>	40% of lot
<b>MAXIMUM HEIGHT</b>	35 feet

**§4.20.4 OTHER REGULATIONS**

Development in the OG district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9.

<b>ARTICLE 4.21 CN, NEIGHBORHOOD COMMERCIAL DISTRICT</b>
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**§4.21.1 DESCRIPTION**

The CN, Neighborhood Commercial district implements the Commercial (Suburban Area) policies of the *Comprehensive Plan*.

**§4.21.2 USE REGULATIONS**

Uses are allowed in the CN district in accordance with the Use Regulations of Chapter 6.

**§4.21.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS**

All development in the CN district shall be subject to the following density, intensity and dimensional standards:

<b>CN DENSITY/INTENSITY AND DIMENSIONAL STANDARDS</b>	
<b>MINIMUM LOT AREA</b>	4,000 square feet
<b>MINIMUM LOT WIDTH</b>	15 feet
<b>MINIMUM SETBACKS</b>	
Front/Street Side	25 feet
Interior Side	10 feet
Rear	10 feet
<b>OCRM Critical Line</b>	50 feet
<b>MAXIMUM BUILDING COVER</b>	25% of lot
<b>MAXIMUM HEIGHT</b>	35 feet

**§4.21.4 OTHER REGULATIONS**

Development in the CN district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9.

**§4.21.5 SUPPLEMENTAL DISTRICT STANDARDS**

In addition to any other applicable provisions of this ordinance, structures in the CN district shall be subject to the following performance standards:

**A. Floor Area**

All structures, including accessory structures, shall be limited to a maximum of 5,000 square feet gross floor area, provided that structures between 5,000 and 10,000 square feet gross floor area may be approved in accordance with the Special Exception procedures of Article 3.6. In no case shall the total, combined gross floor area of all principal and accessory structures exceed 10,000 square feet.

**B. Enclosed Buildings**

All commercial activities, excluding accessory gasoline outlets and restaurants, shall be operated entirely within enclosed buildings.

**C. Gasoline Pump Nozzles**

Accessory gasoline pumps shall be limited to a maximum of four nozzles, provided that five to eight nozzles may be approved in accordance with the Special Exception procedures of Article 3.6. In no case shall the number of gasoline nozzles exceed eight.

**ARTICLE 4.22 CT, COMMERCIAL TRANSITION DISTRICT**

**§4.22.1 DESCRIPTION**

The CT, Commercial Transition district implements the Commercial (Transition) policies of the *Comprehensive Plan*.

**§4.22.2 USE REGULATIONS**

Uses are allowed in the CT district in accordance with the Use Regulations of Chapter 6.

**§4.22.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS**

<b>CT DENSITY/INTENSITY AND DIMENSIONAL STANDARDS</b>	
<b>MINIMUM LOT AREA</b>	not designated
<b>MINIMUM LOT WIDTH</b>	
Without shared access	200 feet
With shared access	100 feet
<b>MAXIMUM BUILDING COVER</b>	
1-199 feet road frontage	3,000 gross sq. ft.
200+ feet road frontage	5,000 gross sq. ft.
<b>MAXIMUM HEIGHT</b>	35 feet

**§4.22.4 SIGNS**

Signs within the CT district shall comply with the following standards:

<b>STANDARD</b>	
Maximum Sign Face Area [square feet]	20
Maximum Sign Height [feet] [1]	6
Maximum Number of Signs per Major Road Frontage [2]	1
Internal Illumination Allowed	No

[1] Freestanding signs shall be monument or pedestal type.

[2] When a parcel abuts more than one road classification, signs will be allowed on the road with the higher classification only.

**§4.22.5 OPERATING HOURS**

All uses within the CT district shall be limited to operating hours between 6:00 a.m. to 11:00 p.m.

**§4.22.6 RESIDENTIAL USES**

Residential uses in the CT district shall be subject to the density/intensity and dimensional standards of the R-4 district (Article 4.14).

<b>ARTICLE 4.23 CR, RURAL COMMERCIAL DISTRICT</b>
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**§4.23.1 DESCRIPTION**

The CR, Rural Commercial district implements the Commercial (Rural Landscape-Rural Area and Agricultural Area) policies of the *Comprehensive Plan*.

**§4.23.2 USE REGULATIONS**

Uses are allowed in the CR district in accordance with the Use Regulations of Chapter 6.

**§4.23.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS**

All development in the CR district shall be subject to the following density, intensity and dimensional standards:

<b>CR DENSITY/INTENSITY AND DIMENSIONAL STANDARDS</b>	
<b>MINIMUM LOT AREA</b>	40,000 square feet
<b>MINIMUM LOT WIDTH</b>	125 feet
<b>MINIMUM SETBACKS</b>	
Front/Street Side	25 feet
Interior Side	15 feet
Rear	25 feet
<b>OCRM Critical Line</b>	50 feet
<b>MAXIMUM BUILDING COVER</b>	40% of lot
<b>MAXIMUM HEIGHT</b>	35 feet

**§4.23.4 OTHER REGULATIONS**

Development in the CR district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9.

<b>ARTICLE 4.24 CC, COMMUNITY COMMERCIAL DISTRICT</b>
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**§4.24.1 DESCRIPTION**

The CC, Community Commercial district implements the Commercial (Suburban Area) policies of the *Comprehensive Plan*.

**§4.24.2 USE REGULATIONS**

Uses are allowed in the CC district in accordance with the Use Regulations of Chapter 6.

**§4.24.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS**

All development in the CC district shall be subject to the following density, intensity and dimensional standards:

<b>CC DENSITY/INTENSITY AND DIMENSIONAL STANDARDS</b>	
<b>MINIMUM LOT AREA</b>	4,000 square feet
<b>MINIMUM LOT WIDTH</b>	15 feet
<b>MINIMUM SETBACKS</b>	
Front/Street Side	None
Interior Side	None
Rear	None
<b>OCRM Critical Line</b>	50 feet
<b>MAXIMUM BUILDING COVER</b>	35% of lot
<b>MAXIMUM HEIGHT</b>	No Maximum

**§4.24.4 OTHER REGULATIONS**

Development in the CC district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9.

**§4.24.5 RESIDENTIAL USES**

Residential uses in the CC district shall be subject to the density/intensity and dimensional standards of the M-12 district (Article 4.16).

**ARTICLE 4.25 I, INDUSTRIAL DISTRICT**

**§4.25.1 DESCRIPTION**

The I Industrial district implements the Industrial (Suburban Area) policies of the *Comprehensive Plan*.

**§4.25.2 USE REGULATIONS**

Uses are allowed in the I district in accordance with the Use Regulations of Chapter 6.

**§4.25.3 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS**

All development in the I district shall be subject to the following density, intensity and dimensional standards:

<b>I DENSITY/INTENSITY AND DIMENSIONAL STANDARDS</b>	
<b>MINIMUM LOT AREA</b>	15,000 square feet
<b>MINIMUM LOT WIDTH</b>	70 feet
<b>MINIMUM SETBACKS</b>	
Front/Street Side	50 feet
Interior Side	None
Rear	None
<b>OCRM Critical Line</b>	50 feet
<b>MAXIMUM BUILDING COVER</b>	No Maximum
<b>MAXIMUM HEIGHT</b>	No Maximum

**§4.25.4 OTHER REGULATIONS**

Development in the I district shall comply with all other applicable regulations of this Ordinance, including the development standards of Chapter 9.

**ARTICLE 4.26 WATERFRONT DEVELOPMENT STANDARDS**

The following dimensions have precedence over Base Zoning District standards for subdivision on properties which abut an OCRM Critical Line:

<b>Standard [1]</b>	<b>RM</b>	<b>AG-15</b>	<b>AG-10</b>	<b>AG-8</b>	<b>AGR</b>	<b>RR-3</b>	<b>S-1</b>	<b>S-2</b>	<b>S-3</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
Min. Lot Area	1 Ac	3 Acs	1 Ac	1 Ac	1 Ac	1 Ac	1 Ac	½ Ac	½ Ac	12,000 sq ft	12,000 sq ft	12,000 sq ft
Min. Lot Width (ft)	200	200	175	175	125	125	125	100	100	90	90	90
Min Lot Width Average (ft)	250	250	200	200	150	135	135	125	125	100	100	100
<b>Minimum Buffers/Setbacks (ft)</b>												
OCRM Critical Line Buffer (ft)	35	35	35	35	35	35	35	35	35	15	15	15
Building Setback from OCRM Critical Line (ft)	50	50	50	50	50	50	50	50	50	35	35	35

Notes:

Ac=Acre

Min=Minimum

[1] Landscape buffer standards specified in Chapter 9 may require greater setbacks.



**§4.26.1 MINIMUM LOT WIDTH (FT)**

The minimum lot width (ft) is measured and maintained from the front lot line through the entire parcel to the OCRM Critical Line. All lots within a subdivision must meet the minimum lot width average. (Exception: Flag lots and lots served by cul-de-sacs).

- A. Reductions from minimum lot width requirements for parcels which abut an OCRM Critical Line may be permitted if the Planning Director determines that one of the following criteria has been met:
1. No more than three (3) waterfront lots are being created from the original parcel and that a reduction of no more than ten percent (10%) of lot width is required for any resulting lot; or
  2. Where two lots of record (lots existing prior to April 21, 1999) have been combined, the resulting lot may be subdivided into the original configuration shown on the previously approved, recorded plat of record, even if the original lots do not meet the minimum lot width requirement of this Section, provided that the subdivision meets all other requirements of this Ordinance.

**ARTICLE 4.27 PD, PLANNED DEVELOPMENT DISTRICT**
**§4.27.1 DESCRIPTION**

A "Planned Development," as defined by the South Carolina Government Comprehensive Planning Enabling Act of 1994, as amended, Code of Laws of South Carolina, Title 6, Chapter 29 (6-29-740) is a type of zoning district (PD) and a type of development plan. PD zoning districts are inextricably linked to Planned Development plans, in that no rights of development apply to a PD zoning designation other than those of the approved Planned Development plan.

Planned development provisions are intended to encourage innovative site planning for residential, commercial, institutional, and industrial developments within planned development districts. Planned development districts may provide for variations from other ordinances and the regulations of other established zoning districts concerning use, setbacks, lot size, density, bulk, and other requirements to accommodate flexibility in the arrangement of uses for the general purpose of promoting and protecting the public health, safety, and general welfare.

**§4.27.2 FINDINGS**

The County finds and determines that this Article is consistent with the following objectives of the *Comprehensive Plan*:

- A. Implement a farm and forest land and open space protection program (Objective FFL1);
- B. Provide families and youth with access to parks, recreation areas and facilities (Objective CD5);
- C. Encourage site design that will maintain as much of the development site as possible in natural open space where new development is proposed in rural and agricultural areas outside of existing settlements (Objective WR3, Policy 1);
- D. Implement a system of incentives that will encourage environmentally sensitive site planning that is responsive to the natural characteristics of the land.

New development should be encouraged that will retain buffers along rural and urban waterways, retain natural open space, and reduce impervious surfaces (Objective WR4, Policy 1);

- E. Promote a sufficient supply of a variety of housing units with access to facilities and services (Objective H1);
- F. Increase ownership of affordable housing through new construction, acquisition, and/or rehabilitation (Objective H5);
- G. Increase the housing alternatives for low and moderate income households (Objective H6); and
- H. Increase and preserve affordable housing development and reduce the number of households below the poverty level (Objective CD10).

#### **§4.27.3 DEFINITIONS**

In this Chapter, the following term shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed:

- A. Studio Unit: A dwelling unit that:
  1. Has only one combined living and sleeping room; or
  2. A living and sleeping room, along with a separate room that contains only kitchen facilities and also a separate room that contains only sanitary facilities.

#### **§4.27.4 INTENT AND RESULTS**

The PD, Planned Development, district regulations of this Article are intended to encourage achievement of the goals of the Charleston County *Comprehensive Plan* and to allow flexibility in development that will result in improved design, character, and quality of new mixed use developments and preserve natural and scenic features of open spaces. The following objectives may be attained through the use of the planned development process:

- A. A maximum choice in the types of environment available to the public by allowing a development that would not be possible under the strict application of the standards of this Ordinance that were designated primarily for development on individual lots;
- B. A greater freedom in selecting the means to provide access, light, open space and design amenities;
- C. Quality design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations and land use arrangements;
- D. A development pattern in harmony with the land use density, transportation facilities and community facilities objectives of the *Comprehensive Plan*;
- E. The permanent preservation of common open space, recreation areas and facilities;

- F. An efficient use of the land resulting in more economical networks of utilities, streets, schools, public grounds and buildings, and other facilities;
- G. A creative approach to the use of land and related physical facilities that results in better development and design and the construction of amenities; and
- H. A development pattern that incorporates adequate public safety and transportation-related measures in its design and compliments the developed properties in the vicinity and the natural features of the site.

#### **§4.27.5 APPLICABILITY**

There shall be no minimum site area requirement for a Planned Development as long as the Planned Development meets all requirements of Article 4.27 of this Ordinance.

#### **§4.27.6 DEVELOPMENT STANDARDS**

Development standards of the underlying zoning district pertaining to density, lot size, location, and arrangement of buildings and structures, lot dimensions, and landscaping may be altered in Planned Development Districts. The underlying standards of the zoning district may be altered only if the development will serve an overriding public interest and/or public safety concern. The development standards listed below, those in the approved Planned Development Stipulations, and any in the approved Planned Development Sketch Plan(s) shall apply.

##### **A. Maximum Density**

The maximum allowed density increase in a planned development may not exceed the maximum density as stated in Table 3.2.1 of the Charleston County *Comprehensive Plan*, as amended. Density and lot area calculations shall comply with the requirements contained in Article 4.2, Measurements, Computations and Exceptions. In order to achieve the maximum density, the following minimum amounts of common open space, as defined in this Ordinance, shall apply where applicable:

1. 0.2 acres of common open space per dwelling unit plus ten percent (10%) of the land area designated for office, commercial, and/or industrial uses is required for parcels located in the Rural and Agricultural Areas; or
2. If the parcel is located in the Suburban Area, the following standards shall apply:
  - a. Where the underlying zoning district is Single Family Residential (R-2, R-3, or R-4) and all requirements of this Ordinance are met, a maximum density of not more than two times the maximum allowable density in the underlying zoning district may be permitted when 0.05 acres of common open space per dwelling unit plus ten percent (10%) of the land area designated for office, commercial, and/or industrial uses is provided. A density bonus of up to 25% may be approved by County Council when affordable housing units are provided in accordance with the provisions of Section 4.27.8 of this Ordinance; and
  - b. Where the underlying zoning district is Mixed Style Residential (M-8 or M-12) and all requirements of this Ordinance are met, a maximum density of not more than two times the maximum allowable density in the underlying zoning district may be permitted when 0.05 acres of

common open space per dwelling unit plus ten percent (10%) of the land area designated for office, commercial, and/or industrial uses is provided. A density bonus may be approved by County Council when affordable housing units are provided in accordance with the provisions of Section 4.27.8 of this Ordinance.

**B. Dimensional Standards**

1. The Waterfront Development Standards of the base zoning district, as set forth in Article 4.26 of this Ordinance, shall be applied to all waterfront lots within the planned development.
2. Each lot located on the perimeter of the planned development shall maintain the rear yard setback requirements and any buffer requirements of the adjacent zoning district.

**C. Architectural Standards**

The Architectural Design Guidelines of Article 9.6 shall apply to all proposed planned developments. Modifications to the Architectural Design Guidelines may be proposed in a planned development request where the Planning Director determines that the architectural design of the proposed development is compatible with the architectural design of development on adjacent properties.

**D. Lots to Abut Upon Common Open Space**

Residential parcels shall maximize orientation towards common open space or similar areas.

**E. Access**

1. Streets within planned developments should connect to adjoining neighborhoods/developments. Cul-de-sacs, T-turnarounds, and dead-end streets are discouraged.
2. Areas between structures shall be covered by easements where necessary for access and to provide for maintenance and utility service.
3. Primary vehicular access to office, commercial, or industrial development shall be through limited access roads.

**F. Commercial Areas**

1. Commercial areas and adjacent residential, office, and industrial areas shall be directly connected through paved sidewalks, trails, or other pedestrian infrastructure.
2. Commercial areas shall be planned as groups having common parking areas and common ingress and egress points.

**G. Industrial Areas**

1. A minimum vegetated buffer of forty (40) feet shall be required where industrial uses abut residential uses.
2. All intervening spaces between the right-of-way line and project building

line and intervening spaces between buildings, drives, parking areas and improved areas shall be landscaped with trees and plantings and properly maintained at all times.

**H. Areas Designated for Future Use**

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

**I. Signs**

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

**J. Parking**

Parking shall be provided in accordance with the standards set forth in Article 9.3 of this Ordinance. Modifications to the parking standards of Article 9.3 may be proposed in a planned development request where the Planning Director determines that the amount of parking requested and its location is sufficient for the use proposed.

**K. Resource Areas**

1. Planned developments shall protect any resources determined significant by the Planning Director including, but not limited to: agricultural soils and active farmland, buffer areas between active farmland and existing/planned future non-farm development, wetlands, mature trees, land adjacent to preserved farmland on neighboring properties, scenic views, water access and shoreline buffers, and habitat of species designated as of federal, state and local concern.
2. Planned developments shall comply with all provisions of Article 9.4, Tree Protection and Preservation, of this Ordinance.

**§4.27.7 COMMON OPEN SPACE**

A. Common open space area shall be located to preserve any significant resources. Where common open space is designated, the following standards shall apply:

1. The common open space area shall be detailed on each Sketch Plan and recorded with the Final Plat (as approved under Article 8.5 of this Ordinance) or separate instrument.
2. The proposed common open space shall be usable and appropriate to the size of the development and to the new residents of the planned development. The purpose of common open space is to permit areas, which could otherwise be developed into buildable lots or otherwise sold individually, to provide a significant amenity to the residents who will interact with the open space on a daily basis. It is not the purpose of common open space to permit open space for land that is otherwise unusable on a daily basis by residents. Common open space may include

unimproved land, landscaped areas, improved recreation areas, recreational buildings, and structures that are totally accessory to recreational uses, as well as freshwater wetland areas and water surfaces, all located within the development. Natural landscapes, such as wetlands, may also be considered as open space if preserved and meet the requirements of subsection C below. "Usable" means that the open space includes uses or facilities that are adaptable to recreational or leisure use and are accessible to the residents of the proposed development or the general public, such as seating areas, picnic shelter, community garden, pedestrian and bicycle trail access to a designated greenway, public square, swimming pools, playing fields, or a new playground. The use or facility must be approved by County Council in accordance with the approval and conveyance procedures below.

3. The total combined acreage of freshwater wetlands, detention ponds, and buffers to be used as open space shall not comprise more than forty percent (40%) of the open space requirement as stated in this Section.
4. Land designated as common open space shall not be occupied by streets, drives, parking areas, or structures, other than recreational structures.
5. All property owners in the planned development shall have access to the open space by means of a public or private street or walkway in an easement a minimum of 20 feet in width.
6. Common open space shall be provided within each phase of the planned development in sufficient amounts to serve the expected population of that phase.
7. The common open space shall be conveyed prior to recording the final plat, in accordance with one of the methods listed below. The applicant must have proof of commitment from the entity that will be responsible for the common open space prior to the Planning Commission Meeting for which the case is scheduled.
  - a. By dedication to the County as publicly-owned open space. Parks, open space, and recreation facilities proposed for dedication to the County must be acceptable to the Parks and Recreation Commission, Planning Commission, County Council, and other governmental entities with regard to the size, shape, location, improvement, environmental condition (i.e., the applicant may be required to provide an environmental assessment), and budgetary and maintenance terms; or
  - b. By leasing, conveying, or retaining title (including beneficial ownership) to a corporation, homeowner's association or other legal entity. The terms of such lease or other instrument of conveyance must restrict the use of the area to open space/recreational uses.

#### **§4.27.8 AFFORDABLE DWELLING UNITS**

- A. As an incentive to provide affordable dwelling units, County Council may approve a density bonus above the maximum allowable density provided for in

Section 4.27.6A. This density bonus is only applicable to properties located in the Suburban Area and shall only apply to affordable housing units (no market rate units may be included in the density bonus).

- B. Zoning permit fees for affordable dwelling units shall be reimbursed upon the request of the developer and certification that the dwelling units are affordable, as defined in Section 4.27.3A.
- C. If affordable dwelling units are provided within a planned development, the following requirements shall apply:
  1. Affordable dwelling units shall be provided within each phase of the planned development in sufficient amounts to serve the expected population of that phase;
  2. Affordable dwelling units shall be integrated throughout the development and not located in a single area of the development;
  3. Any studio dwelling unit provided under this Section must be a minimum of 500 square feet in floor area; and
  4. In no instance shall more than fifty percent (50%) of the affordable dwelling units be provided in the form of studio units.

#### **§4.27.9 PLANNED DEVELOPMENT PROCEDURE**

This procedure involves a pre-application conference, a community workshop and approval of a PD development plan and PD zoning map amendment.

- A. **Pre-Application Conference**  
Before submitting a PD Development Plan for Planned Development, the applicant shall confer with the Planning Director and any other officials designated by the Planning Director. The purpose of this pre-application conference is to discuss the proposal and the applicable development review and approval procedures.
- B. **Community Workshop**  
After the pre-application conference, it is recommended that the applicant hold one (1) or more community workshops. The purpose of a community workshop is to ensure early citizen participation in an informal forum, in conjunction with the development applications and to provide an applicant the opportunity to understand and try to mitigate any impacts an application may have on an affected community. A community workshop is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors.
- C. **PD Development Plan**
  1. **Application**  
After the required pre-application conference, a complete application for PD Development Plan approval must be submitted to the Planning Director on a form established by the Planning Director including an approved and recorded plat showing the current property lines of the property/properties to be included in the planned development, a current

recorded deed, and all applicable fees. If the proposed development is zoned R-2, R-3, or R-4 and would exceed the maximum density of the Residential Low Density Future Land Use Designation in the *Comprehensive Plan*, a *Comprehensive Plan Amendment* must be approved concurrently with a Planned Development application (see Article 3.2, *Comprehensive Plan Amendment*). County Council may waive the fees at their discretion. The PD Development Plan application shall include the requested Planned Development Stipulations and Sketch Plan. The Sketch Plan shall be drawn to scale.

- a. The following shall be included in the requested Planned Development Stipulations:
  - i. The name of the planned development, not duplicating the name of any other planned development or subdivision, the final plat of which has been recorded in Charleston County, South Carolina;
  - ii. A statement of objectives of the proposed development;
  - iii. The total acreage of the planned development, broken down into total acreage, total highland acreage, total freshwater wetland acreage, and total Critical Line wetland, or marsh, acreage;
  - iv. A table of proposed land uses including:
    - a. A table of proposed maximum and average residential densities for each residential use (The applicant may refer to the density ranges listed in the Charleston County *Comprehensive Plan* for residential densities);
    - b. The maximum total acreage of each residential use, including affordable dwelling units, if applicable;
    - c. The maximum allowable number of each type of residential unit requested, including affordable dwelling units, if applicable;
    - d. The maximum proposed floor area ratios (% of lot in relation to building floor area), and the maximum building/lot coverage for each non-residential use; and
    - e. All dimensional and lot standards requested, for each land use type designated.
  - v. A description of the affordable dwelling units, if applicable, including location, unit type, and cost analysis;
  - vi. An analysis of the impact of the proposed development on existing public facilities and services (e.g. roads and streets, water, sewer, etc.). Any proposed future improvements to these facilities and services to be made as part of the planned



development shall also be included;

- vii. A traffic study that meets the requirements of Article 9.9 of this Ordinance for planned developments that contain (1) 50 or more dwelling units or (2) 5 or more acres of nonresidential development;
  - viii. A development schedule with a generalized phasing schedule, if appropriate. The phasing schedule shall include the number of dwelling units, total acreage of each residential use, total gross floor area of each non-residential use, percentage and acreage of common open space to be included in each phase, and percentage, number and acreage of affordable dwelling units to be included in each phase (if applicable);
  - ix. A statement indicating how any common open space/recreation areas will be owned or managed;
  - x. A statement indicating how all roads and alleys will be owned and maintained;
  - xi. A statement of inclusion and compliance with processes included in the Charleston County Zoning and Land Development Regulations that are not mentioned in the planned development stipulations;
  - xii. A statement of agreement to proceed with proposed development in accordance with the provisions of these zoning regulations, applicable provisions of the Charleston County *Comprehensive Plan*, and with such conditions as may be attached to any rezoning to the applicable PD district;
  - xiii. A statement that the provisions of Article 3.10, Variances, of this Ordinance shall not apply to the planned development and that all major changes to the planned development must be approved by County Council. Tree variances may be granted in accordance with this Article and all other sections of this Ordinance;
  - xiv. Letters of coordination from all agencies from which the applicant must either (1) obtain permits or (2) obtain services and/or facilities; and
  - xv. Any other information that the Planning Director determines is necessary to determine whether the application complies with the standards established in this Article.
- b. The following shall be included on the requested Sketch Plan. Multiple Sketch Plans may be submitted. Sketch Plans shall be drawn to scale.
- i. The general location and amount of land proposed for each land use including single family residential, multi-family

- residential, institutional, office, commercial, industrial, common open space/recreation, street use, etc.;
- ii. Conceptual lot lines;
  - iii. Pedestrian and motor traffic circulation;
  - iv. Location, acreage, and type (freshwater or Critical Line/marsh) of all wetlands as they exist prior to development. The location and acreage of all freshwater wetlands to be developed upon shall be indicated;
  - v. A tree survey to include all Grand trees (24 inches or greater) on residential lots of one acre or less and in road rights-of-way and easements. Significant trees shall be shown on residential lots greater than one acre. Tree surveys for non-residential uses shall conform with the standards of Section 9.4.3 of this Ordinance;
  - vi. Architectural elevations for each type of residential and nonresidential unit;
  - vii. The general location, size, and capacity of all existing and proposed water and sewer lines;
  - viii. Areas to be included in each phase of development, including the location of all common open space areas and/or affordable housing units to be included in each phase;
  - ix. The location of all construction entrances;
  - x. A Landscaping Sketch Plan including the location and composition of all screening and buffering materials;
  - xi. A Utility Sketch Plan with the location of any on-site natural areas, buffers, trees and sidewalks that may be impacted by utility facilities including existing and proposed location of any easements or rights-of-way; and
  - xii. Any other information that the Planning Director determines is necessary to determine whether the application complies with the standards established in this Article.

## 2. Public Hearing Notice

Newspaper, Neighbor, Parties in Interest, and Posted notice of the County Council's public hearing shall be provided in accordance with the requirements of Section 3.1.6 of this Ordinance.

## 3. Planning Director Review and Report

Once an application is deemed complete and to contain all information required herein by the Planning Director, the application will be scheduled for a Planning Commission meeting and the applicant and other interested parties will be notified in accordance with this Ordinance. The Planning Director shall prepare a staff report that reviews the PD Development Plan application.

**4. Planning Commission Review and Recommendation**

The Planning Commission shall review the proposed PD Development Plan and adopt a resolution, by majority vote of the entire membership, recommending that the County Council approve, approve with conditions or deny the proposed development plan. The Planning Commission's recommendation shall be based on the Approval Criteria of Section 4.27.9.C.6. The Planning Commission shall submit its recommendation to the County Council within 30 calendar days of the Planning Commission meeting at which the PD Development Plan was introduced.

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

**5. County Council Hearing and Decision**

After receiving the recommendation of the Planning commission, the County Council shall hold at least 1 public hearing, and any time after the close of the public hearing, take action to approve, approve with conditions or deny the proposed PD Development Plan based on the Approval Criteria of Section 4.27.9.C.6 of this Chapter. If the County Council takes action to approve the PD Development Plan, it may require time-frames for development of the entire Planned Development and its individual phases, if any. Within ten (10) working days of approval by County Council of a planned development, the applicant shall submit three (3) copies of the approved Planned Development Guidelines and Sketch Plan to the Planning Department. This plan shall contain all changes and conditions approved by Council. The approval of a planned development shall deem it to be a new zoning district with its own zoning designation.

**6. Approval Criteria**

Applications for PD Development Plan approval may be approved only if the County Council determines that the following criteria are met:

- a. The PD Development Plan complies with the standards contained in this Article;
- b. The development is consistent with the intent of the *Comprehensive Plan* and other adopted policy documents; and
- c. The County and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, at the time the property is developed.

**§4.27.10 IDENTIFICATION OF ZONING MAPS**

Approved PDs shall be indicated on the official zoning map.

**§4.27.11 COMPLIANCE WITH OTHER REGULATIONS**

Unless expressly stated in this Section or approved at the time of a Planned Development approval, all applicable standards of this Ordinance and other law shall apply to development within a Planned Development. Planned Developments may provide for variations from this Ordinance or other ordinances and the regulations of established zoning districts concerning use, setbacks, lot area, density, bulk and other requirements to accommodate flexibility in the arrangement of uses for the general purpose of promoting and protecting the public health, safety, and general welfare. All development, other than single family residential, shall comply with the Site Plan Review Requirements of this Ordinance.

**§4.27.12 SUBDIVISION OF LAND LOCATED WITHIN APPROVED PLANNED DEVELOPMENTS**

All subdivision of land located within approved planned developments shall be deemed a Major Subdivision, as defined in Section 8.3.3 of this Ordinance.

**CHAPTER 8 | SUBDIVISION REGULATIONS**

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**CHAPTER 8 | SUBDIVISION REGULATIONS****ARTICLE 8.1 GENERAL****§8.1.1 PURPOSE**

The public health, safety, economy, good order, appearance, convenience, morals and general welfare require the harmonious, orderly, and progressive development of land within Charleston County. In furtherance of this general intent, the Subdivision Regulations are authorized for the following purposes, among others:

- A. To implement the goals, objectives and policies of the Charleston County *Comprehensive Plan*;
- B. To facilitate the adequate provision or availability of transportation, police and fire protection, water, sewage, schools, parks and other recreational facilities, affordable housing, disaster evacuation, and other public services and requirements;
- C. To assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, environmental, transportation, and other public purposes;
- D. To assure, in general, the wise and timely development of new areas and redevelopment of previously developed areas in harmony with the adopted or amended *Comprehensive Plan* for Charleston County and any adopted or amended municipal *Comprehensive Plan* within or adjacent to the County;
- E. To implement land use policies that will preserve agricultural uses of land and the rural character of unincorporated Charleston County;
- F. To identify, protect and preserve scenic, historic, and ecologically sensitive areas;
- G. To prevent overcrowding of land, avoiding undue concentration of population, and lessening congestion in the streets;
- H. To regulate the density and distribution of populations and the uses of buildings, structures and land for trade, industry, residence, recreation, agriculture, forestry, conservation, airports and approaches thereto, water supply, sanitation, protection against floods, public activities, and other purposes; and
- I. To ensure protection from fire, flood, and other dangers, and furthering the public welfare in any other regard specified by a local governing body.

**§8.1.2 APPLICABILITY**

Unless expressly exempted, no subdivision shall be made, platted, or recorded for any purpose nor shall parcels resulting from such subdivisions be sold, unless such subdivision meets all applicable standards of this Ordinance and has been approved in accordance with the

procedures of this Ordinance.

- A. All lots shown on plats whether subdivided or not, shall have the Planning Commission Stamp of either approval or exemption on said plat; the Register of Mesne Conveyance shall not record any plat without such stamp. The plat for an individual lot exempted by virtue of pre-existence must be accompanied by a surveyor's statement on the plat that the lot is a single, individual lot, and not newly created.
- B. Parcels that were recorded by deed or plat prior to the adoption of the County's original Subdivision Regulations on January 1, 1955, will receive automatic approval under a Grandfather Clause, provided the parcel involved is still in the same size and shape as when recorded prior to 1955 and is properly platted in accordance with present standards. The recorded information must be provided and attested to by the surveyor or attorney involved.
- C. Preliminary Plats submitted for approval shall expire two years from the date of preliminary approval if all conditions for preliminary plat approval have not been met. The Planning Director shall be authorized to grant a one-time extension of this time frame if a written request is submitted by the applicant prior to the expiration date. The time period of the extension shall not exceed one year.
- D. Upon submission of a Subdivision application, no additional Subdivision applications shall be accepted for the subject property until the original application has been withdrawn or the Decision-Making Body has rendered its final decision and all applicable time limits on refilling have expired.

### §8.1.3

#### EXEMPTIONS

##### A.

##### **Procedures**

The following shall be exempt from the Subdivision Plat Procedures, if the Planning Director determines that all engineering and survey standards of this Ordinance have been met:

1. The combination or re-combination of portions of previously platted lots where the total number of lots is not increased. When the plat is finalized, it shall be submitted to the Planning Director for recording. Deeds and plats shall be recorded simultaneously.
2. The public acquisition of land for right-of-way or drainage easements or any lot or parcel created therefrom.
3. Contiguous properties that are to be divided for the purpose of exchanging or trading parcels of land. When the plat is finalized, it shall be submitted to the Planning Director for recording. Deeds and plats shall be recorded simultaneously.
4. A parcel of land that is proposed to be used as the site for a utility substation, power line easements or right-of-way, pumping station, pressure regulating station, electricity regulating substation, gas pressure control station, or similar facilities.



5. The combination or recombination of entire lots of record where no new street or change in existing streets is involved.
6. The division of land into parcels of five acres or more, where no new street or easement is involved. Plats of these exceptions must be received as information by the Planning Director, which fact shall be indicated on the plats.

**B. Standards**

Lots created and recorded prior to August 15, 1971, shall be exempt from compliance with the standards of this Chapter, provided that the subject property:

1. Was or is surveyed and platted in accordance with prescribed standards;
2. Has the approval of the South Carolina Department of Health and Environmental control (DHEC); and
3. Contains no drainage ways or easements needed to drain surrounding properties, as determined by the Public Works Director.

**§8.1.4 CHARLESTON COUNTY ROAD CONSTRUCTION STANDARDS**

The regulations and standards of this Chapter are intended to supplement the Charleston County Road Construction Standards, as amended, in Appendix A of this Ordinance, which shall be considered the minimum design standards for roads and drainage systems in Charleston County. (Note: Road and drainage systems not meeting the Standard Specifications for Local Governments' Road and Street Construction will not be eligible for maintenance from the State "C" or donor County funds.)

**§8.1.5 RELATIONSHIP TO DEVELOPMENT REVIEW PROCEDURES OF ARTICLE 3.1**

The "General" procedural requirements and standards of Article 3.1 of this Ordinance shall apply to the subdivision plat procedures of this Chapter.

**§8.1.6 SURVEY COMPLIANCE**

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

**ARTICLE 8.2 PRE-APPLICATION INFORMATION**

**§8.2.1 PRE-APPLICATION CONFERENCE**

Pre-Application Conferences offer an opportunity for Planning, Public Works and other affected agencies to familiarize applicants with applicable procedures, submittal requirements, development standards, and other pertinent matters before finalizing the development proposal or laying out the proposed subdivision. Applicants requesting Minor Subdivisions are suggested to schedule a pre-application process before submittal of an application. Applicants for Major

Subdivisions are required to have a pre-application conference before submittal of an application. Applicants shall be responsible for scheduling pre-application conferences with the Planning Director who shall be responsible for contacting the Public Works Director and other affected agencies.

## **ARTICLE 8.3 MINOR AND MAJOR SUBDIVISIONS**

### **§8.3.1 MINOR SUBDIVISION**

A Minor Subdivision is a division of any tract of land into ten (10) or fewer lots, provided that:

- A. No public street right-of-way dedications are involved;
- B. The Public Works Director does not require a Preliminary Plat for a drainage easement;
- C. The lots meet South Carolina Department of Health and Environmental Control (DHEC) requirements for sewage disposal systems. Systems that are determined by DHEC to be properly functioning or "grandfathered" must comply with DHEC regulations as a condition of minor subdivision approval;
- D. Off-site sewage disposal systems must be approved by DHEC and an off-site utility easement must be shown along with all lots served by the off-site system if public sewer is accessible and is provided to each lot;
- E. No new or residual parcels will be created that do not comply with all applicable requirements of this Ordinance; and
- F. The tract to be subdivided is not located within an approved planned development or an area that is subject to an application for planned development approval by the landowner. All such subdivisions are considered Major Subdivisions.
- G. Non-Buildable Lots
  1. For the purpose of this subsection, non-buildable lots are lots that meet all requirements of this Ordinance, with the exception of water and/or sewer availability requirements;
  2. For all non-buildable lots, all new parcels being created less than five (5) acres in size shall meet the minimum lot size and comply with applicable requirements of this Ordinance;
  3. Non-buildable lots may be approved by the Planning Commission as a Minor Subdivision ten (10) lots or less without certification by DHEC for on-site waste disposal systems and water or where public water and sewer is not available;
  4. The property owner(s) shall sign the "Certification of Non-Evaluation." This certification statement shall be placed on the plat and signed by the property owner(s);

5. The property owner(s) shall have a deed prepared by an attorney for each non-buildable lot less than five (5) acres in size explaining the "Certification of Non-Evaluation" to be recorded with the plat;
6. The "Certification of Non-Evaluation" for water and sewer availability shall be used in conjunction with Minor Subdivision (development) plats when no evaluation regarding the availability of public water/sewer or on-site septic systems and water have been approved; and
7. The following certification shall be placed on the plat and deed and signed by the property owners:

"The Property owner(s) of record hereby acknowledge(s) that the surveyed parcel(s) and/or tract remainder has not been approved to determine the availability of on-site waste disposal systems or provisions of public water/sewer services. Recordation of this plat and deed shall not be an implied or expressed consent of Charleston County that the lots or other land divisions shown hereon are capable of being serviced by on-site waste disposal or public water/sewer systems. Unless otherwise stated hereon, all surveyed parcels and/or tract remainders have not been reviewed for on-site waste disposal systems or public water/sewer services."

Property Owner(s) Signature \_\_\_\_\_  
Date \_\_\_\_\_

### **§8.3.2 MINOR SUBDIVISION PROCESS**

Applications for Minor Subdivisions shall be submitted to the Planning Director on forms available in the Planning Department. There is one required step in the Minor Subdivision process which is Final Plat review and approval. Generally, Minor Subdivisions are reviewed in the Planning Department and approved by the Planning Director. However, the Planning Director may send Minor Subdivision applications to the Planning Commission for approval in order to determine whether or not the proposed subdivision is consistent with the goals and objectives of the *Comprehensive Plan*. Applicants for Minor Subdivisions are strongly encouraged to schedule and attend a Pre-Application Conference prior to filing a minor subdivision.

### **§8.3.3 MAJOR SUBDIVISION**

- A. Any land division that is not a Minor Subdivision shall be processed as a "Major Subdivision." All Major Subdivision applicants are required to attend a Pre-Application Conference.
- B. Subdivision Roads and Utilities  
A Zoning Permit is required for grading, drainage, or the construction of roads and utilities in a subdivision.

### **§8.3.4 MAJOR SUBDIVISION PROCESS**

Applicants for Major Subdivisions are required to schedule and attend a Pre-Application Conference prior to filing a Major Subdivision application. After the Pre-Application Conference, there are three required steps in the process: (1) Preliminary Plat review and approval; (2) Final

Plat review and approval; and (3) Letters of Coordination. Each step of the process shall be completed before initiating the next step. Applications for Major Subdivisions shall be submitted to the Planning Director and shall include a completed application form (available from the Planning Department). Additional components for consideration of a Major Subdivision that are necessary at the Pre-Application Conference are:

- A. A plat, or survey of the subject property, if available, or a tax map that identifies the subject property; and
- B. A Concept Plan that includes the following information:
  - 1. The proposed means of access to a public road;
  - 2. Surrounding land uses;
  - 3. All adjacent roads;
  - 4. A preliminary map and analysis of natural resources present on the subject property and surrounding property; and
  - 5. A conceptual layout of the proposed subdivision, which shall be overlaid on the preliminary site analysis and which shall show streets, drainage, lots, parks and other facilities located to protect natural resource areas.

[Commentary: Approval from other local, state or federal agencies may be necessary in the development of land in Charleston County, particularly in regard to environmental concerns. Pre-application conferences should be held with these agencies, including the South Carolina Department of Health and Environmental Control, Coastal Resources Management, U.S. Army Corps of Engineers and the U.S. Fish & Wildlife Service.]

### **§8.3.5 REQUIRED TREE PROTECTION FOR MINOR AND MAJOR SUBDIVISIONS**

Trees shall be protected in accordance with Chapter 9 of this Ordinance.

### **§8.3.6 LETTERS OF COORDINATION FOR MAJOR AND MINOR SUBDIVISIONS**

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

## **ARTICLE 8.4 PRELIMINARY PLAT**

### **§8.4.1 APPLICABILITY**

Preliminary Plats shall be required for all Major Subdivisions.

### **§8.4.2 APPLICATION**

#### **A. Requirements**

The following shall be submitted:

- 1. Completed applications for Preliminary Plat approval shall be submitted to the Planning Director on forms available in the Planning Department. Ten (10) copies of the Preliminary Plat shall be filed with the application.

2. Preliminary Plats shall be drawn to engineer's scale no smaller than one inch equals 200 feet. Where large areas are being platted, they may be drawn on one or more sheets, 22 inches by 34 inches in size. For small areas being platted, a scale of one inch equals 100 feet shall be used.
3. Even if the applicant intends to subdivide only a portion of a parcel or tract of land initially, the Preliminary Plat shall show a proposed street and lot layout, drainage plan and other requirements for the entire parcel or tract of land in which such portion is contained; except that the Planning Director, with the recommendation of the Public Works Director, may waive this requirement on a finding that such a complete layout is not necessary to carry out the purposes of these regulations.
4. The following information shall be required on each plat:
  - a. The courses and distances of the perimeter of the land involved shall be indicated on the plat shown with all courses marked to show which are actual field observations and which are computed.
  - b. References to a known point or points such as street intersections and railroad crossings shall be shown.
  - c. The total acreage of the land involved in the subdivision, and the acreage of high land above the Office of Coastal Resource Management Critical Line. Date of Critical Line certification shall be indicated. (Aerial photography may not be used to determine OCRM Critical Line location.)
  - d. The names of adjacent land owners and streets where known or available shall be given (with the tax parcel numbers), and all intersecting boundaries or property lines shall be shown.
  - e. Proposed divisions to be created shall be shown, including building envelopes for each lot, right-of-way widths, roadway widths, road surface types, sidewalks (if applicable), proposed drainage easements, and names of streets; the locations of proposed utility installations and utility easements; lot lines, dimensions and angles; sites reserved or dedicated for public uses; and sites for apartments, civic/institutional, commercial and industrial uses. The status of the existing lot access and the concept of the type of road construction being proposed shall be indicated (e.g., Ingress/Egress Easement, Private Road constructed or unconstructed, Public Secondary or Primary Rural Road, Public Secondary or Primary County Road, and other details as appropriate; i.e., curb and gutter, asphalt swales, inverted crown, roadside open ditch, etc.).
  - f. The title, scale (including graphic scale), north arrow (magnetic, grid, or true), date, name of applicant and the name and seal of engineer or surveyor with South Carolina Registration Number shall be shown.

- g. All existing structures and physical features of the land, including contours (contours not required on proposed private subdivisions, and only within the rights-of-way of proposed rural public streets), drainage ditches, roads and wooded areas shall be shown. The contour interval shall be one foot, unless otherwise approved in advance of submission by the Public Works Director. All contour information shall be based on mean sea level datum and shall be accurate within one-half foot. The Bench Mark, with its description, and the datum used for the survey shall be clearly noted on the plat.
- h. General drainage features, including proposed drainage easements and detention/retention basins. Also the proposed direction of drainage on each street, ditch and lot shall be indicated by the use of arrows and proposed street names.
- i. The location of required landscape buffers as specified in Chapter 9 of this Ordinance, which shall not be located within drainage easements unless expressly approved by the Public Works Director.
- j. Jurisdictional wetlands, with the date of certification, on lots of five acres or less in size and within all publicly dedicated rights-of-way and easements.
- k. A notation shall be made on the plat clearly indicating the applicable OCRM Critical Line buffers and setbacks.
- l. Tree Surveys on lots of one acre or less are to include Grand Trees on the entire lot. Tree surveys of Grand Trees may be requested upon site inspection if lots greater than one acre appear to be unbuildable due to the presence of Grand Trees.
- m. Tree Surveys of all Grand Trees are required within access easements, drainage easements, and rights-of-way.

- n. A signature block on the plat, signed by the owner(s) of the property and notarized indicating that the proposed preliminary plat being put forth is an action of the owner, heirs thereto or assigns.
  - o. A vacant block shall be provided on each page of the plat that is three inches by eight inches in dimension for Charleston County approval stamps and notations.
  - p. A statement that any easements for utilities or other encroachments in the area to be dedicated for streets, highways, drainage or other public or private use are subject to binding provision that the costs of future relocation of any such encroachments due to the construction or maintenance of public improvements shall be borne by the holder of the easement and/or utility company.
5. Accompanying Data
- a. The Preliminary Plat shall be accompanied by a statement as to the availability of and specific indication of the distance to and location of the nearest public water supply and public sanitary sewers.
  - b. The Preliminary Plat shall be accompanied by a statement indicating what provisions are to be made for water supply and sewage disposal.
  - c. Proposed subdivisions encompassing 100 or more acres of land area shall provide a master plan showing the general layout of future development of the entire tract and on adjacent lands that are under common ownership or control. This master plan shall provide a generalized description and plan that addresses the following future development considerations: traffic circulation, drainage, environmental preservation, utility placement, land use, density and any areas that are to remain undeveloped.
  - d. The engineer and/or surveyor who prepared the Preliminary Plat shall affix their seal(s), name(s), and South Carolina Registration Number(s). Only engineers or surveyors registered in the State of South Carolina shall attest and fix their seal on the Preliminary Plat.

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

#### **§8.4.3 PLANNING DIRECTOR—REVIEW AND REPORT**

Upon receipt of a complete application for Preliminary Plat approval, the Planning Director shall have 30 calendar days to (1) review the proposed Preliminary Plat; (2) compile a staff report on the proposed plat (which includes the comments and recommendations of the Public Works Director and other affected agencies); and (3) forward the report and any recommendations to the Planning Commission.

**§8.4.4 PLANNING COMMISSION—REVIEW AND DECISION**

Within 30 calendar days of receipt of a report from the Planning Director, the Planning Commission shall review the proposed Preliminary Plat and act to approve, approve with conditions, or deny the Preliminary Plat based on whether it complies with all applicable requirements of this Ordinance and the adopted Charleston County *Comprehensive Plan*.

**§8.4.5 EFFECT OF PRELIMINARY PLAT APPROVAL**

Approval of a Preliminary Plat shall constitute general acceptance of the overall planning concepts for the proposed subdivision and is a prerequisite for the filing of a Final Plat application.

**§8.4.6 LAPSE OF PRELIMINARY PLAT APPROVAL**

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

**§8.4.7 APPEALS OF PLANNING DIRECTOR'S PRELIMINARY PLAT DECISION**

Any Party in Interest in a Preliminary Plat decision of the Planning Director regarding a complete or incomplete application may appeal the decision to the Planning Commission by filing an appeal with the Planning Director within 30 calendar days of the date of the decision.

**A. Appeal Powers**

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

**B. Consideration of Evidence**

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

**C. Burden of Persuasion of Error**

In acting on the appeal, the Planning Commission shall grant to the decision of the Planning Director a presumption of correctness, placing the burden of persuasion of error on the appellant.

**D. Approval Criteria**

An appeal shall be sustained only if the Planning Commission finds that the decision of the Planning Director was in error.



**E. Vote Required**

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

[Commentary—Appeals of Planning Director and other subdivision-related administrative decisions [including decisions to reject applications as incomplete], shall be processed in accordance with Article 3.14 described in Chapter 3.]

**§8.4.8 APPEALS OF PLANNING COMMISSION PRELIMINARY PLAT DECISION**

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

**§8.4.9 CONSTRUCTION PLANS**

After approval of a Preliminary Plat and before commencing any work within the proposed subdivision (including land clearing and grading), road and drainage plans prepared by an engineer registered in the State of South Carolina shall be submitted to the Public Works Director for review and approval in accordance with the Charleston County Road Construction Standards in Appendix A of this Ordinance.

**§8.4.10 INSPECTIONS**

- A. Subdivision plats that are submitted for review are field inspected by Planning and Public Works staff to ensure compliance with any applicable Ordinance requirements and County standards.
- B. Prior to submitting a Preliminary Plat where no public sewer is provided to any proposed lot, the applicant shall contact a representative of South Carolina Department of Health and Environmental Control (DHEC) and arrange for a test of the soil on any proposed lot. DHEC staff will inspect the proposed lot(s) in order to identify areas that meet minimum septic system requirements required by the State of South Carolina. The results of this test shall be submitted by the applicant at the time of the Preliminary Plat application.
- C. Where subdivision streets and/or drainageways are being constructed, the Public Works Director or the authorized representative will make periodic visits to the site as indicated in Charleston County Road Construction Standards, Appendix A, to ensure construction compliance with County-approved road and drainage plans. The Public Works Director's or the authorized representative's certification that all roads and drainage systems have been constructed in compliance with the plans is required prior to final approval of the development. This approval is only necessary for public subdivisions.

**§8.4.11 CONDITIONAL PLAT APPROVAL**

- A. Prior to approval of a Final Plat, the developer shall install all required public improvements or post an approved financial guarantee of performance, in

accordance with the requirements of this Ordinance. If financial guarantees are posted, the Planning Director shall be authorized to grant conditional plat approval on plats that involve two (2) or more guaranteed public improvements, with final approval contingent upon completion and acceptance of all required improvements. No Certificates of Occupancy shall be issued until all required improvements have been installed and accepted, and the Final Plat has been recorded by the Charleston County Register of Mesne Conveyance. Conditional Plat approval shall be valid for a period not to exceed two years from the date Conditional Plat Approval is granted.

- B. Where plats are submitted under an approved financial guarantee for Conditional approval the following three (3) notes shall be placed on the plat;
  - 1. Approval of this plat does not authorize occupancy;
  - 2. Duration of approval shall be limited to two (2) years; and
  - 3. The approval of this plat in no way obligates the County of Charleston to accept for continued maintenance any of the roads or easements shown hereon.
  
- C. The duration of the financial guarantee for a conditional plat shall be no longer than twenty-four (24) months unless extended by the Planning Commission. No later than two (2) months before the expiration, the applicant shall notify the County that the applicant has completed the final plat or is securing a replacement bond to be issued within 30 days of expiration of the original bond. If no action is taken by the applicant, the County shall execute the provisions of the performance bond.

**ARTICLE 8.5 FINAL PLATS**

**§8.5.1 APPLICABILITY**

Final Plats shall be required for all Subdivisions.

**§8.5.2 APPLICATION**

**A. Final Plat Applications Requirements:**

- 1. Applications for Final Plat approval shall be submitted to Planning Director on forms available in the Planning Department. Ten (10) copies of the Final Plat shall be filed with the application.
- 2. Written certification from the design engineer that the subdivision's road and drainage infrastructure and any other required improvements have been constructed in accordance with the approved plans.
- 3. The Final Plat shall be drawn in ink on a material specified by the Register of Mesne Conveyance for recording, on sheets 22 inches by 34 inches in size, and at an engineer's scale of one inch equals 100 feet or larger. Where necessary the plat may be on several sheets accompanied

by an index sheet or key map insert showing the entire subdivision. Where necessary, the size of the plat may be adjusted to a smaller scale than 1"=100' with the approval of the Planning Director.

**B. The Final Plat Shall Show the Following:**

1. All proposed divisions of land shall be shown, including: each lot showing lot lines, with bearings and distances; all rights-of-way; all drainage easements; names of all streets; the locations of all utility rights-of-way and utility easements; all structures; and all sites reserved or dedicated for public uses.
2. The title, scale (including graphic scale), north arrow (magnetic, grid, or true), date, name of applicant and the name of engineer or surveyor with South Carolina Registration Number shall be shown.
3. Block and lot numbers suitably arranged by simple system.
4. The full names of adjacent land owners and streets where known or available shall be given (with the tax parcel numbers), and all intersecting boundaries or property lines shall be shown. Names of adjacent property owners may be omitted in established residential platted subdivisions; however, Legal Block and Lot Numbers and County Parcel ID Numbers are required.
5. Certificates:
  - a. The signature and seal of the registered land surveyor in accordance with the current Minimum Standard Manual for the Practice of Land Surveying in South Carolina.
  - b. A statement of dedication by the property owner of streets, rights-of-way, easements, and any other sites for public or private use and warranty of title of property offered for dedication. If any change in ownership is made subsequent to the submission of the plat and prior to the granting of final approval, the statement of dedication shall be corrected accordingly.
  - c. For any public dedication, a warranty deed for the transfer of the right(s)-of-way(s), easement(s), or other sites for public use to the County on legal documents of the form suitable to the County must be provided.
  - d. A statement that any easements for utilities or other encroachments in the area to be dedicated for streets, highways, drainage or other public or private use are subject to a binding provision that the costs of future relocation of any such encroachments due to the construction or maintenance of public improvements shall be borne by the holder of the easement and/or utility company.
6. All easements shall include their location, width and centerline.

7. The approved Office of Coastal Resource Management (OCRM) Critical Line with signed approval statement on the final plat.
8. At the Planning Director's discretion, the applicant/surveyor may be required to show buffers and setbacks on lots less than one acre in size or on newly created lots that may appear to have encroachment of structures into a buffer or setback.
9. Freshwater Wetlands/Waterways on lots of five acres or less in size.
10. High land acreage and low land acreage (Freshwater Wetlands or acreage below the Office of Coastal Resource Management Critical Line).
11. Tree Surveys on lots of one acre or less are to include Grand Trees on the entire lot. Tree Surveys of Grand Trees may be requested upon site inspection if lots greater than one acre appear to be unbuildable due to the presence of Grand Trees.
12. Tree Surveys of all Grand Trees are required within access easements, drainage easements, and rights-of-way.
13. Ownership and maintenance status of the lot access shall be indicated for any newly-created lots.
14. A vacant block shall be provided on each page of the plat that is three inches by eight inches in dimension for Charleston County approval stamps and notations.

**C. Accompanying Data**

1. A certificate of title or a sworn affidavit establishing the ownership of the land to be recorded. If any change in ownership occurs subsequent to the date of the certificate of title or affidavit and prior to the granting of final approval, a new certificate of title or sworn affidavit establishing the ownership of the land shall be submitted to the Planning Director.
2. In subdivisions where existing public water and public sewer systems have been extended and/or a new system installed, a certification of inspection and associated operating permits from the South Carolina Department of Health and Environmental Control (DHEC) shall be submitted.
3. Restrictive covenants affidavit(s) signed by the applicant or current property owner(s) in compliance with State law.
4. Should the Landowner/Developer decide to utilize Article A.2, Private Road Standards, of Appendix A, the following five (5) notes shall be placed on the plat:
  - a. Any future subdivision of this parcel, or road construction or extension of the existing roads shown hereon shall require

compliance with the Charleston County Ordinances. Before Charleston County will consider acceptance of any dedication of roads into the County road system, the property owner(s) shall construct the roads to County of Charleston Road Construction Standards;

- b. It is hereby expressly understood by the property owner, developer or any subsequent purchaser of any lots shown on the plat that the County of Charleston is not responsible for the maintenance of the streets, roads, common areas, drainage systems and any other municipal services which include, but are not limited to, garbage disposal, public sewage, fire protection or emergency medical service;
- c. Be aware that the County of Charleston is not responsible for drainage and flooding problems relevant to the real property, and that emergency vehicles may have difficulty accessing the property;
- d. No public funds shall be used for the maintenance of the roads shown on the plat; and
- e. This approval in no way obligates the County of Charleston to maintain the 50 foot right-of-way until it has been constructed to County standards and accepted for maintenance by Charleston County Council.

5. Letters of Coordination

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

**D. Certification of Approval**

When the Planning Director has approved the plat, a certificate noting such approval and carrying the signature of the Planning Director shall be placed on the original drawing of said plat.

**§8.5.3 PLANNING DIRECTOR—REVIEW AND DECISION**

Within 45 days of receipt of a complete Final Plat application, the Planning Director shall review the proposed Final Plat and the reports from the Public Works Director and other affected agencies and act to approve, approve with conditions or deny the Final Plat, based on whether it complies with the approved Preliminary Plat, all applicable requirements of this Ordinance, and the purposes and intent of Article 1.5.

**§8.5.4 ACCEPTANCE OF DEDICATIONS**

Approval of a Final Plat shall not constitute acceptance of any public improvements. Such acceptance will require County Council acceptance of dedication.

Documents or instruments granting easements within the area to be dedicated must provide that:

- A. Future relocation or replacement costs of any encroachments, including, but

not limited to utilities, due to maintenance or construction of public improvements, is to be borne solely by the easement holder/utility company; and

- B. The County will not be responsible for costs relating to future relocation or replacement of utilities or other encroachments made necessary by maintenance and/or construction of public improvements; and
- C. All expenses pertaining to said relocation shall be paid for by the easement holder/utility company; and
- D. Relocation shall be completed within 90 days from receipt of written request by the County or as otherwise agreed to by the County.

#### **§8.5.5 RECORDING**

Approved Final Plats shall be recorded by the Planning Director with the Register of Mesne Conveyance within 30 days of final approval. Notice to the applicant shall be sent within a reasonable time following the date of the recording with the Register of Mesne Conveyance.

#### **§8.5.6 APPEALS OF PLANNING DIRECTOR'S FINAL PLAT DECISION**

Any person with a substantial interest in a Final Plat decision of the Planning Director may appeal the decision to the Planning Commission by filing an appeal with the Planning Director within 30 calendar days after the actual notice of the decision.

##### **A. Appeal Powers**

In exercising the appeal power, the Planning Commission may reverse or affirm, wholly or partly, or may modify the decision being appealed. In acting upon the appeal, the Planning Commission shall be authorized only to determine whether the decision of the Planning Director was made in error. The Planning Commission shall not be authorized to approve modifications or waivers of Ordinance standards through the appeal process. If the Planning Commission determines that it is necessary to obtain additional evidence in order to resolve the matter, it may remand the matter to the Planning Director, with directions to obtain such evidence and to reconsider the decision in light of such evidence.

##### **B. Consideration of Evidence**

The Planning Commission's decision shall be on the record; it shall consider only the same application, plans, and related project materials that were the subject of the original decision and only the issues raised by the appeal.

- C. Burden of Persuasion or Error**  
In acting on the appeal, the Planning Commission shall grant to the Planning Director's decision a presumption of correctness, placing the burden of persuasion of error on the appellant.
- D. Approval Criteria**  
An appeal shall be sustained only if the Planning Commission finds that the Planning Director erred.
- E. Vote Required**  
A quorum of the Planning Commission shall be achieved when the number of members in attendance equals more than one-half of the total membership of the Planning Commission. At least two-thirds of the members present and voting shall be required to reverse a final plat decision of the Planning Director.

[Commentary—Appeals of Planning Director and other subdivision-related administrative decisions (including decisions to reject applications as incomplete), shall be processed in accordance with Article 3.14 described in Chapter 3.]

### **§8.5.7 APPEALS OF PLANNING COMMISSION'S DECISION**

- A. Any person with a substantial interest in a Final Plat (appeal) decision of the Planning Commission may appeal the Planning Commission decision to the Circuit Court of Charleston County. Appellants shall file with the Court Clerk a written petition plainly and fully setting forth how such decision is contrary to law. Such appeal shall be filed within 30 calendar days after actual notice of the Planning Commission's decision.
- B. At any time prior to appeal of a Planning Commission decision on a Final Plat (appeal) decision, the applicant may request that the Planning Commission enter mediation. When mediation is requested, the Planning Commission shall assign one of its members as a representative in mediation proceedings. A vote of the Planning Commission in a public meeting shall be required to accept any mediated settlement. An accepted mediated settlement cannot waive the standards of this Ordinance. Prior to beginning talks, applicable time limits for review and action on complete applications must be extended by mutual agreement of the applicant and Planning Commission.

## **ARTICLE 8.6 MARKERS**

### **§8.6.1 PLACEMENT**

A marker shall be set on the right-of-way line at the ends of the block for every block length of street. When blocks occur that have a curve or curves in them, markers shall be set on both sides of the street at the ends of tangents. Markers shall also be set on right-of-way lines (on each side of the centerline) at angle points when curves are not used. All interior lot corners shall be marked. The location and type of markers used shall be indicated on the Final Plat.

### **§8.6.2 TIMING**

Markers shall be installed prior to the submission of and approval of the Final Plat.

**ARTICLE 8.7 LOTS****§8.7.1 LAYOUT AND DESIGN GENERALLY**

Lots shall be laid out and designed to provide buildable area on each lot, while complying with all other standards and requirements of this Ordinance.

**§8.7.2 SIZE**

- A. Lots shall comply with the lot area standards of the underlying zoning district and all other applicable standards of this Ordinance.
- B. Depth of residential lots shall not exceed five times the width of the lot (a 1:5 ratio).
- C. The Planning Director may allow the lot width to depth ratio of 1:5 to be exceeded when any of the following conditions occur:
  1. When attached dwellings are proposed;
  2. Where additional depth is provided for marsh frontage lots when the lot width depth ratio is met and the property line is extended into the marsh or the property is bisected by or fronts on freshwater wetlands;
  3. A Minor Subdivision of a parent tract, provided the following requirements are met:
    - a. The minimum lot frontage for each lot is not less than 250 feet;
    - b. In no case shall the average lot width be less than 250 feet with the minimum lot width at any one point less than 200 feet;
    - c. The property to be subdivided is located in an RM, AG-15, AG-10 or AG-8 Zoning District; or
  4. All of the following criteria are met:
    - a. The parcel meets all their requirements of this Ordinance;
    - b. The parcel is a lot of record;
    - c. The parcel is in a rural or agricultural zoning district;
    - d. The parcel is greater than 1 acre in size; and
    - e. The applicant has submitted to staff a complete subdivision application and approval from SCDHEC for water and wastewater compliance prior to applying for this exemption.
- D. Prescribed lot width requirements shall be for at least two-thirds of the depth of the lot.



**§8.7.3 ACCESS**

- A. Double-frontage lots shall be avoided except where essential to provide separation of residential development from major roadways or to overcome specific disadvantages of topography and orientation. An easement with a minimum width of ten feet may be required to restrict access from the major street or other area.
- B. All lots shall be provided with a means of access in conformance with the standards and specifications of this Ordinance.
- C. All flag lots, cul-de-sac lots and privately accessed lots shall comply with the International Fire Code, as adopted by County Council.

**§8.7.4 FLAG LOTS**

The Planning Director shall be authorized to allow the use of flag lots only when the Planning Director determines that such lot configurations are necessary to address development constraints that are present on the site (e.g., lot width or wetland issues).

**A. Permitted Use of Flag Lots**

Flag lots may be authorized when the Planning Director determines that they will:

1. Facilitate subdivision of a long narrow parcel that has sufficient area but insufficient width to be otherwise subdivided.
2. Eliminate multiple access points to collector or arterial roads.
3. Allow reasonable development when the buildable area of a parcel is restricted due to the presence of a natural resource or the irregular shape of a parcel.

**B. Prohibited Use of Flag Lots**

1. Flag lots shall not be used to avoid the development of streets otherwise required by this Ordinance when the effect of such flag lots would be to increase the number of access points (driveways) on a publicly dedicated road right-of-way.
2. Flag lots may be denied when an adjoining parcel also has sufficient area but insufficient width to otherwise be subdivided. In such cases, platting can be accomplished by land owners of adjoining parcels joining together to provide a full width right-of-way and road section.

**C. Standards For Flag Lots**

1. Flag lots shall take direct access to streets that comply with this Ordinance.

2. The area within the flagpole portion of a flag lot shall not be counted as lot area for the purpose of meeting the minimum lot area requirements of this Ordinance.
3. The flagpole portion of a flag lot shall have a minimum width of 20 feet for its entire depth, and the depth or length of the flagpole shall not exceed 450 feet.
4. As a condition of approval for a flag lot, an encroachment permit must be obtained from the appropriate agency governing access, and an Access Easement Agreement for shared access between the owner of the flag lot and the lot from which the flag lot was created is recorded in the Office of the Charleston County Register of Mesne Conveyance.
5. Dwelling groups on flag lots shall meet the requirements of this Ordinance.

## **ARTICLE 8.8 TREE PRESERVATION**

### **§8.8.1 TREE SURVEYS**

Tree surveys shall comply with the following:

- A. Lots within subdivisions shall be laid out and designed to provide a buildable area on each lot that does not require the removal of Grand Trees.
- B. Tree protection standards are described in Chapter 9 of this Ordinance.
- C. Tree Surveys on lots of one acre or less are to include Grand Trees on the entire lot. Tree Surveys of Grand Trees may be requested upon site inspection if lots greater than one acre appear to be unbuildable due to the presence of Grand trees.
- D. Tree Surveys of all Grand Trees are required within access easements, drainage easements, and rights-of-way.

<b>ARTICLE 8.9 TREES, SHRUBS, AND PAVEMENT</b>
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**§8.9.1 MINIMUM OFFSET OF TREES AND SHRUBS FROM ROAD PAVEMENT**

- A. Trees and shrubs shall be set back from street and road pavement in accordance with the following minimum requirements:

Roadside Feature	Speed (MPH)	Offset from Edge of Pavement (feet)	
		Canopy Trees	Understory Trees/Shrubs
Guiderail	All	5*	3*
Barrier Curb	40 and less	5*	3*
	45 to 50	8*	5*
	55 and greater	12*	5*
Open Shoulder	40 and less	10	5
	45 to 50	15	7
	55 and greater	20	10

\*Tree limbs hanging below 15 feet in height shall be trimmed so that they do not encroach beyond the back of the curb. Minimum overhead clearance of 14 feet should be maintained for safe passage. When a barrier curb or guide rail exists, offset is measured from the face of the curb or guide rail to the face of the tree at ground level.

- B. Understory trees may be located two feet from the edge of pavement with the approval of the Planning Director and Public Works Director.

<b>ARTICLE 8.10 PEDESTRIAN WAYS</b>
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**§8.10.1 WHERE REQUIRED**

Pedestrian ways shall be provided in all major subdivisions within the Urban and Suburban Areas of the County. If development characteristics warrant, the Planning Director may waive this requirement for any portion of the proposed subdivision. Requests for such waivers shall be submitted along with written justification to the Planning Director for approval.

**§8.10.2 PLACEMENT**

Paved pedestrian ways within publicly dedicated rights-of-way shall conform to the construction details for paved sidewalks contained in Charleston County Road Construction Standards, Appendix A. Unpaved, alternative surface walkways that are not within a right-of-way or drainage easement, and bike trails or walking trails that are designed to connect neighborhoods and provide access to common areas may be provided when approved by the Planning Director.

**§8.10.3 TIMING OF SIDEWALK INSTALLATION**

The installation of required sidewalks within proposed publicly dedicated rights-of-way can be postponed until after the Final Plat has been recorded, provided the following criteria have been met:

- A. The other required road and drainage system improvements have been completed and accepted;
- B. All final plat conditions and stipulations have been finalized;
- C. An approved Financial Guarantee is posted of an amount sufficient to guarantee completion of the required sidewalk improvements (150 percent (150%) of the actual cost, verified by the Directors of the Public Works and Planning Departments and certified by the subdivision project engineer, a minimum of \$10,000) within a time period not to exceed two (2) years; and
- D. The subdivision Developer must be issued an encroachment permit for construction of the entire subdivision sidewalk system within the proposed right-of-way.

The subdivision's required two (2) year maintenance guarantee period will start once the entire sidewalk system has been completed and approved. The construction of the sidewalk on each individual lot must be completed prior to issuing the Certificates of Occupancy.

**ARTICLE 8.11 STREET NAMES AND STREET SIGNS****§8.11.1 STREET NAMES**

Street names proposed by the applicant must be placed on reserve with the Planning Department prior to submitting a plat. See Article 3.15, Addressing and Street Names.

**§8.11.2 STREET SIGNS**

Installation and maintenance of street signs on private roads or easements are the responsibility of the applicant, developer, Home Owners Association, or property owners in accordance with the Charleston County Road Construction Standards in Appendix A of this Ordinance, MUTCD Standards, and with Chapter 4; and Article VII of the Charleston County Code of Ordinances, as amended.

**ARTICLE 8.12 UNDERGROUND UTILITIES AND SERVICES**

All electrical, telephone, cable television and similar distribution lines providing service to a development site should be installed underground.

**ARTICLE 8.13 WATER SUPPLY AND SEWAGE DISPOSAL**

In accordance with South Carolina Department of Health and Environmental Control (DHEC) regulations, all subdivisions shall be served by approved public water and sewer systems, if accessible for connection, or if in the opinion of DHEC, the public's health and the environment would best be protected by the installation of such systems. Where public sewer is not available, all new lots must meet minimum soil requirements established by DHEC. This provision shall not be interpreted to require that subdivisions be annexed in order to obtain public water or sewer service.

**ARTICLE 8.14 FINANCIAL GUARANTEES (SURETY)****§8.14.1 PERFORMANCE GUARANTEES**

- A. In lieu of completing the required subdivision improvements of this Chapter, a financial guarantee in the form of a no-contest, irrevocable bank letter of credit, or performance and payment bond underwritten by an acceptable South Carolina licensed corporate surety, subject to County attorney approval of the guarantee to determine that the interests of Charleston County are fully protected.
- B. The applicant shall submit to the appropriate governmental agency a detailed itemized unit cost estimate for the proposed public improvements to be included in the financial guarantee. Performance Guarantees are for Public Improvements only; Public Roads, Public Water and Public Sewer. (Example: public roads constructed to County Road Standards dedicated to the public and accepted into the road system by Charleston County Council, or a public water system approved and accepted by another public entity). Charleston County will only accept a Financial Guarantee (Surety) for two (2) or more of the above public improvements. The amount of the financial guarantee shall be verified by the appropriate governmental agency that exercises operational control (Commissioners of Public Works for public water, Commissioners of the appropriate Public Service Districts for street name signs and public sewer, and the Public Works Director for all other public improvements covered in this Chapter). The amount shall be sufficient to guarantee completion of the required improvement (125 percent of the actual cost of the improvements with a minimum of \$10,000) within a time period specified by the government agencies, not to exceed two years. The governmental agencies determining the amount of financial guarantee shall provide a letter to the Planning Director (copy to the applicant) setting forth the amount of bond, conditions of acceptance and the period covered. The Planning Director will inform all interested governmental agencies, particularly the County Building Inspection Director.
- C. Upon completion of the improvements as required by this Chapter, written notice thereof shall be given by the applicant to the bond holder, who shall cause an inspection of the improvements to be made. The bond holder will, within 30 days of the date of notice, authorize in writing the release of the security given, provided improvements have been completed in accordance with the required specifications. Should the improvements not be completed in accordance with the required specifications by the date originally stipulated in writing by the bond holder, the funds derived from said bond will be used by the bond holder to complete the improvements according to required specifications, at the earliest reasonable time. Where it appears that the bond was insufficient to finance the required improvements after the applicant has defaulted, County Council will assess the individual applicant the cost of the improvements over and above the surety amount.
- D. In no instance will the bond issuer or bond holder be authorized to extend for the applicant the completion date originally stipulated.

- E. Pro-rated refunds based on a percentage of overall completion shall not be authorized, with the exception of an irrevocable bank letter of credit.
- F. In lieu of completed subdivision improvements, the decision-making body may accept the written guarantee of a governmental agency to complete required improvements within 90 days of the date of such acceptance by County Council. Failure to complete required improvements within the 90-day period shall void any subdivision approvals received by the applicant.
- G. The acceptance of performance bonds in lieu of completed performance is made possible only by the introduction of effective occupancy control. This control will be coordinated with final approvals so as to ensure that all conditions covered by one or more bonds are completely fulfilled, except as specified in the Charleston County Building Code, before an occupancy permit can be issued by the County Building Inspection Director.

#### **§8.14.2 MAINTENANCE GUARANTEES**

Street and stormwater management/drainage systems that are to be dedicated to Charleston County for public maintenance shall be under warranty for all defects and failures for a period of two years. Prior to Final Plat approval, the developer shall provide written verification of financial responsibility for the correction of any defects and/or failures in those related improvements that will be dedicated to the county. The warranty shall be in an amount of at least ten percent of the construction costs. The cost amounts shall be verified by the Public Works Director. The warranty shall be effective for a period of two years from the date of acceptance by the County Council. The financial warranty shall be in the form of a no-contest, irrevocable bank letter of credit, a performance and payment bond underwritten by an acceptable South Carolina licensed corporate surety. Payment is subject to County Attorney approval of the guarantee to determine that the interests of Charleston County are protected. The Public Works Director shall maintain surveillance over the system and provide written notification to the developer if repair work is required during the warranty period. The Public Works Director shall identify defects not considered to be a public safety issue and notify the developer of such defects. The developer shall then have 30 days to prepare a schedule of corrective actions and begin such corrective actions. If not completed within the approved schedule, the Public Works Director shall make the repairs and bill the bonding company. Public safety defects shall be addressed immediately by the Public Works Director, with reimbursement from the bonding company.

## CHAPTER 9 | DEVELOPMENT STANDARDS

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## CHAPTER 9 | DEVELOPMENT STANDARDS

### ARTICLE 9.1 PURPOSE AND INTENT

The purpose of the regulations contained in this Chapter is to protect the public health, safety, and general welfare; to promote harmonious and orderly development; and to foster civic beauty by improving the appearance, character and economic value of civic, commercial and industrial development within the unincorporated areas. The Development Standards are authorized for the following purposes, among others:

- A. Implement the goals, objectives, and policies of the County of Charleston *Comprehensive Plan*;
- B. Facilitate safe transportation, access, vehicular circulation, and parking;
- C. Assure the protection and preservation of natural resources, such as trees and wetlands;
- D. Implement the use of vegetated buffers in order to mitigate the effects of incompatible adjacent uses, to provide transition between neighboring properties and streets, to moderate climatic effects, and to minimize noise and glare;
- E. Implement basic architectural standards, right-of-way buffer standards, and sign standards that will promote attractive, well-designed development, foster balanced streetscapes, and reduce visual clutter along major roadways, thus enhancing safe traffic flow; and
- F. Insure protection from fire, flood and other dangers, and furthering the public welfare in any regard specified by a local governing body.

### ARTICLE 9.2 APPLICABILITY

Unless expressly stated, the articles in this Chapter apply to development occurring on property within unincorporated Charleston County.

### ARTICLE 9.3 OFF-STREET PARKING AND LOADING

#### §9.3.1 GENERAL

##### A. Applicability

##### 1. New Development

The off-street parking and loading standards of this Article apply to any new building constructed and to any new use established.

##### 2. Expansions and Alterations

The off-street parking and loading standards of this Article apply when an existing structure or use is expanded or enlarged. Additional off-street parking and loading spaces will be required only to serve the enlarged or expanded area, not the entire building or use, provided that in all cases

the number of off-street parking and loading spaces provided for the entire use (preexisting + expansion) must equal at least 75 percent of minimum ratio established in Off-Street Parking Schedule "A" of this Article.

**B. Timing of Installation**

Required parking spaces and drives shall be ready for use and approved by the Planning Director prior to issuance of a Certificate of Occupancy.

**C. Reduction Below Minimums**

The Planning Director shall be authorized to reduce the number of required parking spaces by no more than 10 percent (10%) when more than ten (10) spaces are required with the following conditions:

1. The site can support the minimum required number of parking spaces and meet all development standards in this Ordinance including buffers and landscaping requirements; or
2. The reduction is necessary to meet the Tree Protection and Preservation regulations contained in Article 9.4 of this Ordinance.

This allowable reduction excludes medical offices and restaurant uses. Any change in use that increases applicable off-street parking or loading requirements will be deemed a violation of this Ordinance unless parking and loading spaces are provided in accordance with the provisions of this Article.

**§9.3.2 OFF-STREET PARKING SCHEDULE A**

Unless otherwise expressly allowed, off-street parking spaces shall be provided in accordance with the following table.

USE TABLE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED (MINIMUM)
<b>RESIDENTIAL</b>	
Congregate Living	1 per 3 beds
Farm Labor Housing (Dormitory)	0.5 per bed
Adult/Child Group Home or Residential Care Facility	1 per 3 beds, plus 1 per employee in single shift
Multi-Family	1.5 per 1-bedroom unit; 2 per 2-bedroom unit; 2.5 per 3-bedroom and larger units
Retirement Housing	0.75 per 1-bedroom unit; 1 per 2-bedroom unit; 1.5 per 3-bedroom and larger units
Single Family: Detached and attached, including dwelling groups, duplexes and manufactured housing units.	2 per dwelling unit
<b>CIVIC/INSTITUTIONAL</b>	
Cemetery	1 per full time employee
Court of Law	1 per employee plus 1 per every 3 seats of seating available to the public in the courtroom
College or University Facility	1 per 100 square feet classroom plus 1 per 300 square feet office/administrative plus 1 per 3 beds
Community Recreation	1 per 250 square feet of gross floor area
Convalescent Services	1 per 5 beds
Historical Sites, Libraries, Archives or Museums	1 per 300 square feet
Adult or Child Day Care Facilities	1 per employee plus 1 per 5 children/adults
Counseling Service	1 per 150 square feet
Hospital	1 per 2 beds plus 1 per 300 square feet of floor area of administrative and medical offices
Nature Exhibition or Botanical Gardens	1 per employee in single shift plus 2 spaces per acre
Parks & Recreation	1 per 5,000 square feet of land area plus outdoor recreation requirements
Postal Service, United States	1 per 150 square feet of floor area
Railroad Freight Depot	1 per 2,400 square feet
Recycling Collection, Drop-Off	1 per recycle collection container
Public Assembly: Including Conference Centers, Concert Halls, Religious Assemblies, Professional, Labor or Political Organizations and Social Clubs or Lodges	1 per 5 fixed seats or 1 per every three (3) persons in structures with non-fixed seating of the maximum occupancy load as established by building code. The number of spaces required may be reduced a maximum of 50% if the assembly area is located within 500 feet of any public or commercial parking lot where sufficient spaces are available by parking agreement.
Intermediate Care Facility for the Mentally Retarded	1 per bed plus 1 per employee in single shift

USE TABLE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED (MINIMUM)
Health Care Related Services: Including Home Health Agency, Laboratory, Outpatient Services and Rehabilitation facilities	1 per 200 square feet of gross floor area with a minimum of 4 spaces
Safety Services	1 per 2 employees
Pre-School or Educational Nursery	1 space per 6 students for which the facility is licensed plus 1 per employee
School, Primary	1 space for each vehicle owned and operated by the school plus two per employee (including faculty, administrative, etc.)
School, Secondary	1 space for each vehicle owned and operated by the school plus two per employee (including faculty, administrative, etc.) plus 1 per 8 students
Personal Improvement Education	1 per every 3 students plus 1 per employee
Utility Service, Major	1 space per employee plus 1 per stored vehicle
Utility Service, Minor	None
Zoo	10 plus 1 per employee in single shift
<b>COMMERCIAL</b>	
Agricultural Sales/Service	1 per 500 square feet of floor area plus 4 per acre outdoor sales/display/storage area
Pet Stores, Grooming Salons, or Small Animal Boarding	1 per 300 square feet of floor area
Bar or Lounge	1 per 75 square feet indoor seating area plus 1 per 200 square feet outdoor seating area
Bed and Breakfast	1 per guest room
Rooming or Boarding House	1 per guest room
Business or Trade School	1 per 100 square feet classroom plus 1 per 300 square feet business/administrative office
Communication: Including data processing and publishing services	1 per 300 square feet of floor area
Heavy Construction Service, General Contractor, or Special Trade Contractors	1 per 400 square feet indoor floor area plus 4 spaces per acre outdoor storage/display/sales area
Convenience Store	1 per 200 square feet of floor area
Charter Boat or Other Recreational Watercraft Rental Services	1 per rental boat or watercraft plus 1 per employee
Construction Tools, Commercial or Industrial Equipment Rental	1 per 250 square feet of floor area not including storage areas
Heavy Duty Truck or Commercial Vehicle Rental or Leasing	1 per rental vehicle plus 1 per employee in single shift
Banks and Financial Services	1 per 300 square feet of floor area, also see drive-thru requirements
Food Sales and Grocery Stores	1 per 175 square feet
Funeral Services	1 per 4 seats or 1 per employee, whichever is greater

USE TABLE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED (MINIMUM)
Hair, Nail or Skin Care Service	2 per employee or work station, whichever is greater
Hotel-Motel	1 per room plus spaces as required for associated restaurants, bars, and offices
Kennel	1 plus 1 per employee
Liquor Sales, Beer or Wine Sales	1 per 200 square feet of floor area
Marina	1 space per 200 sq. ft. of office area plus 1 per 3 wet slips and 1 per 5 dry stack storage
Boat Yard	1 per employee
Office, Medical	1 per 150 square feet of floor area
Outpatient Clinic	1 per 200 square feet of floor area with a minimum of 4 spaces
Office, Business/Professional/Administrative	1 per 300 square feet of floor area
Office, Resort Real Estate	1 per 200 square feet of floor area
Office, Parole or Probation	1 per employee plus 1 per 200 square feet of floor area
Office/Warehouse Complex	1 per employee in shift plus 1 per 2000 square feet of office space
Convention Center or Visitors Bureau	4 per 1000 square feet of floor area
Parking, Lot or Garage	1 per employee
Pawn Shop	1 per 200 square feet of floor area
Personal Improvement Service	1 per 200 square feet of floor area
Recreational Vehicle Park or Campground	1 per employee plus 1 per recreational vehicle and camp site
Recreation and Entertainment, Indoor	1 per 3 seats or 1 per 200 square feet of floor area, whichever is greater
Recreation and Entertainment, Outdoor	1 per 200 square feet of public activity area plus, Swimming Pool-1 per 200 square feet of water surface area Tennis-2 spaces per court Basketball- 5 spaces per court Athletic Field- 15 spaces per diamond or field
Fishing or Hunting Guide Service	5 per employee
Fishing or Hunting Lodge (Commercial)	1 per visitor plus 1 per 5 members
Recreation or Vacation Camp	1 per employee plus 1 per camp vehicle or camp site
Golf Courses or Country Clubs	1 per employee plus 4 per golf green, plus 1 per 4 seats for accessory restaurant or bar use
Repair Service, Consumer	1 per 300 square feet of floor area
Catering Service	1 per 400 square feet of floor area

USE TABLE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED (MINIMUM)
Restaurant, Fast Food	1 per 75 square feet indoor seating area plus 1 per 200 square feet outdoor seating area + vehicle stacking spaces per Article 9.3.8
Restaurant, Fast Food (no inside seating)	1 per employee plus 1 per 200 square feet outdoor seating area + vehicle stacking spaces per Article 9.3.8
Restaurant, General	1 per 75 square feet indoor seating area plus 1 per 200 square feet outdoor seating area
Retail Sales + Service, General	1 per 300 square feet indoor floor area + 5 spaces per acre outdoor storage/display/sales area
Shopping Center (mixed retail, office, food sales, restaurant)	1 space per 200 square feet
Nonstore Retailers	1 per employee plus 2 spaces for deliveries
Building Materials or Garden Equipment and Supplies Retailers	1 per 200 square feet of floor area not including storage plus 1 per employee
Services to Buildings and Dwellings	1 per employee plus 1 space for deliveries
Scrap and Salvage Service	1 per employee plus 2 per acre
Self-Service Storage/Mini Warehouse	3 spaces plus 1 space per employee and 1 space per 100 units
Gasoline Service Station	1 per 200 square feet of gross floor area plus vehicle stacking spaces per Article 9.3.8
Truck Stop	1 per employee plus truck space parking plus any parking required in this table when restaurant or motel is included.
Stable (Boarding or Commercial for Hire)	1 per 2 stalls
Vehicle Repair, Consumer	2 per employee or service bay
Vehicle Sales or Vehicle Rental or Leasing	1 per 2,500 square feet of display, 1 per 250 square feet indoor enclosed floor space
Vehicle Parts, Accessories or Tire Stores	1 per 300 square feet of floor area (10 space minimum)
Vehicle Storage	1 per 2 employees
Veterinary Services	3 spaces per each veterinarian or allied professional
<b>INDUSTRIAL</b>	
Repair Service, Commercial	1 per 400 square feet office area plus 1 per 2 employees
Dry Cleaning Plant, Carpet Cleaning Plant or Commercial Laundry	1 per employee plus 1 per 3 washing/drying machines if provided for customer use
Photo Finishing Laboratory	1 per 200 square feet of floor area
Manufacturing and Production	1 per 400 square feet of office area plus 1 per 2 employees
Warehouse and Distribution Facilities	1 per 300 square feet office area plus 1 per 600 square feet for 1 <sup>st</sup> 12,000 square feet warehouse/storage area plus 1 per 900 square feet for remaining warehouse/storage area (over 12,000 square feet)
Wholesale Sales	1 per 600 square feet for 1 <sup>st</sup> 12,000 square feet + 1 per 900 square feet for remaining area (over 12,000 square feet)

USE TABLE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED (MINIMUM)
<b>AGRICULTURAL AND OTHER USES</b>	
Animal Production	None
Aviation	1 space per 5 aircraft tie down or storage plus 1 space per 4 seats in waiting room areas
Sightseeing Transportation, Land or Water	1 per 2 seats of sightseeing vehicle
Taxi or Limousine Service	1 per employee plus one per vehicle that provides service
Urban Transit Service	1 per 100 square feet of public waiting area plus 1 per two employees and 1 per transit vehicle
Water Transportation	1 per two seats of transportation vehicle plus 1 per employee
Communications Towers	None
Crop Production	None
Agricultural Processing	1 per employee
Roadside Stands	3 per stand
Horticulture, Greenhouse or Hydroponics Production	1 per employee
Commercial Timber Operations	None
Lumber Mills, Planing or Saw Mills	1 per employee plus 1 per commercial vehicle plus 1 per 400 square feet of floor area
Recycling Center or Waste Related Use	1 per employee
Resource Extraction	1 per 2 employees

### §9.3.3 RULES FOR COMPUTING PARKING AND LOADING REQUIREMENTS

The following rules apply when computing off-street parking and loading requirements:

**A. Multiple Uses**

Lots containing more than one use must provide parking and loading in an amount equal to the total of the requirements for all uses.

**B. Fractions**

When measurements of the number of required spaces result in a fractional number, any fraction of one-half or less will be rounded down to the next lower whole number and any fraction of more than one-half will be rounded up to the next higher whole number.

**C. Area Measurements**

Unless otherwise expressly stated, all square-footage-based parking and loading standards must be computed on the basis of gross floor area. Storage areas or common areas incidental to the principle use shall be exempt from this measurement when the following conditions are met:

1. The storage area or common area is a minimum of two hundred fifty (250) square feet; and
2. The applicant has provided documentation that such areas will not be used as space for employees, customers, or residents.

**D. Occupancy-Based Standards**

For the purpose of computing parking requirements based on employees, students, residents or occupants, calculations shall be based on the largest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.

**E. Unlisted Uses**

Upon receiving a development application for a use not specifically listed in an off-street parking schedule, the Planning Director shall apply the off-street parking standard specified for the listed use that is deemed most similar to the proposed use or require parking spaces in accordance with a parking study prepared by the applicant.

### §9.3.4 LOCATION OF REQUIRED PARKING

**A. On-Site Parking**

1. Except as expressly stated in this Section, all required off-street parking spaces must be located on the same lot as the principal use and shall be arranged and laid out so as to ensure that no parked or maneuvering vehicle will encroach upon a sidewalk, public right-of-way or property line.
2. Parking lots in Office (O) and Commercial (C) districts containing more than ten parking spaces shall be located to the side or rear of the principal structure's front facade or within a courtyard surrounded by a structure on at least three sides.

**B. Off-Site Parking**

A maximum of 50% of off-street parking spaces may be located on a separate lot from the lot on which the principal use is located if the off-site parking complies with the all of following standards. If any one of the following standards cannot be met, Special Exception approval shall be required:

1. Off-site parking may not be used to satisfy the off-street parking standards for residential uses (except for guest parking), restaurants, convenience stores or other convenience-oriented uses. Required parking spaces reserved for persons with disabilities shall not be located off site.
2. No off-site parking space may be located more than 600 feet from the primary entrance of the use served, unless shuttle bus service is provided to the remote parking area. Off-site parking spaces may not be separated from the use that it serves they serve by a street right-of-way with a width of more than 80 feet, unless a grade-separated pedestrian



walkway is provided, or other traffic control or shuttle bus service is provided to the remote parking area.

3. Parking spaces located off site in accordance with this Section shall be considered accessory to the primary use, regardless of the fact that such accessory use is not located on the same parcel as the principal use.
4. Off-site parking areas serving uses located in Nonresidential zoning districts must be located in non-residential zoning districts. Off-site parking areas serving uses located in Residential or Agricultural zoning districts may be located in Residential, Agricultural or Nonresidential zoning districts.
5. In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement will be required. An attested copy of the agreement between the owners of record must be submitted to the Planning Director for recording on forms made available in the Planning Department. Recording of the agreement with the Register of Mesne Conveyance must take place before issuance of a zoning permit, building permit or Certificate of Occupancy for any use to be served by the off-site parking area. An off-site parking agreement may be revoked only if all required off-street parking spaces will be provided in accordance with this Article.
6. Shared parking areas must be connected by a continuous network of sidewalks and pedestrian crosswalks.

### **C. Shared Parking**

1. Uses with different operating hours or peak business periods may share off-street parking spaces if the shared parking complies with the all of following standards. If any one of the following standards cannot be met, Special Exception approval shall be required.
2. Shared parking spaces must be located within 600 feet of the primary entrance of the use served, unless shuttle bus service is provided to the shared parking area. Shared parking may not be separated from the use that it serves by a street right-of-way with a width of more than 80 feet, unless a grade-separated pedestrian walkway is provided, or other traffic control or shuttle bus service is provided to the parking area.
3. Shared parking areas serving uses located in Nonresidential zoning districts must be located in non-residential zoning districts. Shared parking areas serving uses located in Residential or Agricultural zoning districts may be located in Residential, Agricultural or Nonresidential zoning districts.
4. Those wishing to use shared parking as a means of satisfying off-street parking requirements must submit a shared parking analysis to the Planning Director that clearly demonstrates the feasibility of shared parking. The study must be provided in a form established by the

Planning Director and made available to the public. It must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

5. A shared parking plan will be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record must be submitted to the Planning Director for recording on forms made available in the Planning Department. Recording of the agreement with the Register of Mesne Conveyance must take place before issuance of a building permit or Certificate of Occupancy for any use to be served by the off-site parking area. A shared parking agreement may be revoked only if all required off-street parking spaces will be provided in accordance with this Article.
6. Shared parking areas must be connected by a continuous network of sidewalks and pedestrian crosswalks.

#### **§9.3.5 ACCESSIBLE PARKING FOR PHYSICALLY DISABLED PERSONS**

The parking standards of this Article are intended to ensure compliance with the Americans with Disabilities Act (ADA). A portion of the total number of required off-street parking spaces in each off-street parking area shall be specifically designated, located and reserved for use by persons with physical disabilities.

##### **A. Number of Spaces**

The minimum number of accessible spaces to be provided shall be a portion of the total number of off-street parking spaces required, as determined from the following schedule. Parking spaces reserved for persons with disabilities shall be counted toward fulfilling off-street parking standards.

Total Parking Spaces Provided	Minimum Number of Accessible Spaces	Minimum Number of Van-Accessible Spaces	Minimum Number of Car-Accessible Spaces
1—25	1	1	0
26—50	2	1	1
51—75	3	1	2
76—100	4	1	3
101—150	5	1	4
151—200	6	1	5
201—300	7	1	6
301—400	8	1	7
401—500	9	2	7
501—1,000	2% of total spaces	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces
Over 1,000	20 + 1 per each 100 spaces over 1,000		

**B. Minimum Dimensions**

All parking spaces reserved for persons with disabilities shall comply with the parking space dimension standards of this Section, provided that access aisles shall be provided immediately abutting such spaces, as follows:

1. Car-accessible spaces shall have at least a five-foot-wide access aisle located abutting the designated parking space.
2. Van-accessible spaces shall have at least an eight-foot-wide access aisle located abutting the designated parking space.

**§9.3.6 PARKING SPACE AND PARKING LOT DESIGN**

**A. Parking Lot Design**

Dead end type of parking layouts that cause or contribute to poor vehicular circulation will not be allowed unless all other site configurations and parking options of the required number of parking spaces have been exhausted.

**B. Aisle Widths and Parking Space Dimensions**

Drive aisle widths and parking space dimensions shall comply with the standards in the following table. Twenty percent (20%) of the minimum number of required parking for a development may utilize compact and sub-compact vehicle parking dimensions. These dimensions shall be a minimum of 7 feet 6 inches x 15 feet (7'6" x 15') and clearly marked for compact vehicles only.

x°	Stall Width A	Stall Depth B	Aisle Width C	Skew Width D
60°	8' 0" 8' 6" 9' 0"	19' 7" 18' 0" 17' 0"	19' 0" 18' 0" 17' 0" *One Way	9' 3" 9' 10" 10' 5"
45°	8' 0" 8' 6" 9' 0"	18' 5" 18' 8" 19' 1"	12' 0" 11' 0" 11' 0" *One Way	11' 4" 12' 0" 12' 9"
30°	8' 0" 8' 6" 9' 0"	15' 11" 16' 5" 16' 10"	11' 0" 10' 0" 9' 0" *One Way	16' 0" 17' 0" 18' 0"
0°	8' 0" 8' 6" 9' 0"	22' 0" 22' 0" 23' 0"	11' 0" 11' 6" 12' 0" *One Way	N/A (PARALLEL)
90°	8' 0" 8' 6" 9' 0"	18' 0" 18' 0" 18' 0"	28' to 32' 25' to 29' 23' to 27' *Two Way	N/A

Note: Two Way drive aisles shall always require a minimum width of 23 feet.

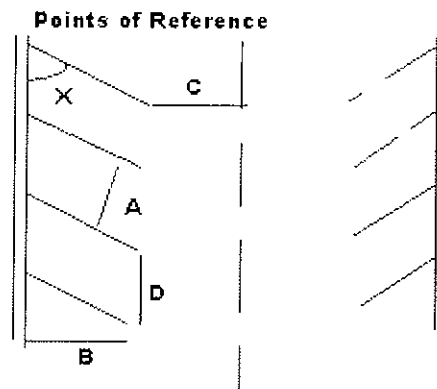


Figure 2

C. **Parking Lot Landscaping**  
See Article 9.5 of this Chapter.

D. **Markings and Surface Treatment**

1. In paved parking areas, each off-street parking space shall be identified by surface markings at least four inches in width. Markings shall be visible at all times. Such markings shall be arranged to provide for orderly and safe loading, unloading, parking and storage of vehicles. In unpaved parking lots, all parking spaces must have a curb stop (minimum height of four inches) to delineate the location of the space and to prevent the encroachment of parking onto adjoining properties, rights-of-way, or landscaped areas.

2. One-Way and Two-Way accesses into required parking facilities shall be identified by directional arrows.
3. Unpaved parking lots must have an all weather surface such as gravel, slag or other pervious surface, not including asphalt shingles. Entrance and exit drives serving unpaved parking lots accessed from a paved street must be paved from the edge of the street pavement to a distance of 20 feet into the property. No more than 120 percent of the required number of off-street parking spaces may be paved and no more than 70 percent of all developable land within parcels may be paved, unless approved by the Planning Director.

#### E. Access

1. Required parking spaces shall not have direct access to a street or highway. Access to required parking spaces shall be provided by on-site driveways. Off-street parking spaces shall be accessible without backing into or otherwise reentering a public right-of-way.
2. Parking lot entrance and exit drive curb cuts will not be more than 30 feet in width. Entrances or exits which include a median strip to separate traffic flow in opposite directions may be expanded to 60 feet. Curb cuts shall be allowed in accordance with the following table:

LENGTH OF FRONTAGE	MAXIMUM NUMBER OF DRIVEWAYS
250 feet or less	1*
251 feet to 1,500 feet	2
1,500 feet or more	3

\* On frontages of 250 feet or less, a pair of one-way driveways may be substituted only if the internal circulation on the site is compatible with the one-way driveways and wrong-way movements on the driveways are rendered impossible or extremely difficult for motorists. Refer to the South Carolina Department of Transportation's Access and Roadside Management Standards Manual for recommended spacing of driveways based on speed of traffic.

3. Entrance and exit drives shall be located at least 100 feet from the edge of the right-of-way of any street intersection. If the subject lot has less than 100 feet of frontage, the Planning Director shall be authorized to alter these requirements. Suitable provisions will be made to prevent ingress or egress at other than designated entrance or exit drives.
4. The Planning Director shall be authorized to require that access to dwelling units comply with the International Fire Code, as adopted by County Council.
5. Shared access between parcels may be allowed with written agreement among all owners of record. An attested copy of the access agreement between the owners of record must be submitted to the Planning Director for recording on forms made available in the Planning Department.

Recording of the agreement with the Register of Mesne Conveyance must take place before issuance of a zoning permit or certificate of occupancy for any use to be served by shared access. Any shared access must meet all dimensional requirements of this Ordinance and any applicable SCDOT requirements.

### §9.3.7 USE OF REQUIRED PARKING SPACES

Required off-street parking areas shall be used solely for the parking of licensed, motor vehicles in operating condition. Required spaces may not be used for the display of goods for sale or lease, for motor vehicle repair or service work of any kind, or for long-term storage of vehicles, boats, motor homes, campers, manufactured housing units, or building materials.

### §9.3.8 Vehicle Stacking Areas

#### A. Minimum Number of Spaces

Off-street stacking spaces shall be provided as follows:

Activity Type	Minimum Spaces	Measured From
Bank teller lane	3	Teller Window
Automated teller machine	2	ATM
Restaurant drive-through	5	Order Box
Restaurant drive-through	4	Order Box to Pick-Up Window
Car wash stall, automatic	4	Entrance
Car wash stall, self-service	3	Entrance
Dry Clean Service	3	Pick up Window
Gasoline pump island	2	Pump Island
Other	Determined by Planning Director	

#### B. Parking Area Design and Layout

Required stacking spaces are subject to the following design and layout standards:

- Stacking spaces must be a minimum of eight feet by 20 feet in size.
- Stacking spaces may not impede on or off-site traffic movements or movements into or out of off-street parking spaces.
- Stacking spaces must be separated from other internal driveways by raised medians if deemed necessary by the Director of Public Works for traffic movement and safety.
- The Planning Director may require pick-up and drop-off loop drives with sufficient vehicle stacking lanes to prevent vehicle backups into internal

travel lanes and parking lots for school uses, adult and child day care facility uses, public assembly uses, and conference facility uses.

### §9.3.9 OFF-STREET LOADING

#### A. Spaces Required

For every retail sales, service, wholesaling, warehousing, or manufacturing establishment and each bus or truck terminal, there shall be provided sufficient space to accommodate the maximum number of trucks that will be loading, unloading, or standing at any one time.

#### B. Size of Space

Each off-street loading space shall be of a size commensurate with the buildings to be accommodated. In no case shall required off-street loading space encroach upon off-street parking space required under this Article.

#### C. Location

All required off-street loading spaces shall be located on the same lot as the building which they are intended to serve.

#### D. Entrances and Exits

Off-street loading entrance and exit drives shall be located at least 25 feet from any street intersection.

#### E. Loading Spaces Adjacent to Sidewalks

Where a loading space is adjacent to a public sidewalk or other public pedestrian way, it shall be so located, arranged, and improved with curbs or other barriers, as to provide adequate protection for pedestrians.

#### F. Maneuvering Areas

All off-street loading spaces shall be provided with adequate off-street maneuvering areas.

#### G. Landscaping, Buffers and Screening

See Article 9.5 of this Chapter.

### §9.3.10 PEDESTRIAN WAYS

#### A. Where Required

1. Paved pedestrian ways shall be provided in all non-residential development within the Urban and Suburban Areas of the County; and
2. Paved pedestrian ways shall link surrounding roadways with the front entrance and shall provide pedestrian linkages between the proposed development and uses on adjoining lots.

#### B. Placement

Paved pedestrian ways within publicly dedicated right-of-ways shall conform to the construction details for paved sidewalks contained in Charleston County Road Construction Standards, Appendix A. Alternative surface walkways may

be used outside of right-of-ways when deemed appropriate to surrounding development characteristics by the Planning Director.

## **ARTICLE 9.4 TREE PROTECTION AND PRESERVATION**

### **§9.4.1 GENERAL**

#### **A. Findings**

Trees are an essential natural resource, an invaluable economic resource, and a priceless aesthetic resource. Trees play a critical role in purifying air and water, providing wildlife habitat, and enhancing natural drainage of stormwater and sediment control. They also help conserve energy by providing shade and shield against noise and glare. Trees promote commerce and tourism by buffering different land uses and beautifying the landscape. The Tree Protection and Preservation regulations of this Article are intended to enhance the health, safety and welfare of Charleston County citizens.

#### **B. Applicability and Exemptions**

##### **1. Applicability**

The provisions of this Article in their entirety shall apply to all real property in unincorporated Charleston County, except as otherwise expressly exempted.

##### **2. Exemptions**

- a. Single family detached residential lots of record shall be exempt from all provisions in this Article except for the Grand Tree documentation, protection and replacement provisions. This exemption does not include applications for Major or Minor Subdivisions for which landscape buffers may be required per Section 9.5.4.
- b. The Planning Director shall be authorized to modify or reduce the standards of this Article for commercial nursery operations.
- c. This Article shall not restrict public utilities and electric suppliers from maintaining safe clearance around existing utility lines, and existing easements in accordance with applicable state laws. Siting and construction of future gas, telephone, communications, electrical lines or other easements shall not be exempt from the provisions of this Article.
- d. Removal of trees for the purpose of conducting "bona fide forestry operations" shall be exempt from the provisions of this Article except for removal of Live Oak species of Grand trees.
- e. Removal of trees for the purpose of establishing bona fide agricultural uses, as specified in Section 3.8.2A of this Ordinance, shall be exempt from the provisions of this Article except for the



Grand Tree documentation, protection and replacement provisions.

- f. Removal of trees for the purposes of maintaining safe clearance for aircraft as required by federal law or the establishment of facilities exclusively dedicated to aviation operations are exempt from this Article.
- g. Removal of trees on properties in the Industrial Zoning District is permitted pursuant to the following conditions:
  - i. Tree removal cannot occur prior to site plan approval;
  - ii. This exemption shall not apply to Live Oak species of Grand Trees or any protected trees within required buffers and parking lots; and
  - iii. Mitigation of removed trees, as stated in this Section, is required. Staff shall approve the mitigation of such trees in accordance with Section 9.4.6 of this Ordinance.

### 3. **Partial Exemptions for SCDOT and CCPW**

The South Carolina Department of Transportation (SCDOT) and Charleston County Public Works (CCPW) shall be exempt from the provisions of this Article except the following:

- a. All trees species measuring 6 inches or greater DBH located in rights-of-way along Scenic Highways as designated in this Ordinance shall be protected and require a variance from the Charleston County Board of Zoning Appeals for removal per Article 9.4.5B and 9.4.6.
- b. Grand Tree Live Oak species in all present and future rights-of-way shall be protected and require a variance from the Charleston County Board of Zoning Appeals for removal per Article 9.4.5.B and 9.4.6.
- c. All Grand Trees other than Live Oak species not located on a Scenic Highway are protected but may be permitted to be removed administratively when mitigated per Article 9.4.6.

### C. **DEFINITION OF "TREE REMOVAL"**

For the purpose of this Article, the term "tree removal" shall include, but not be limited to, damage inflicted to the root system by machinery; girdling; storage of materials and soil compaction, changing the natural grade above or below the root system or around the trunk; damage inflicted on the tree permitting fungus infection or pest infestation; excessive pruning; excessive thinning; paving with concrete, asphalt or other impervious material within such proximity as to be harmful to the tree; or any act of malicious damage to a tree. Excessive pruning or thinning shall be pruning or thinning that exceeds more than 25 percent of the leaf surface on both the lateral branch and the overall foliage of a mature tree that is pruned within a growing season. Additionally, one-half of

the foliage of a mature tree is to remain evenly distributed in the lower two thirds of the crown and individual limbs upon completion of any pruning.

#### **D. MEASUREMENTS AND DEFINITIONS**

##### **1. Diameter Breast Height**

Diameter Breast Height is used for measuring all trees greater than 12-inch caliper. The Diameter Breast Height (DBH) of a tree is the total diameter, in inches, of a tree trunk or trunks measured 4½ feet above existing grade (at the base of the tree). In measuring DBH, the circumference of the tree shall be measured with a measuring tape designed specifically to calculate diameter. A standard measuring tape may be used to measure diameter when the circumference is divided by 3.14. If a tree trunk splits at ground level and the trunks do not share a common base (separated by earth at natural grade), then each trunk shall be measured as a separate tree. If a multi-trunk tree splits below the 4.5 foot mark and the trunks share a common base, all trunks shall be measured separately, added together, and count as one tree. Any trunk measuring less than 8 inches DBH is not included in the calculation.

##### **2. Caliper**

Caliper is the diameter of a tree trunk measured six inches above the ground on trees with calipers of four inches or less. For trees between four-inch and 12-inch caliper, the trunk is measured 12 inches above the ground.

##### **3. Grand Tree**

Any tree measuring 24 inches or greater diameter breast height (DBH) except pines. All Grand Trees are prohibited from removal unless a Grand Tree Removal Permit is issued.

##### **4. Protected Trees**

Any tree on a parcel with a diameter breast height of eight inches or greater prior to development and all trees within required buffers or required landscape areas. Limited removal is allowed only when specified by the provisions of this Ordinance.

#### **§9.4.2 ADMINISTRATION**

##### **A. Zoning Permit Required**

##### **1. Tree Removal**

Removal of required trees is prohibited prior to the issuance of a Zoning Permit by the Planning Director. Zoning Permits will be issued only after a tree plan is approved by the Planning Director, as outlined below.

##### **2. Excess Canopy (Limb) Removal**

- a. Removal of three or more limbs with an individual diameter of six inches or greater shall require a Zoning Permit.

- b. Removal of any size limbs which contribute to more than one hundred continuous linear feet of canopy over public roadways shall require Variance approval from the Board of Zoning Appeals. This requirement shall not preclude the SCDOT, CCPW or other entities from maintaining height clearances of 14' or less and width clearances within designated travel ways and from removing unprotected trees along right-of-ways for road widening projects.

**B. Documentation**

Tree plans, prepared by a licensed registered surveyor, civil engineer or landscape architect shall be required on all non-exempt parcels before any zoning permits are issued.

**§9.4.3 TREE PLANS AND SURVEYS**

**A. General**

Tree plans of the same scale as, and superimposed on, a development site plan or preliminary plat shall include location, number, size (DBH), and species with a scaled graphic representation of each Grand Tree, canopy size and shape, and the trunk location. All required tree surveys shall include the name, phone number, address, signature, and seal of a licensed surveyor, landscape architect, or civil engineer registered in the State of South Carolina. The survey shall include all trees to be protected or preserved, and those scheduled to be removed, including dead and damaged trees. In cases where a previously approved recorded plat is utilized for the purpose of tree plans the name, address, phone number, signature and seal of the licensed landscape architect, civil engineer, forester or surveyor, registered in the State of South Carolina shall be provided. A scaled infrared or high resolution black and white aerial photograph or print of equal quality may be substituted in cases where the Planning Director determines that it would provide the same information as a tree plan. However, all Grand Trees within 40 feet of proposed construction and land disturbance areas and trees within required buffers must be surveyed and mapped.

**B. Major and Minor Subdivision Preliminary Plats**

Refer to Section 8.4.2.A.4 Preliminary Plat Application in the Subdivision Regulations of Chapter 8 of this Ordinance.

**C. Commercial, Industrial and Multi-Family Parcels**

1. All tree surveys must show the location, number, size and species of all trees 8 inches or greater DBH (Diameter Breast Height) including those scheduled to be removed.
2. When there are trees 8 inches or greater DBH, documentation of this fact shall be provided from a registered surveyor, engineer or landscape architect.

[Commentary: Assistance in tree identification and condition should be provided by a forester or qualified arborist.]

**D. Single Family Detached Residential Parcels**

1. Single family detached residential parcels shall show all Grand Trees within the area of construction and land disturbance and in conjunction with the subdivision regulations of this Ordinance at the time a zoning or building permit application is made.

**§9.4.4 REQUIRED TREE PROTECTION****A. General**

All Grand Trees and any other trees required to remain on a site as outlined in this Ordinance must be protected during construction and development of the parcel. Tree protection must be shown on all development plans prior to site plan approval. A site inspection of the tree barricades must be scheduled by the applicant with the Planning Department for approval prior to the issuance of permits or the start of development activities.

Prior to issuance of a zoning permit, a pre-construction planning conference for tree preservation is required on site with the Planning Director's representative, the applicants, and any parties deemed appropriate for the purpose of determining if there is a need for additional tree protection techniques and for designating placement of tree barricades, construction employee parking, temporary construction office and dumpsters.

**B. Tree Protection During Development and Construction**

Protective barricades shall be placed around all required trees in or near development areas on all zoning parcels, prior to the start of development activities. These barricades, constructed of wood or plastic fencing or other approved materials shall be erected in accordance with standards by the Planning Director and placed beneath the canopy drip line or one and one-half feet times the DBH of the tree. Other protective devices or construction techniques may be used as approved by the Planning Director. The barricades shall remain in place until development activities are complete. The area within the protective barricade shall remain free of all building materials, dirt, fill, or other construction debris, vehicles, and development activities. All required trees are also subject to the provisions of Section 9.5.6 of this Chapter and subject to the enforcement criteria of Chapter 11.

**C. Partial Exception for Limited Clearing**

Limited clearing and grubbing may be authorized by the Planning Director prior to the installation of protective tree barricades on sites that exhibit unusually heavy undergrowth where access to the interior of the site and its protected trees would be otherwise highly impractical. Limited clearing shall be for the express purpose of accessing the property and protected trees to erect the required tree protection and silt fencing. For the purposes of this Article, limited clearing shall be clearing done with hand tools, push or walk behind equipment or lightweight bush-hog type equipment designed specifically for brush and undergrowth clearing that is not capable of removing vegetation greater than 3 inches in diameter. Under no circumstances will metal tracked bulldozers, loaders, or similar rider/operator types of equipment be allowed on the site until the protective barricades are erected and a zoning permit is issued.

**D. Separation of Trees from Pavement, Grading and Structures**

Paved areas shall be separated from trees by a minimum distance of the drip line or one and one-half feet times the DBH or as modified by the Planning Director as deemed necessary to protect the root system of the tree. Paved areas shall not constitute more than 25 percent of the protected area beneath a tree. Any paving, grading, trenching, or filling within the remaining 75 percent of the protected area must be approved by the Planning Director and may require specific construction techniques be used in order to preserve the health of the tree. Refer to Chapter 9 exhibits for examples. When grading and construction within the protected area of a tree has been approved, all damaged roots shall be severed clean and inspected by the County Landscape Architect or Inspector prior to the receipt of a Zoning Permit.

**E. Quantity and Location of Trees to be Protected**

Before the issuance of a Zoning Permit for Commercial, Industrial, Multi-Family, and Civic/Institutional uses, the following number of trees with a diameter breast height of 8 inches or greater shall be preserved and protected in accordance with the provisions of Section 9.4.4.B of this Ordinance. All trees located within required buffers as outlined in Article 9.5 shall be protected.

1. 20 trees per acre; or
2. Any number of trees with a combined diameter breast height of at least 160 inches per acre.
3. Required drainage improvements such as detention and retention ponds and wetlands may be subtracted from the area used to calculate tree preservation requirements.

**§9.4.5 TREE REMOVAL****A. Generally**

Permits for tree removal may be approved where one or more of the following conditions are deemed to exist by the Planning Director:

1. Trees are not required to be retained by the provisions of this Article.
2. Trees are diseased, dead or dying (as determined by the Planning Director or a qualified arborist);
3. Trees pose an imminent safety hazard to nearby buildings, or pedestrian or vehicular traffic (as determined by the Planning Director or a qualified arborist); or
4. Removal of required trees has been approved by the Board of Zoning Appeals.

**B. Variances**

Grand Trees and protected trees that do not meet the above criteria may be removed only where approved by the Board of Zoning Appeals, and shall be

replaced according to a schedule determined by the Board. The Planning Director will make recommendations to the Board concerning the number, species, DBH or caliper, and placement of such trees.

**C. Emergency Provisions**

In the event that a tree poses a serious and imminent threat to public safety due to death, disease or damage resulting from emergencies including, but not limited to, fires, flooding, storms, and natural disasters, the Planning Director may waive requirements of this Article. Documentation must later be submitted for review outlining the threat to public safety which initiated the removal. Documentation must include any written findings by a qualified arborist and photographs supporting the tree removal emergency. The Planning Director may require replacement of required trees that are removed where it is determined that death or disease resulted from negligence.

**D. Violations and Penalties**

Violations and penalties are specified in Chapter 11 of this Ordinance.

**§9.4.6 TREE REPLACEMENT**

**A. Generally**

Tree replacement shall be required accompanying development on all non-exempt properties in the manner described below:

1. When replacement canopy trees are required in fulfillment of the requirements of this Article, they shall be no smaller than two and one-half-inch caliper.
2. The Planning Director or Board of Zoning Appeals is empowered to require trees of larger caliper as determined appropriate for site-specific conditions and the circumstances, lawful or illegal, under which removal occurred.

**B. Wooded Site with 160 Inches per Acre or More DBH**

When trees of 8 inches DBH or greater have been removed in violation of this Ordinance, replacement trees shall be planted in the same general area according to a replacement schedule approved by the Planning Director.

**C. Sites with Less Than 160 Inches per Acre Combined DBH**

When lots lack a sufficient number of trees to meet the requirement for DBH/number of trees per acre, all trees six inches DBH or greater shall be preserved and protected in accordance with Section 9.4.4.B of this Chapter during development and must equal no less than 40 inches per acre combined DBH. On lots with less than 40 inches per acre combined DBH, additional trees shall be planted on the lot equaling or exceeding 40 inches per acre combined DBH. Planting schedules shall be approved by the Planning Director.

**D. Previously Cleared Sites**

Where sites were completely cleared of trees prior to adoption of this Article or have been cleared subsequently for activities exempted from this Article,

replacement trees shall be planted, the combined caliper of which equals or exceeds 40 inches per acre. Replacement schedules, including number, species, caliper and placement shall be approved by the Planning Director.

**E. Tree Fund**

The Tree Fund is a fund established to receive monies exacted from tree removal violation fines to include, but not be limited to, removal, damage, destruction, or as defined in Section 9.4.1.C of this Chapter, and as a form of mitigation when planting of the required trees is determined to be detrimental to the overall health of existing trees or impractical for the intended site design. The Planning Director shall impose a Tree Mitigation fee based on the current market retail value of two- to three-inch caliper trees installed to the American Association of Nurserymen Standards. If the applicant disagrees with the amount of the Tree Mitigation fee imposed, they may file appeal with the Board of Zoning Appeals in accordance with the provisions contained in this Ordinance. All Tree Mitigation fees collected shall be paid to the County Treasurer and placed in an account established exclusively for public beautification through the planting of trees in Charleston County.

**F. Bankruptcy or Abandonment of Site**

When trees have been removed through an approved mitigation program and the project will not be completed for any reason (i.e., bankruptcy, abandonment, change in ownership, etc.), the owners of the subject property are responsible for the mitigation of the removed trees as outlined and agreed or subject to Section 9.4.6E of this Chapter.

**§9.4.7 INSPECTIONS AND FINAL APPROVAL**

- A. The Planning Director shall periodically visit development sites prior to completion to monitor compliance with the tree plan approved for a project.
- B. Prior to issuance of a Certificate of Occupancy for a completed structure by the Director of Building Services, the Planning Director shall issue a statement of approval attesting to the developer's compliance with the site plan approved for the project (including landscaping, parking, drainage, etc.). The Director of Building Services shall withhold certificates of occupancy pending verification of compliance. It is the responsibility of the owner or agent to contact the Planning Director regarding the compliance inspection. Such inspections will occur within five working days of contact. Failure to obtain a Certificate of Occupancy prior to occupying or using the building for its intended purpose will result in ticketing and fines. However, the Planning Director shall approve a delayed schedule for planting materials (provided by the applicant's contractor) when the immediate planting schedule would impair the health of the plants. When a delayed planting schedule is approved, the applicant shall provide a bond equivalent to one and one-half times the projected cost of the planting materials. This is designed to include severe weather, such as droughts, heat waves, and floods.
- C. Within three years of the issuance of the Certificate of Occupancy, the Planning Director shall perform a site inspection to verify the health of trees which were retained to meet the requirements of this Article and which may have suffered

damage due to insufficient protective measures during development.

- D. Each required tree that is determined by the Planning Director to be diseased or injured to the extent it is irreparably damaged shall be approved for removal. The burden of proof of the extent of the disease or injury shall rest with the applicant, who must provide documentation from a qualified arborist. Any tree damaged during or as a result of construction shall be repaired to the satisfaction of the Planning Director and in accordance with accepted ANSI A300 or International Society of Arboriculture practices. Tree damage must be repaired prior to issuance of a Certificate of Occupancy.
- E. The owners of a non-exempt property or properties shall be responsible for the maintenance of all required trees. No department or agent of the County of Charleston is in any way responsible for the maintenance of required trees on private property.

## **ARTICLE 9.5 LANDSCAPING, SCREENING AND BUFFERS**

### **§9.5.1 APPLICABILITY**

Unless expressly exempted, the landscaping, screening and buffering standards of this Article shall apply to all new non-residential development and all new major roadways that serve Residential Major Subdivisions (ten or more lots). Minor Subdivisions (those with fewer than ten lots) may be required to provide landscaping, screening or buffering on major roadways when the Planning Director determines that such landscaping, screening or buffering is necessary to ensure that the purposes of this Ordinance are met. When modifications or additions are being made to an existing non-residential building or site, the standards of this Article shall apply to those portions of the subject parcel that are directly affected by the proposed improvements, as determined by the Planning Director, provided that when modifications or additions are proposed that would increase the number of parking spaces, the area of vehicular use areas or gross floor area of buildings by more than 25 percent (above existing), then the entire parcel shall be brought into compliance with all applicable standards of this Article. Before calculating the percentage of area for re-development and improvement, any proposed demolition of structures and parking is subtracted from the existing gross floor area of buildings and number of parking spaces.

### **§9.5.2 EXHIBITS**

Drawings included as exhibits at the end of this Chapter are meant to compliment the language of the Ordinance. In the event of a conflict with the text of the Ordinance, the text shall apply.

### **§9.5.3 PARKING, LOADING AND VEHICULAR USE AREA LANDSCAPING**

#### **A. Parking, Loading and Vehicular Area Perimeters**

Unless otherwise expressly stated, perimeter landscaping shall be required around the outer perimeter of all off-street, surface parking, loading and vehicular use areas. Parking areas for the exclusive use of single family or agricultural uses shall be exempt from these requirements. Any off-street parking, loading or vehicular use area that will be entirely screened from view by an intervening building or structure or by a buffer provided to satisfy the standards of this Chapter shall also be exempt from these (parking, loading and vehicular use Area) perimeter landscaping requirements.



1. A perimeter landscape area at least eight feet in depth shall be provided at the perimeter of all off-street parking, loading and vehicular use areas, except where permitted driveway openings are to be provided. Where drainage or other utility easements exist along property lines, the perimeter landscape area shall be located adjacent to the easement.
2. Required perimeter landscape areas shall be planted in accordance with the following minimum standards:
  - c. One canopy tree shall be provided for each 50 linear feet of parking, loading or vehicular use area perimeter. These trees may be used to satisfy the interior parking lot landscaping requirements.
  - d. A hedge or other landscape material of at least three feet in height (at maturity) shall be planted within the perimeter landscape area to provide a continuous landscape element, or a combination of trees, hedge, other durable landscape material or approved wall, fence or earth berm may be used to form the continuous landscape element;
  - e. All portions of the perimeter landscape area not planted with shrubs or trees or covered by a wall or fence barrier shall be planted in grass or ground cover; and
  - f. Parked vehicles may overhang a landscaped area if curbing or wheel stops are installed to prevent any damage to plants within the required perimeter landscape area. Landscaping, walls, fences and earth berms will be so located as to prevent their damage and/or destruction by overhanging vehicles.

**B. Interior Areas**

The following interior parking lot landscaping requirements shall apply to all parking lots except those exclusively serving single family residential or agricultural uses.

1. A minimum of one landscape island shall be provided for each ten parking spaces within an off-street parking area. Required landscape islands shall have a minimum of 325 square feet, variably dependent upon the species of the canopy tree proposed by the designer. Each parking lot bay must terminate with a tree island.
2. Each required landscaping island shall contain at least one canopy tree and there shall be no more than ten parking spaces in a row between tree islands. Interior parking landscape islands that separate double loaded parking bays shall be a minimum of nine feet wide. Canopy trees planted in these islands must be planted in line with the parking stripes (between vehicles) and may be used to satisfy the parking lot tree requirements, however, all parking lot bays must terminate with a tree island. Example shown in Chapter 9 exhibits.
3. Curbs, wheel stops or other approved protective barriers shall be installed

around all required landscape islands, as approved by the Planning Director.

4. Landscaping provided to meet the right-of-way buffer standards of Section 9.5.4 of this Chapter may not be used to satisfy interior parking lot landscaping requirements. Canopy trees provided to meet perimeter adjacent use buffer landscaping requirements may be counted to satisfy interior parking lot landscaping requirements.

#### **§9.5.4 LANDSCAPE BUFFERS**

##### **A. Right-of-Way Buffers**

###### **1. Applicability**

Right-of-way buffers shall be required adjacent to road rights-of-way for all uses except for the following: agricultural and residential uses existing on or prior to November 20, 2001. Minor Subdivisions may not have to comply with the requirements of this Section if the Planning Director determines that compliance is not necessary to satisfy the purposes of this Ordinance.

###### **2. Buffer Reductions**

The Planning Director shall be authorized to reduce the depth of a required right-of-way buffer by up to one-third its depth if the following circumstances exist:

- a. The parcel is located on a corner lot with required right-of-way buffers of 35 feet or more; or
- b. The area of all required buffers, including Land Use Buffers and Tree Protection Areas, exceeds 30 percent of the site.

###### **3. Buffer Types by Roadway**

Landscape buffers shall be required along roadways in accordance with the following table. Streets and roads not indicated in the table shall comply with the S2 buffer requirements. Section 9.5.4 of this Chapter describes buffer types and planting requirements.

###### **4. Development Within Buffer Areas**

- a. No development may occur within required buffer areas; with the exception of sidewalks and permitted drives and signs;
- b. All buffer areas shall accommodate required plant material within the buffer;
- c. Drainage swales and stormwater detention ponds may be placed in the buffer only when trees are not endangered and only when they meander through the buffer in a natural manner; and

- d. Stormwater detention ponds may not occupy more than twenty-five percent (25%) of the buffer area.

ROADWAY	BUFFER TYPE	ROADWAY	BUFFER TYPE
Abbapoola Road	S4	Magwood Road	S3
Ashley Hall Road	S1	Main Road (Limehouse Bridge to Maybank Hwy.)	S5
Hwy. 61/Ashley River Road (Saint Andrews Boulevard to Sam Rittenberg Boulevard)	S1	Main Road (Bees Ferry Road to Limehouse Bridge)	S4
Hwy. 61/Ashley River Road (Sam Rittenberg Boulevard to Mark Clark Expressway)	S2	Manse Road	S4
Hwy. 61/Ashley River Road (Mark Clark Expressway to Church Creek)	S3	Mark Clark Expressway	S5
Hwy. 61/Ashley River Road (Church Creek to Muirfield Parkway/MacLaura Hall Ave.) [1]	S5	Mary Ann Point Road	S3
Hwy. 61/Ashley River Road (Muirfield Parkway/ MacLaura Hall Avenue intersection to Charleston County Line)[1]	S6	Mathis Ferry Road [1]	S4
Bears Bluff Road	S5	Maybank Highway Corridor Overlay District	[2]
Bees Ferry Road	S4	Maybank Highway [James Island]	S1
Belvedere Road	S4	Maybank Hwy (Main Road to Rockville)	S5
Betsy Kerrison Parkway [1]	S5	Meeting Street	S1
Bohicket Road [1]	S5	Murraywood Road	S4
Botany Bay Road	S4	Old Georgetown Road	S4
Brownswood Road	S4	Liberia Road	S4
Abbapoola Road	S4	Old Georgetown Road in the "Loop" area (designated on the Mount Pleasant Overlay map)	S1
Cane Slash Road	S4	Old Jacksonville Road	S4
Chisolm Road	S4	Old Pond Road	S4
Chuck Dawley Boulevard	S1	Old Towne Road	S1
Coleman Boulevard	S1	Orange Grove Road	S1
Doar Road	S4	Orleans Road	S1
Dorchester Road	S1	Parkers Ferry Road	S4
Eddingsville Beach Road	S4	Patton Avenue/Fickling Hill Road	S4
Edenvale Road	S4	Peters Point Road	S4

ROADWAY	BUFFER TYPE	ROADWAY	BUFFER TYPE
Fordham Road	S1	Pine Landing Road	S4
Fort Johnson Road [1]	S3	Plow Ground Road	S4
Hamlin Road	S3	Raccoon Island Road	S4
Harborview Road	S1	Rifle Range Road	S3
Highway 162	S4	River Road [1]	S5
Highway 165	S4	Riverland Drive [1]	S4
Highway 17 (Hwy. 41 to County Line)	S5	Rivers Avenue	S1
Highway 17 (east of Isle of Palms Connector to Hwy. 41, not including Old Georgetown Hwy "Loop" Area)	S4	Rutledge Road	S4
Highway 17 in the Old Georgetown Road "Loop" area (as designated on the Mount Pleasant Overlay map)	S1	Saint Andrews Boulevard	S1
Highway 17 (west of the Isle of Palms Connector including bypass)	S1	Savannah Highway [Bees Ferry Rd. to County Line] otherwise S2	S3
Highway 174 (Highway 164 to Edisto Beach) [1]	S5	Seewee Road	S4
Highway 174 (Highway 17 to Highway 164)	S3	South Santee Road	S4
Highway 41	S4	Steamboat Landing Road (Jenkins Hill Rd to Steamboat Creek)	S4
Highway 45	S4	Tibwin Road	S4
Humbert Road	S3	Toogoodoo Road	S4
James Island Bridge/Highway 61 Connector	S3	Venning Road	S3
James Island Expressway	S4	Wappoo Road	S1
Liberia Road	S4	Wescott Road	S4
Long Point Road (SPA Wando Terminal to I-526)	S1	Willtown Road	S4
Long Point Road (Outside of MP-O district) [1]	S4		

[1] Denotes Scenic Road designation that shall require protection under the provisions of this Ordinance of all trees 6 inches or greater in diameter breast height (DBH) which are located within rights-of-way.

[2] S6 for industrial use; S5 all other uses.

**5. Buffer Depth and Planting Standards**

STANDARD	BUFFER TYPE					
	S1	S2	S3	S4	S5	S6
MIN. BUFFER DEPTH (ft from right-of-way)[1]	15	20	35	50	75	100
<b>MINIMUM BUFFER LANDSCAPING</b> (Plants per 100 linear feet)[2][3]						
Canopy Trees[4]	2	2	4	6	9	12
Understory Trees (at least 50 percent evergreen)	3	4	6	9	12	15
Shrubs	25	30	40	50	60	75
Street Trees (may be counted toward canopy tree req.)[5]	2	2	2	2	2	NA

All trees with a diameter breast height (DBH) of 6 inches or greater within buffers shall be preserved.

- [1] Buffers may be traversed by permitted driveways and pedestrian ways.
- [2] The retention of natural buffers shall be required along all road or street rights-of-way of S3 designation or greater. The Planning Director shall be authorized to waive/modify minimum buffer planting requirements when an undisturbed natural buffer exists that is the same depth and amount of plant material as that which is required.
- [3] Bradford Pears cannot be used to fulfill any of the tree requirements of this Ordinance. Any exotic species which are proposed by the designer are subject to approval of the Planning Director.
- [4] When existing overhead utility lines are located such that they may pose interference with required canopy trees, Palmetto trees may be substituted to fulfill the canopy tree requirements. These trees are to be planted at a ratio of three Palmetto trees to one canopy tree and are to be planted in groupings of three.
- [5] Street trees are trees planted in rights-of-way for the purpose of fulfilling these requirements. Any planting in rights-of-way must be approved by party(ies) authorized to grant encroachment.

Note: The Planning Director shall be authorized to require the installation of berms within required buffers where deemed necessary to protect the visual quality of a road corridor or ensure land use compatibility.

**B. Land Use Buffers**

**1. Applicability**

Land use buffers shall be provided in accordance with the standards of this Section, provided that the Planning Director shall be authorized to modify or waive buffer or landscape planting requirements if it is determined that:

- a. Buffers will not serve any useful purpose due to the fact that fences, walls, berms, or landscaping of at least equivalent height, opacity, and maintenance already exist on the adjacent parcel;
- b. Buffers will not serve any useful purpose due to the location of uses, vehicles, buildings, structures, or storage, loading, display or service areas; or

- c. The area of required buffers would exceed 25 percent of the site proposed for development.

When landscape buffer requirements are modified or waived, the Planning Director may require that additional plant material be added within remaining buffers or elsewhere on the site.

## **2. Exemptions**

Single family development on individual lots shall be exempt from the land use buffer requirements of this Section.

## **3. Determination of Required Buffers**

The following procedure shall be used in determining which of the buffer types in the Land Use Buffer Table (Section 9.5.4.B.4) of this Chapter apply:

- a. Determine the type of use proposed for the site that is being developed. This is the "Proposed Use" (Column 1);
- b. Determine the residential use type that exists on the adjacent parcel (if residential) or the zoning district classification that applies to the adjacent parcel. This is the "Adjacent Site's Use or Zoning";
- c. Identify the type of landscape buffer required along the developing site's boundary (A, B, C, D, E, or F);
- d. Refer to Section 9.5.4.B.5 of this Chapter to identify the buffer depth and landscaping standards for the required buffer type.

## **4. Land Use Buffer Table**

Land Use Buffers shall be provided along side and rear yards in accordance with the following minimum requirements:

Proposed Use	Use or Zoning of Adjacent Site											Agricultural Use
	Residential Type			Zoning District								
	1	2	3	R [1]	OR	OG	CN	CT	CR	CC	I	
Residential Type 1	-	A	B	-	A	B	B	B	B	C	D	F
Residential Type 2	A	-	A	-	A	B	B	B	B	C	D	F
Residential Type 3	B	A	-	-	A	A	B	B	B	C	D	F
Civic/Institutional	B	B	A	A	-	-	-	-	-	-	-	-
Commercial Type 1	B	B	B	B	-	-	-	-	-	-	-	-
Commercial Type 2	C	C	C	C	C	B	B	-	-	-	-	-
Industrial Type 1	E	E	D	D	D	D	C	C	C	B	-	-
Industrial Type 2	F	F	F	F	E	E	D	C	C	C	A	-

**[1] Applies to undeveloped (vacant) R and AGR zoned property.**

**Residential Use Types:** Type 1 = Single family Detached; Type 2 = Duplex and Single family Attached; Type 3 = Multi-Family and all other residential use types, including manufactured housing parks.

**Commercial Use Types:** Type 1 = Any commercial use allowed by right in an OR, OG or CN district; Type 2 = all other commercial uses that are allowed in commercial (c) zoning districts (commercial uses are those listed in the "Commercial" rows of Use Table 6.1-(1))

**Industrial Use Types:** Type 1 = Any industrial or commercial use that is first allowed in an industrial (I) zoning district; Type 2 = Waste-Related uses, Resource Extraction uses and Recycling Centers.

### 5. Buffer Depth and Landscaping Standards

Standard	Buffer Type					
	A	B	C	D	E	F
<b>MINIMUM BUFFER DEPTH</b> (feet from property line)	10	15	25	40	60	100
<b>MINIMUM LAND USE BUFFER LANDSCAPING</b> (Plants per 100 linear feet)[1][2]						
Canopy Trees	2	3	3	5	7	9
Understory Trees (at least 50 percent evergreen)	3	4	4	7	9	11
Shrubs	20	20	25	30	40	50

[1] The Planning Director shall be authorized to require the installation of fences, walls or berms within required buffers where deemed necessary to ensure land use compatibility or otherwise protect the visual quality of an area.

[2] All trees with a diameter breast height (DBH) of 8 inches or greater within buffers shall be preserved.



## C. General

### 1. Location of Buffers

Buffers shall be located along the perimeter of a lot or parcel and shall extend to the boundary of the lot parcel. They shall not be located on any portion of public right-of-way. Where drainage or other utility easements exist along property lines, required landscape buffers shall be located adjacent to the easement and may be reduced in width by the width of the easement, but in no case shall the buffer width be less than ten feet. Required buffers shall be noted on all plats, plans and permit requests submitted for review and approval under this Ordinance.

### 2. Use of Buffers

The Planning Director shall be authorized to allow on-premises signs, fences, walls, berms, mailboxes, access to community boat ramps, permitted driveways, and sidewalks within required buffers. Other improvements may be allowed within buffers if the Planning Director determines that such improvements will not detract from the intended purpose and function of the buffer or have any adverse affect on adjacent property.

## §9.5.5 Landscape Plans

Landscape and Planting Plans submitted to meet the requirements of the Ordinance are to be drawn to the same scale as the Site Plan depicting proposed shrubs and trees at maturity. It is strongly encouraged that all Landscape Plans be prepared by a licensed registered Landscape Architect or Landscape Designer familiar with the growth habits and characteristics of plant material available in the Charleston area. Landscape Plans shall be prepared by a licensed, registered Landscape Architect whenever the area of land disturbance or development activity exceeds one acre or when the total area of proposed building footprint exceeds 5,000 square feet.

## §9.5.6 Landscape Material Standards

Landscape and plant material used to satisfy the standards of this Ordinance shall comply with the minimum standards of this Section.

### A. Plant Material

#### 1. Existing Plant Material

Vegetation and plant material that exists on a parcel prior to its development may be used to satisfy the landscaping standards of this Section provided that it meets the size and locational requirements of this Article.

#### 2. Size

Unless otherwise expressly stated, all plant materials used to satisfy the requirements of this Ordinance shall meet the following minimum size standards:

PLANT TYPE	MINIMUM SIZE
Canopy Tree	2 1/2 inches caliper and 12 feet in height
Understory/Ornamental Tree	8 feet (height)
Evergreen/Conifer Tree	5 feet (height)
Shrubs	3 gallon and 18" to 24" in height or spread

Note: At least 50 percent of required understory trees shall be evergreens. Any plant material that grows to an ultimate height of less than 18 inches shall be considered a groundcover and cannot be used to fulfill any of the shrub requirements of this Ordinance.

### 3. Species

Species of plant material used to satisfy the requirements of this Section shall be indigenous to the Charleston County area or are cultivated to survive in the climate of this area. No single plant species shall represent more than 40 percent of total landscape plantings, except for projects whose landscape requirements for canopy trees are lower than ten.

### 4. Quality

Plants installed to satisfy the requirements of this Section shall meet or exceed the plant quality standards of the most recent edition of American Standard for Nursery Stock, published by the American Association of Nurserymen. Plants shall be nursery-grown and balled and burlapped or container-grown.

### 5. Additional Landscape Treatment

All required landscape areas, including drainageways and detention/retention ponds, and buffers not dedicated to trees, shrubs or preservation of existing vegetation shall be landscaped with grass, ground cover, or other landscape treatment, not including sand, rock or pavement. All grass areas are to be installed using proper and accepted landscape methods to assure germination and erosion control.

## B. Berms and Landscape Structures

Berms and landscape structures shall comply with the following minimum standards.

### 1. Fences and Walls

Fences and walls used as a screen shall be at least 95 percent opaque, with a minimum height of six feet.

### 2. Berms

Earthen berms shall have a minimum height of three feet, with a slope not to exceed 3:1, variable dependent upon the plant materials and soil type used. The toe of any berm shall be located at least three feet from the ultimate right-of-way or property line

**§9.5.7 Installation, Maintenance and Replacement****A. Installation**

All landscaping shall be installed according to American Association of Nurserymen Standards and sound nursery practices in a manner designed to encourage vigorous growth. Sites for plant material shall be prepared or improved in accordance with American Association of Nurserymen Standards for soil preparation and drainage. Subsurface drainage shall be provided where berms, elevated planting areas or other suitable means for providing proper drainage do not exist.

**B. Irrigation**

The Planning Director shall be authorized to require the installation of automatic irrigation (sprinkler) systems when deemed necessary to ensure plant survival and proper growth.

**C. Maintenance and Replacement**

Required trees, shrubs, walls and other landscape features shall be considered as elements of the project in the same manner as parking, building materials and other details are elements of the plan. The land owner, or successors in interest, shall be jointly and severally responsible for the following:

1. Regular maintenance of all landscaping in good condition and in a way that presents a healthy, neat, and orderly appearance. All landscaping shall be maintained free from disease, pests, weeds and litter. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching or other maintenance, as needed and in accordance with acceptable horticultural practices, including ANSI standards for Tree Care Operations and American Association of Nurserymen Standards;
2. The repair or replacement of required landscape structures (e.g., fences) to a structurally sound condition;
3. The regular maintenance, repair, or replacement, where necessary, of any landscaping required by this Section; and
4. Continuous maintenance of the site as a whole

When replacement of trees, plant material or other landscape features is required, such replacement shall be accomplished within one growing season, one year or such time-frame as required by the Planning Director, whichever is shorter.

**ARTICLE 9.6 ARCHITECTURAL AND LANDSCAPE DESIGN STANDARDS****§9.6.1 PURPOSE**

The purpose of these standards is to promote attractive, well-designed development that is built to human scale; to promote and protect the appearance, character and economic value of new development; to encourage creativity in new development (as opposed to homogeneity or "look-alike" projects); and to foster attractive streetscapes and pedestrian environments, while accommodating safe vehicular movement and access.

**§9.6.2 APPLICABILITY**

These standards shall apply to all developments that are subject to Site Plan Review. (See Article 3.7)

**§9.6.3 ARCHITECTURAL DESIGN GUIDELINES**

The intent of the Architectural Design Guidelines is to assure respect for the character, integrity, and quality of the built and natural environments of the county; it is not intended to stifle innovative architecture. The following criteria shall be used in evaluating applications:

**A. General Design**

1. Single, large building masses shall be avoided. Structures with walls of more than 1,500 square feet should incorporate fascias, canopies, arcades, building setbacks of three feet or more or other multidimensional design features to break up large wall surfaces on their street facing elevations. Wall surfaces shall be visually divided by such features into areas of 750 square feet or less.
2. All elevations of a structure shall be in harmony, one with another, in terms of scale, proportion, detail, material, color, and high design quality.
3. The side and rear elevations of buildings shall be as visually attractive as the front elevation, especially where those side or rear elevations are most often viewed by the public. Rooflines and architectural detailing shall present a consistency in quality design.
4. All structures within a proposed development, including gasoline canopies, shall utilize a uniform architectural theme and shall be designed to create a harmonious whole. It is not to be inferred that buildings must look alike to achieve a harmony of style. Harmony of style can be created through property considerations of scale, proportion, detail, materials, color, site planning, and landscaping.
5. The scale of buildings and accessory structures (including canopies) shall be appropriate to the scale of structures located in the surrounding area. Canopies designed as domineering or overpowering architectural features are strongly discouraged.
6. Long, monotonous facade design, including, but not limited to, those characterized by unrelieved repetition of shape or form, or by unbroken extension of line, shall not be permitted.

7. The architectural design and material finish of buildings, signage, gasoline pump canopies, and other necessary structures shall be compatible with one another and with adjacent and surrounding structures where such structures are substantially in compliance with these requirements.
8. Structures which are of symbolic design for reasons of advertising shall not be permitted. A symbol or symbols attached to a building shall not be allowed unless it is secondary in appearance to the structure and landscape, and is an aesthetic asset to the building and surrounding area.
9. The location and dimension of wall signs shall be indicated upon the architectural elevations of proposed structures and shall maintain compatibility with the architectural features of the structure.

#### **B. Building Materials**

1. Concrete finishes or precast concrete panels (tilt wall) that are not exposed aggregate, hammered, sandblasted or covered with a cement-based acrylic coating shall be prohibited as an exterior building material along any building elevation visible from public rights-of-way.
2. Unpainted or bare metal panels, regardless of depth or thickness, shall be prohibited as an exterior building material.
3. Corrugated or sheet metal, except stainless steel, copper, or galvanized metal shall be prohibited as an exterior building material along any building elevation visible from public rights-of-way.
4. Mirrored glass with a reflectance greater than 40 percent shall be prohibited from covering more than 40 percent of the exterior walls of any building.
5. Materials shall express their function clearly and honestly and shall not appear as materials which are foreign to the character of the rest of the building.
6. Any building exterior elevation shall consist of architectural materials which are equal in quality, appearance, and detail to all other exterior elevations of the same structure. Nothing in this Section shall preclude the use of different materials on different exterior elevations of the same structure so long as those materials maintain the architectural unity and integrity of the entire structure.
7. Shingles, metal standing seam, tile, or other roofing materials with similar appropriate texture and appearance shall be utilized. Flat roofs will not be discouraged where they are appropriate to the design theme of a structure.

**C. Building Color**

1. Color shades shall be used to unify the development.
2. Color combinations of paints shall be complimentary complementary. In no case shall garish colors be permitted. In general, no more than three different colors per building shall be allowed.

**D. Multiple-Building Developments**

Each individual building within a development shall feature predominant characteristics including, but not limited to, consistent rooflines, use of compatible proportions in building mass and outdoor spaces, complementary relationships to the street, similar window and door patterns, and the use of complementary building materials in terms of color, shades, and textures. Monotony of identically designed multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. The use of different textures, shadow lines and contrasting shapes may also be used to provide visual interest.

**E. Building Orientation**

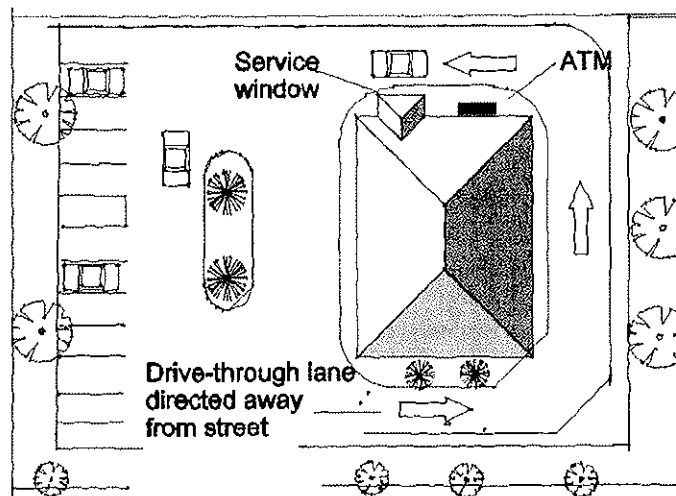
1. To the maximum extent feasible, primary facades and entries should face the adjacent street. Except in industrial districts, a main entrance shall face the adjacent street or a connecting walkway with a direct pedestrian connection to the street without requiring pedestrians to walk through parking lots or cross driveways.
2. Where it is reasonably practical, proposed structures shall not impede scenic rural views from the main road, from existing structures, or from natural settings.
3. Structures shall be oriented so that loading areas are in no manner visible from Residential districts, from existing rights-of-way or from planned future public rights-of-way. Loading areas may be oriented toward adjoining developed properties which are commercially zoned or toward adjoining properties eligible for future commercial development if and only if they are entirely screened from view by the use of fencing which is compatible with the overall architectural scheme of the project and/or are appropriately landscaped.
4. All corner developments shall have buildings located close to the corner with majority of parking to the side and rear.
5. All buildings shall be sited so that a direct relationship with the primary street is established. The architecture, landscaping and building siting must work in concert to create a unified appearance.
6. Gas Stations.  
Buildings shall be sited so that gasoline pump dispensers are located to the side of the building or located behind the buildings so that the building is between the pumps and the primary street frontage. If located on a

corner lot, the building would have to be situated in the corner of the lot at the intersection.

**F. Mechanical Equipment and Trash Receptacle Screening**

Locations of all mechanical equipment and dumpsters shall be shown on all site plans. All mechanical equipment and trash receptacles shall be shielded and screened from public view. Mechanical equipment shall be shielded with walls, fencing or landscaping that screens the equipment entirely. Dumpsters shall be screened with a minimum 6-foot opaque fence or wall on all four sides and located toward the side or rear of the principle structure.

- G.** All order boxes, menu stands, pickup windows, service/teller windows, and required vehicle stacking associated with drive thru services shall be located to the side or rear of buildings. For the purpose of this Section, the side or rear shall mean the area behind a projected line running parallel from the front (street facing) side(s) of the structure to the side property lines. This concept is depicted in the graphic below:



**§9.6.4 LANDSCAPING DESIGN GUIDELINES**

The purpose and intent of Landscaping Design Guidelines is to reduce the visibility of paved areas from adjacent properties and streets, moderate climatic effects, minimize noise and glare, and enhance public safety by defining spaces to influence traffic movement. Landscaping will reduce the amount of stormwater runoff and provide transition between neighboring properties. The following criteria shall be used in evaluating applications:

**A. General Design**

1. Landscaping shall be required between buildings and sidewalks, and parking lots and driveways. The scale of the proposed landscaping shall be in proportion to the building.
2. Landscaping does not only include trees and plantings but also paving, benches, fountains, exterior lighting fixtures, fences, and any other item of exterior furniture. All items of the landscape are to be selected not only

for their functional value but [also] for their aesthetic value and must compliment [complement] the whole.

3. All utility lines in the suburban areas such as electric, telephone, CATV, or other similar lines serving individual sites as well as all utility lines necessary within the property shall be placed underground. All junction and access boxes shall be screened with appropriate landscaping. All utility pad fixtures and meters should be shown on the site plan. The necessity for utility connections, meter boxes, and the like, should be recognized and integrated with the architectural elements of the site plan. All properties shall comply with the County's Right-of-Way Management Ordinance where applicable.
4. Ease of pedestrian access between proposed developments and adjacent developments shall be a required consideration in the development of a proposed project's site and circulation plans.

#### **B. Parking/Drives**

1. Parking areas and driveways shall be paved with material which is appropriate to the comprehensive design scheme of the project and to the intensity of use to which parking areas and driveways will be subject.
2. Buildings shall be sited so that the majority of parking is located to the side and rear of the building. The placement of the major portion of a proposed development's parking area to the rear of a main structure's corridor facade, or within a courtyard surrounded on three sides by a proposed structure, is strongly encouraged. The rationale for this guideline is to promote good proportional spatial definition for the corridors to be accomplished through a reduction in the distance required for a building's setback.
3. Drive-through access shall be integrally designed with the building and not dominate the design. Only single lane drive-throughs are allowed. Multi-lane drive-throughs are only allowed for banks (or similar financial institutions), post offices or utilities.

#### **C. Site Lighting**

Site lighting shall be from a concealed light source fixture and shall not interfere with the vision of vehicular traffic. A lighting plan with photo-metrics shall be stamped and signed by a registered professional engineer and comply with the following criteria:

1. Maximum average foot-candles shall not exceed 5 foot candles as depicted on photometric plans with a maximum not to exceed 12 foot candles close to light sources. Maximum foot candles under gasoline canopies and outdoor sales lots shall not exceed 30 foot candles.
2. All exterior lights shall be arranged and installed so that the direct or reflected illumination does not exceed one-half foot candle above the



background measured at the lot line of any adjoining residential or agricultural parcel and public right-of-way.

3. Lighting shall enhance the overall aesthetics of the site.
4. Security lighting shall be provided, particularly at pedestrian walkways.
5. Lighting shall be integrated with architectural design of the buildings.
6. Light sources (light bulbs) shall not be visible. They shall be shielded to reflect down onto the ground and not out onto the streets or neighboring property.

**ARTICLE 9.7 WETLANDS, WATERWAYS AND OCRM CRITICAL LINE**

**§9.7.1 WETLAND BUFFERS AND SETBACKS**

**A. Intent**

The buffer standards of this Article are intended to provide a natural vegetated area between the furthestmost projection of a structure, parking or driveway area, or any other building elements, and all saltwater wetlands, waterways and OCRM (saltwater) critical lines. The purpose of these required buffers is to provide a visual, spatial, and ecological transition zone between development and the County's saltwater wetlands and waterways, and to protect water quality and wildlife habitat.

**B. Wetland, Waterway and OCRM Critical Line Buffer Depth and Setbacks**

**1. Standards**

The following minimum wetland/waterway buffers/setbacks shall be required:

Minimum Buffers/Setbacks (feet)	RM	AG-15	AG-10	AG-8	AGR	RR-3	S-1	S-2	S-3	R-2	R-3	R-4	M-8	M-12
OCRM Critical Line Buffer	35	35	35	35	35	35	35	15	15	15	15	15	15	15
Setback from OCRM Critical Line	50	50	50	50	50	50	50	35	35	35	35	35	35	35

Minimum Buffers/Setbacks (feet)	MHS	MHP	OR	OG	CT	CN	CR	CC	I
OCRM Critical Line Buffer	15	15	35	35	35	35	35	35	35
Setback from OCRM Critical Line	35	35	50	50	50	50	50	50	50

**2. Reduction of OCRM Critical Line Setbacks**

The Planning Director shall be authorized to reduce OCRM Critical Line setbacks to a distance not less than the buffer depth, when deemed

necessary by the Director to accommodate reasonable development of the parcel and when it is determined by the Director that the setback reduction will not have a significant adverse impact on public health or safety.

**3. Reduction of Buffers and Setbacks on Parcels Created Prior to April 21, 1999**

When the application of buffer/setback requirements contained within this Ordinance render a parcel that existed prior to April 21, 1999, unbuildable, the Planning Director shall be authorized to reduce front, side and rear yard buffers/setbacks as necessary to make a parcel buildable. The Planning Director cannot reduce any front and/or rear yard buffer in an amount which would result in the placement of a structure closer to either the front or rear property line than any structure on an adjacent property. Any further reduction in any required buffer shall be made by appeal to the Board of Zoning Appeals.

**C. Measurement**

Required OCRM critical line buffers and setbacks shall be measured from the OCRM critical line, whether the critical line or wetland/waterway is located on, adjacent to, or near the subject parcel.

**D. Lot Width**

The minimum lot width standards of the underlying zoning district shall apply at the required buffer or setback line.

**§9.7.2 PROHIBITED ACTIVITIES**

The following activities are specifically prohibited in a buffer area:

- A. Removal excavation, or disturbance of the soil, except for minimal disturbance associated with the planting of shrubs or trees for landscaping;
- B. Grassed lawns requiring regular maintenance such as herbicides; pesticides, fertilizers and frequent mowing;
- C. Gardens, fences, or structures, except for permitted crossings;
- D. Paved or other impervious surfaces; and
- E. Destruction or addition of plant life which would alter the existing pattern of vegetation.

**ARTICLE 9.8 HISTORIC PRESERVATION****§9.8.1 INTENT**

The standards of this Section are intended to safeguard the integrity of historic structures, sites, and their context, and to protect public views of these resources along public rights-of-way.

**§9.8.2 APPLICABILITY**

The standards of this Section shall apply to all sites (existing and future) listed on the National Register of Historic Places.

**§9.8.3 DEMOLITION**

No demolition of a historic structure or site may occur until a Special Exception has been approved in accordance with the provisions of this Ordinance.

**§9.8.4 MOVING**

No relocation of a historic structure or site may occur until a Special Exception has been approved in accordance with the provisions of this Ordinance. Relocation should not be considered, except as a final alternative to demolition.

**§9.8.5 NEW CONSTRUCTION; EXTERIOR ALTERATIONS**

No new construction located on a historic structure or site or significant exterior alteration of a historic structure or site may occur until a Special Exception has been approved in accordance with the provisions of this Ordinance. The applicant must demonstrate that all proposed renovations are consistent with the National Register of Historic Places (NRHP) such that the structure shall remain listed on the NRHP following the completion of the proposed new construction and exterior alterations.

**§9.8.6 NEARBY DEVELOPMENT**

Subdivision plats for multi-family, manufactured housing park, office, commercial, or industrial development or residential subdivisions proposed to be located within 300 feet of a historic structure or site should be reviewed to determine their impact on the historic site. The Planning Director shall require that potential negative impacts be minimized through the location of vehicular access points, screening/buffering and other site design tools.

**ARTICLE 9.9 TRAFFIC IMPACT STUDIES****§9.9.1 APPLICABILITY**

A traffic impact study shall be required with applications for zoning map amendments, preliminary plats and planned developments that are projected to generate 100 or more peak hour vehicle trips, based on trip generation rates from the latest edition of the Institute of Transportation Engineers Trip Generation manual. The Planning or Public Works Director shall also be authorized to require traffic impact studies when it is determined that a proposed development is likely to have a significant impact on transportation capacity, transportation levels of service or traffic safety in the vicinity of the proposed development.

### §9.9.2 STUDY SCOPE

When a traffic impact study is required, the type and scope of the study shall be determined during a scoping meeting with the Planning and Public Works Directors. The meeting may also involve representatives of or request assessments from other agencies and departments. The elements to be determined during the scoping session shall include:

- A. Type of Study**  
The possible types of reports include: a letter report, full traffic impact analysis report or special report (e.g., sight distance survey).
- B. Definition of Impact Area**  
The points of access and key streets and intersections that may be affected by development of the subject tract constitute the impact area. Traffic recorder and turning movement assessment locations shall be determined.
- C. Period of Analysis**  
Periods of analysis may include: daily traffic, a.m., p.m. or weekend peak hour.
- D. Analysis Scenarios**  
Scenarios for analysis include: existing conditions, opening year conditions with and without development, and 10 years after opening with and without development.
- E. Process**  
Process for determining trip generation and distribution including: trip generation category, diversion assumptions and distribution assumptions.
- F. Growth Rate Assumption**  
The rate of growth assumed in background traffic assumptions.
- G. Pipeline Development**  
Developments in the area that have been approved or are under review.

### §9.9.3 TRAFFIC STUDY ELEMENTS

A letter report or special report shall include those elements agreed upon in the scoping meeting. A full traffic impact study shall include the following elements:

- A. Existing Condition Survey**
  - 1. Street System Description**  
The street system shall be described including geometric features, lane usage, traffic control, signage, sight distances and adjacent uses and curb cuts.
  - 2. Traffic Volumes**  
Existing traffic volumes shall be provided for the impact area including both AADT (Average Annual Daily Traffic) and "Design" peak hour volumes. AADT may be derived from current counts of the South Carolina Department of Transportation (if available) and peak hour volumes shall be done from field counts. Data shall be adjusted for daily and seasonal

variations. Turning movement counts for the peak hour shall be provided for critical intersections. Peak hour periods shall be as determined at the scoping meeting.

**3. Capacity Analysis**

Existing capacity of signalized and unsignalized intersections.

**4. Other**

Other items may be required at the discretion of the Public Works Director depending upon the type and scale of the project. These may include but are not limited to: queue length analysis, pedestrian counts, accident data, traffic speeds (both 50th and 85th percentile), and stopping sight distances.

**B. Future without Development**

Capacity analysis is to be provided for opening year and plus ten-year for key intersections (and roadway segments where appropriate) without the development but including any planned developments. The analysis shall be based upon the Highway Capacity Manual or other methodologies approved in advance by the Public Works Director.

**C. Future with Development**

1. Projections of the daily and peak hour traffic generation of the project shall be made using the latest edition of the Institute of Transportation Engineers Trip Generation manual unless the Public Works Director determines that locally derived data will provide more accurate forecasts. Data from similar facilities may be used where the information is not available from the Institute of Transportation Engineers.
2. The projected trips shall be distributed onto the road network as agreed in the scoping meeting.
3. Capacity analysis for opening year and plus ten-year for key intersections (and roadway segments where appropriate).
4. Special analysis as may be required to determine warrants for signalization, minimum safe sight distances, gap analysis, turning radius requirements, queue length analysis, turning lane length analysis, curb cut locations or similar requirements.

**D. Mitigation Plan**

Where the analysis indicates that the project will create deficiencies in the impact area, improvements shall be recommended which shall include projected cost estimates. The design of improvements shall be in accordance with specifications of the Public Works Director and, where appropriate, the South Carolina Department of Transportation. Where a Decision-Making Body determines that a mitigation plan is not adequate to address the traffic impacts of the project, it may serve as a basis for denial of the rezoning, preliminary plat or planned development request.

**E. Consultants**

The Public Works Director may require that a mutually agreed upon independent consultant be hired by the County to perform required traffic impact studies or to review all or part of a study prepared by the applicant's consultants. The Public Works Director is authorized to administer the contracts for such consultants.

1. The Public Works Director shall determine the scope of services to be performed by the independent consultant and receive a cost estimate of such services.
2. The applicant shall provide an amount equal to the estimate to the Public Works Director, who will deposit the amount in an escrow or special account set up for this purpose. Any funds not used for the independent consultant shall be returned to the applicant in a timely manner without interest.
3. The Public Works Director may require additional fees for the independent review if: the Decision-Making Body expands the scope of the required review; the applicant substantially amends the application; additional meetings involving the consultants are requested by the applicant; the consultant's appearance is requested at Planning Commission or County Council meetings beyond what was initially anticipated; or the consultant's attendance is required at meetings with regional, state, or federal agencies or boards which were not anticipated in the earlier scope of services.

**ARTICLE 9.10 VISION CLEARANCE****§9.10.1 MAJOR ROADWAYS**

Corner lots on major roadways shall have no structure or obstruction that obscures travel vision from 30 inches to ten feet above ground level in a triangular area formed by measuring from the point of intersection of the front and side lot lines a distance of 40 feet along the lot lines and connecting the points to form a triangle.

**§9.10.2 COLLECTOR STREETS**

On Collector Streets, the triangular area formed by measuring from the point of intersection of the front and side lot lines is 30 feet.

**§9.10.3 SUB-COLLECTOR STREETS**

On Sub-Collector Streets, the triangular area formed by measuring from the point of intersection of the front and side lot lines is 20 feet.

**§9.10.4 PRIVATE DRIVES AND PRIVATE LANES**

On private driveways of commercial or industrial activities, the triangular area formed by measuring from the point of intersection of the drive edge is 15 feet.

**ARTICLE 9.11 SIGNS****§9.11.1 GENERAL PROVISIONS****A. Purpose**

This Article provides comprehensive regulations for signage in Charleston County designed to promote public safety and welfare by reducing visual clutter along highways, facilitating the efficient transfer of information, and thus enhancing traffic flow and the ability to locate needed goods and services.

**B. Administration and Enforcement****1. Non-Commercial Copy**

Any sign authorized in this Section is allowed to contain non-commercial copy in lieu of any other copy. Non-commercial on-premises signs are permitted in any zoning district provided that such signs comply with the regulations of that district.

**2. Building and Electrical Code Standards**

All permanent signs must meet the structural and installation standards of the Standard Building Code and electrical standards of the National Electrical Code as enforced by the Charleston County Building Inspection Services Director

**3. Permit Required**

No signs, except real estate signs shall be erected unless a zoning permit has been issued by the Planning Director in accordance with the procedures of this Ordinance.

**4. Fees**

An applicant for a zoning permit shall pay such fees as determined necessary for application processing. These fees are due upon submission of an application and shall be determined by County Council.

**5. Permits**

A permanent tag shall be attached to every installed sign. The tag shall remain the property of Charleston County and shall not be removed without the Planning Director's approval.

**6. Documentation of Signs**

Upon request, the owner of any existing sign shall provide the Charleston County Planning Director with evidence that documents the size, location and date of construction of all existing signs on the premises.

**C. Prohibited Signs**

The following signs shall be prohibited:

1. Flashing Sign;
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 Right-of-Way;
7. Snipe Sign;
8. Vehicle Sign;
9. Roof Sign;
10. Banners; and
11. Sandwich Signs.

**D. House Numbers**

All permanent, free-standing, On-Premises signs shall contain house numbers containing number at least four inches in height. The area devoted to required house numbers shall not be included in the calculation of maximum sign area.

**E. Illumination**

All lighted On-Premises signs shall comply with all dimensional standards set forth in this Ordinance. Additionally, all internally illuminated signs on property not adjacent to commercial or industrial uses shall have an opaque background on the sign face with a maximum of 80 watts per bulb and no more than one bulb per foot in height of the sign face.

**F. Signs in Disrepair**

Signs in disrepair shall be repaired, renovated, or removed from the premises within 60 days following notice by Planning Director.

**G. Abandoned Signs**

Signs advertising a person, business, service, event or other activity that is no longer available or other signs that contain inaccurate or outdated information shall be considered abandoned. Remedial action shall be taken within 30 days after a sign becomes abandoned. If no remedial action is taken, the Planning Director shall give notice to the owner of record who shall have 30 days to remove the sign prior to any further enforcement action being pursued. This provision shall apply to all abandoned signs, including those abandoned before April 21, 1999.

**H. Signs Interfering with Vehicular Vision**

1. In the area near the entrance of a driveway, no sign shall obscure the travel vision from 30 inches to ten feet above ground level in triangular areas formed by measuring from the point of intersection of any front lot line and driveway, a distance of 15 feet along the front lot line and driveway and connecting the points to form a triangle.
2. No sign or structure shall be erected so as to interfere with the vision of vehicles operated along any highway, street, road or driveway, or at any



intersection of any street, highway or road with a railroad track. Signs determined by the Planning Director to be in violation shall be removed or relocated immediately upon notice.

## **§9.11.2 ON-PREMISES SIGNS**

### **A. Free-Standing Signs**

1. Maximum size, height, width, length, number of sign faces, number of signs per establishment and required minimum height and setbacks are based upon establishment size and shall conform with Table 9.11.2-A.
2. A maximum of one reader board shall be allowed per zoning lot for single or multi-tenant structures containing office, commercial, or industrial uses if attached to permanent free-standing signs. The area of the reader board shall be included in the site's total sign area allowance.
3. All new free-standing signs are to be designed as monument signs, pedestal style signs or pole mounted signs.
4. All pedestal style signs shall have a pole skirt.
5. The predominate materials used for free-standing signs, excluding copy material or materials not visible from the public right-of-way, must incorporate the following:
  - a. If the predominate building materials colors and design elements on the principal building conform to Section 9.6.3B. of this Ordinance, the exterior sign materials must compliment those found on the principal structure as reviewed and approved through the site plan review process. Materials, design and color of the sign do not need to be the same as those found on the principle structure to be considered complimentary.
6. Signs that are located in parking lots (such as directional signs) may be internally lit when constructed with routed letters or an opaque background.
7. The hanging or attachment of objects is not permitted unless they are shown on the drawings approved for sign construction and meet all the requirements of this Ordinance.
8. When calculating the sign area of a "monument sign", "pedestal sign", or "pole sign", the internal structural framework supporting the sign or other solid structural features (not containing copy or any graphic, word, symbol, insignia, text sample, model, device, or combination thereof which is primarily intended to advertise, identify or notify, exclusive of a frame or border) shall not be used in the calculation of the maximum area of the sign. Signs may be mounted on a base or foundation that will not be included in the square footage; however, the base for monument signs must be as wide as the sign.

**B. Wall/Facade Signs**

1. A maximum of two signs shall be allowed per wall/facade, with a maximum of four per building. Total area of all signs shall not exceed square footage of Table 9.11.2-B.
2. Maximum size of wall/facade signs is dependent upon building frontage and setback, in accordance with Table 9.11.2-B.
3. The hanging or attachment of objects is not permitted unless they are shown on the drawings approved for sign construction and meet all the requirements of this Ordinance.
4. Awning Signs
  - a. The use of awnings for the purpose of providing signage will be considered a wall sign. The awning signage must meet all dimensional and intensity standards applicable to wall signs in this Article.
  - b. For purposes of the subsection, an awning sign is a sign used for the purpose of providing signage and must be located above a display window or entryway.
  - c. Text or graphic shall be limited to the face of an awning.

**TABLE 9.11.2-A  
FREE-STANDING ON-PREMISES SIGNS**

ZONING DISTRICT													
Requirement [1] [2]	Agricultural	Residential	Non-Residential										
Maximum Area (sq. ft.)	10 (32 with Special Exception)	10	<table border="0"> <tr> <td><u>Bldg. Size (sq. ft.)</u></td> <td><u>Sign Size</u></td> </tr> <tr> <td>0 sq. ft. to 2,500 sq. ft.</td> <td>= 50</td> </tr> <tr> <td>2,500 sq. ft. to 25,000 sq. ft.</td> <td>= 100</td> </tr> <tr> <td>25,000 sq. ft. to 100,000 sq. ft.</td> <td>= 150</td> </tr> <tr> <td>100,000 sq. ft. +</td> <td>= 200</td> </tr> </table>	<u>Bldg. Size (sq. ft.)</u>	<u>Sign Size</u>	0 sq. ft. to 2,500 sq. ft.	= 50	2,500 sq. ft. to 25,000 sq. ft.	= 100	25,000 sq. ft. to 100,000 sq. ft.	= 150	100,000 sq. ft. +	= 200
<u>Bldg. Size (sq. ft.)</u>	<u>Sign Size</u>												
0 sq. ft. to 2,500 sq. ft.	= 50												
2,500 sq. ft. to 25,000 sq. ft.	= 100												
25,000 sq. ft. to 100,000 sq. ft.	= 150												
100,000 sq. ft. +	= 200												
Maximum Height (ft.)	14	5	5-foot setback = 20 ft. maximum height  OR Districts: 5 ft. minimum setback-6 ft. maximum height										
Minimum Height (ft.)	None	None	None										
Maximum Width (height of sign with face) (ft.)	N/A	5	Ratio—Longest side: Shortest side 5:1										
Maximum Length (ft.)	N/A	5	Ratio—Longest side: Shortest side 5:1										
Setbacks (Front/Int) (ft.)	10/10	10/10	5/10										
Max. No. Sign Faces	2 per sign	2 per sign	2 per sign										
Max. No. Signs	1 per major frontage	1 per major frontage	1 per major road frontage										

[1] Sign regulations for the CT Zoning District can be found in Section 4.22.4.

[2] Sign regulations for properties located in overlay districts can be found in Chapter 5.

**TABLE 9.11.2-B WALL/FACADE SIGNS**

Building Length Facing Street	Setback	Maximum Size (sq. ft.)
50 feet or less	0—99 ft.	50
	100—399 ft.	100
	400 or more ft.	150
More than 50 feet	0—99 ft.	Bldg. Frontage x 1
	100—399 ft.	Bldg. Frontage x 2
	400 or more ft.	Bldg. Frontage x 3

**C. Special Signs**

1. Maximum size, number, and height of special signs shall conform with Table 9.11.2-C.
2. Temporary Signs
  - a. **Size, Number and Height**

Maximum size, number and height of temporary signs shall conform with Table 9.11.2-C.
  - b. **Types**

Commercial and Non-Commercial Temporary Signs of the following varieties are permitted:

    - i. Banners are permitted only in the Savannah Highway/St. Andrews Boulevard Overlay District.
    - ii. Portable signs are permitted in accordance with standards of the National Electrical Code and anchoring provisions of the Standard Building Code.
  - c. **Duration**
    - i. Non-Commercial Temporary Signs shall be allowed for a maximum of 30 days per event.
    - ii. Commercial signs temporary [Temporary Signs] shall be allowed for a maximum of 30 days, starting with the opening of a business.

**D. Real Estate Signs**

1. Maximum size, number and height of real estate signs shall conform with Table 9.11.2-C of this Chapter.
2. Signs shall face a maximum of two directions, and may be mounted back-to-back or V'ed.
3. Where signs are V'ed, the space between panels shall not exceed 3 feet at the point at which panels are closest, and the interior angle formed by signs shall not exceed 60 degrees. For purposes of these requirements, V'ed signs shall be counted as one sign.
4. Where signs face two directions, whether back-to-back or V'ed, both signs must be the same standard size.

**E. Flags Used As Signs**

1. A permit shall be required for the installation of all flag poles or flag display devices erected on lots zoned for multi-family, office, commercial,

or industrial use or occupied by a multi-family, office, commercial, or industrial use.

2. Applicants must submit with the permit application a scaled site plan giving the location of all flag poles and complete dimensional and installation engineering data.
3. Applicants must provide documentation of minimum clearance from electric, telephone or cable TV lines as certified by the proper utility prior to issuance of permit, or installation.
4. Maximum size and number of flags used as signs, and height of flag poles shall conform with Table 9.11.2-C of this Chapter.
5. The American flag and the flag of the State of South Carolina are exempt from the provisions for maximum size of flags and maximum size of flagpoles in Table 9.11.2-C of this Chapter.

**TABLE 9.11.2-C  
SPECIAL SIGNS**

Type	Maximum Size	Maximum Number	Minimum Setback Maximum Height
Subdivision/Multi-Family I.D. Signs	32 sq. ft.	2 per entrance	Minimum setback: 5 ft. Maximum height: 12 ft.
Directional	3 sq. ft.	Unlimited	4 ft.
Temporary Signs: Includes real estate signs, grand openings and permitted special events	48 sq. ft. Time Limit: Shall be removed no later than 15 days after the conclusion of the sale, event, or first day of grand opening	1 per 1500 ft. frontage Maximum: 3 per lot	Minimum setback: 5 ft. Maximum height: 12 ft. Maximum 6 ft. height in residential zoning districts
Flags	60 sq. ft.	3 per zoning lot	35 ft. or 15 ft. above highest point of roof
Civic/Institutional	100 sq. ft. 50 sq. ft. in Residential or Agricultural uses	1 per zoning lot	Min. setback: 5 ft. Max. height 12 ft. Sign must have opaque background except the marquee. Marquee cannot exceed 25% of total sign size

- F. Nonconforming Signs**  
Refer to Chapter 10, Nonconformities.

**§9.11.3 OFF-PREMISES SIGNS**

- A. Outdoor Advertising of America Standards**  
All Off-Premises Signs shall be constructed in compliance with Outdoor Advertising of America Standards.

**B. Location and Setbacks**

1. Off-Premises Signs shall be allowed in those zoning districts indicated in Chapter 6.
2. Permitted sizes, maximum height, minimum setbacks and location criteria shall be as indicated in Table 9.11.3-A of this Chapter.

**C. Orientation**

1. Signs shall face a maximum of two directions, and may be mounted back to back or V'ed.
2. Where signs are V'ed, the space between panels shall not exceed three feet at the point at which panels are closest, and the interior angle formed by signs shall not exceed 90 degrees.

**D. Compatible Size Signs**

Where signs face two directions, whether back to back or V'ed, both signs must be the same standard size.

**E. Nonconforming Signs**

Refer to Chapter 10, Nonconformities.

**TABLE 9.11.3-A  
OFF-PREMISES SIGNS**

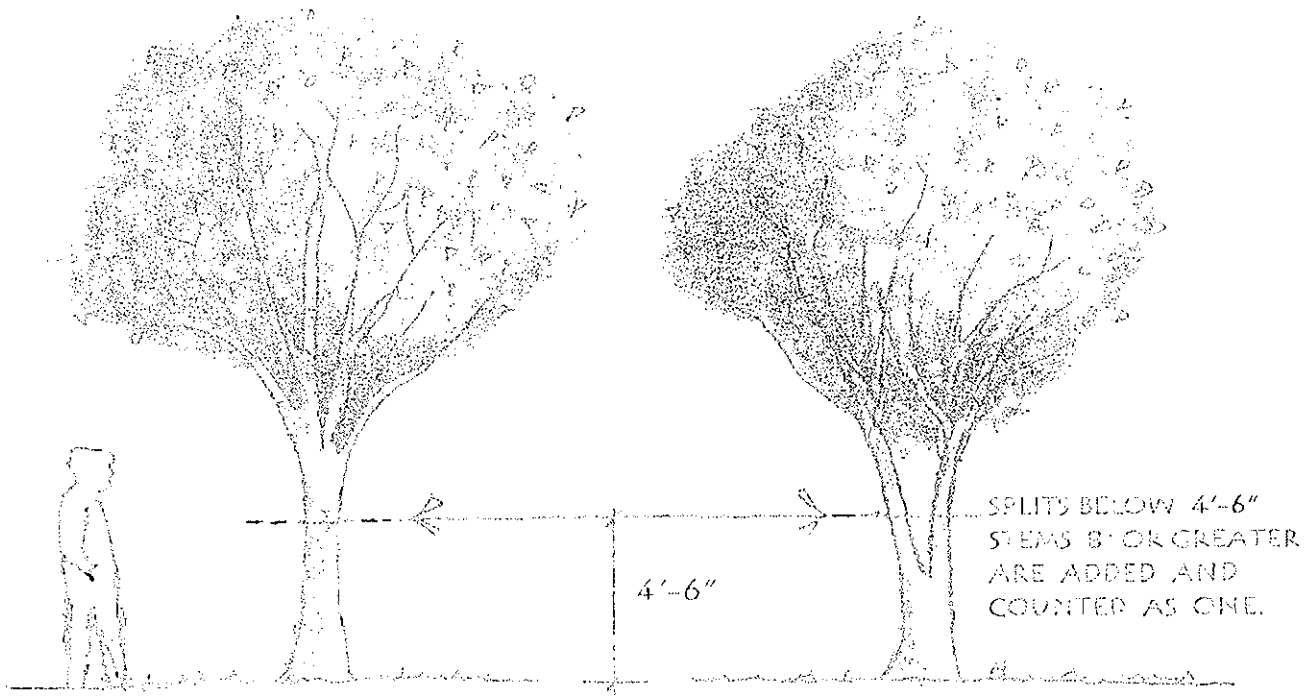
<b>Maximum Length</b>	48 ft.
<b>Maximum Width</b>	14 ft.
<b>Maximum Area</b>	672 sq. ft.
<b>Maximum Height</b>	40 ft.
<b>Minimum Setback (front/side)</b>	25/20 ft.
<b>Location Criteria</b>	1,000 ft.
Minimum distance to nearest off-premises sign	
Minimum distance to nearest on-premises sign	500 ft.

**ARTICLE 9.12 DRAINAGE DESIGN**

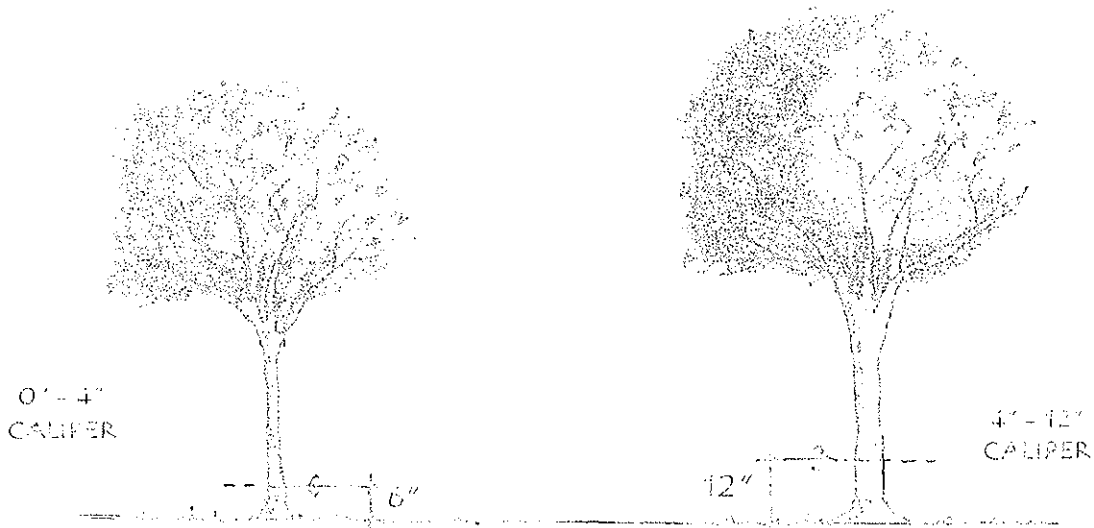
Refer to the Charleston County Stormwater Management Ordinance # 1518 approved on August 14, 2007 and found in Appendix B of this Ordinance.

**CHAPTER 9 EXHIBITS**

**Note: The following exhibits are for illustration purposes only. In case of any difference of meaning or implication between the text of this Ordinance and any heading, drawing, table, figure, or illustration, the text shall control.**



DBH DIAMETER BREAST HEIGHT FOR TREES GREATER THAN 12" CALIPER.

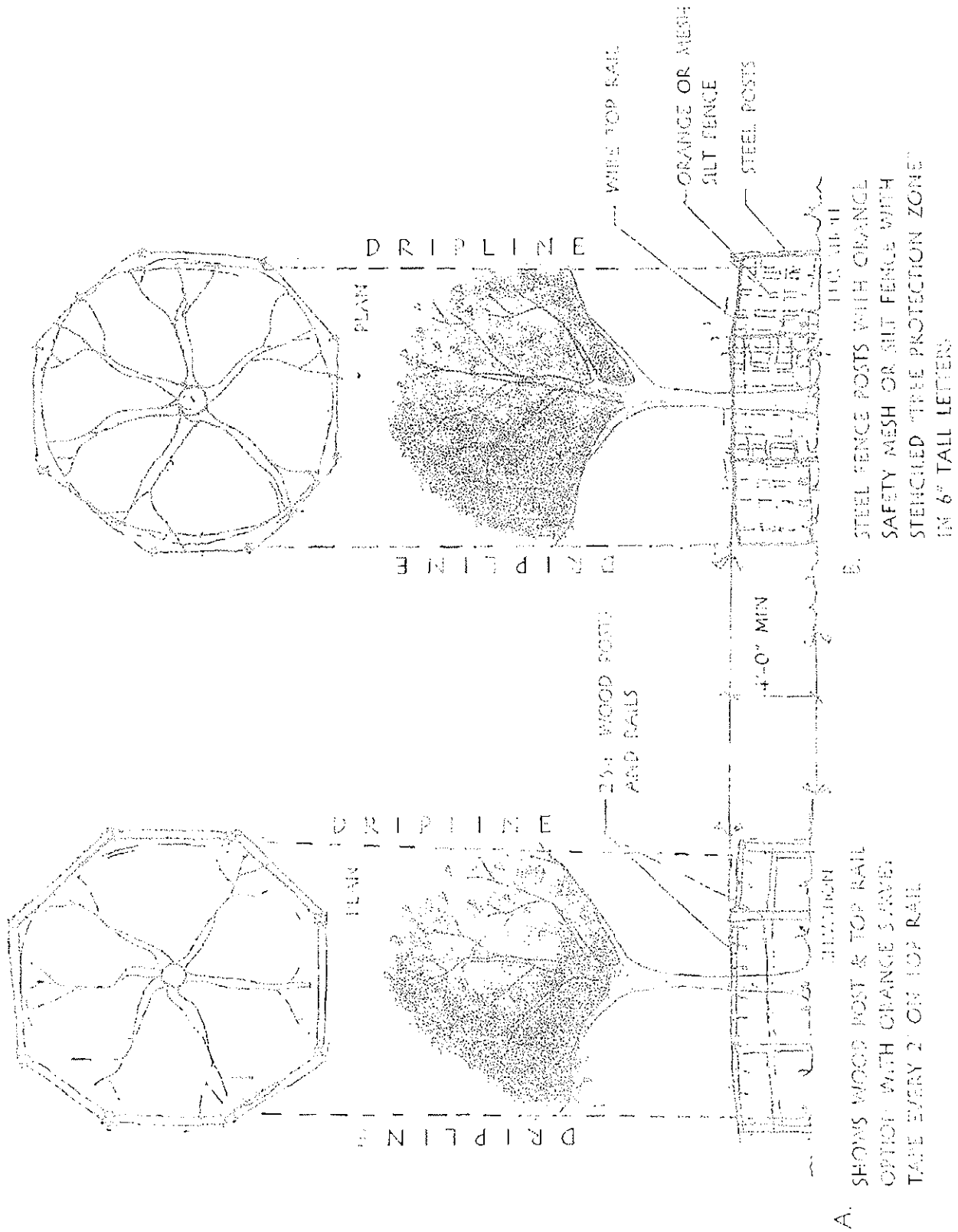


CALIPER MEASUREMENT FOR TREES LESS THAN 12" IN CALIPER.

TREE MEASUREMENT METHODS

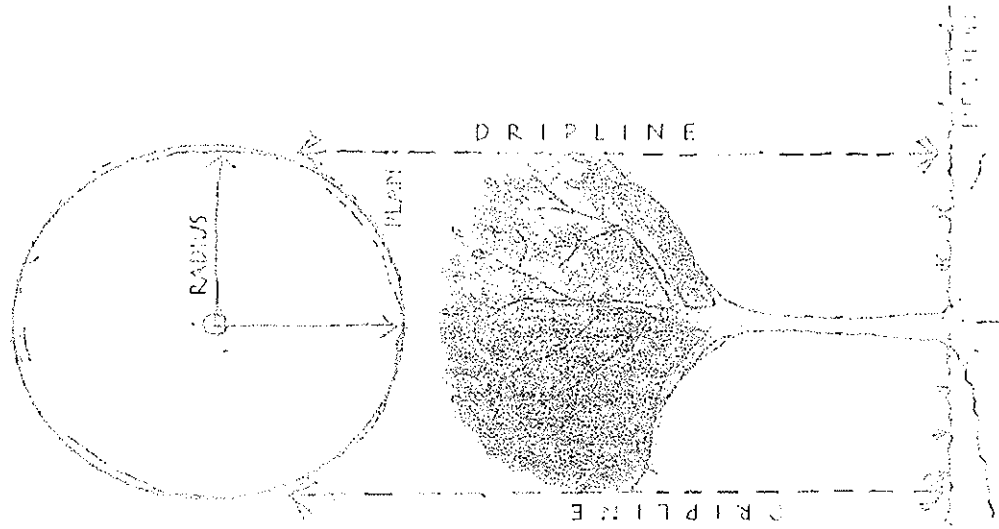
ILLUSTRATION FOR 9.4.1. 9





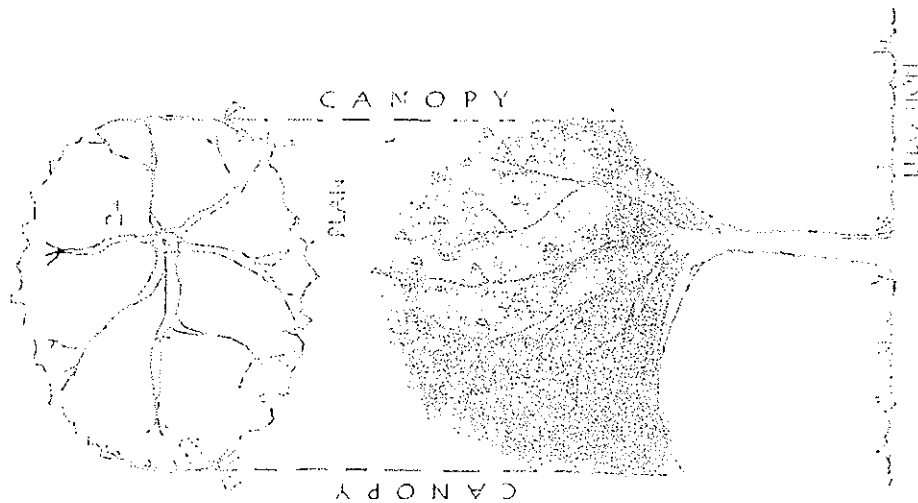
TREE PROTECTION OPTIONS

ILLUSTRATION FOR 9.4.4 B



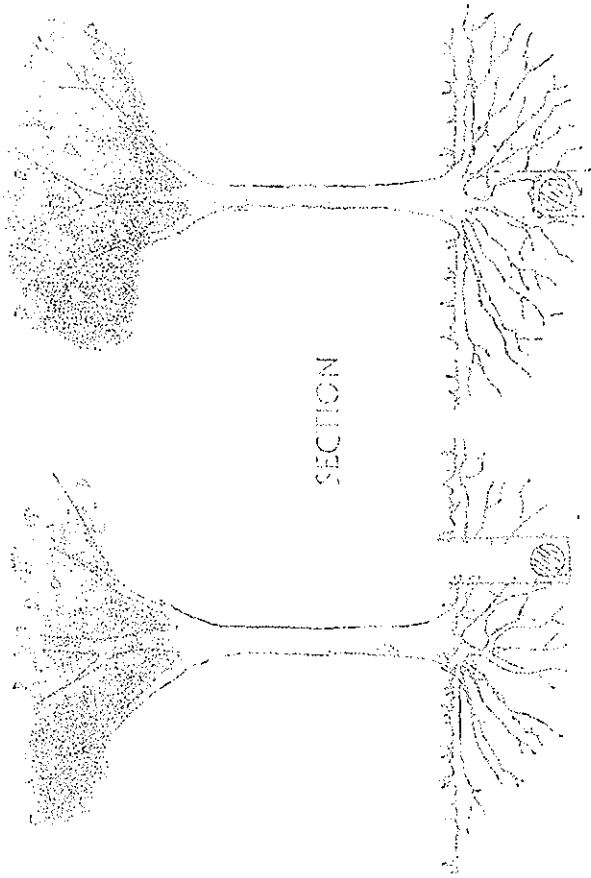
DRIPLINE OF A TREE  
RADIUS LINE FROM THE TRUNK TO  
THE OUTER EDGE OF THE CANOPY

ILLUSTRATION FOR 9.4.4 B

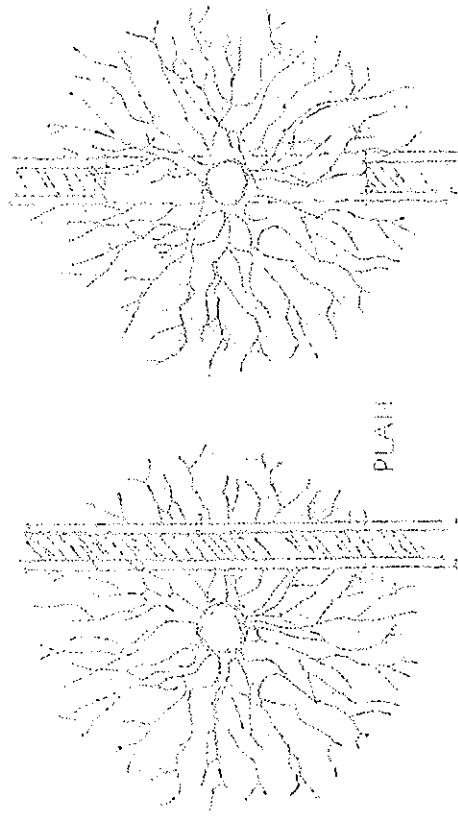


ACCURATE SCALED GRAPHIC  
REPRESENTATION OF TREE CANOPY  
AND TREE TRUNK FOR SURVEYS.

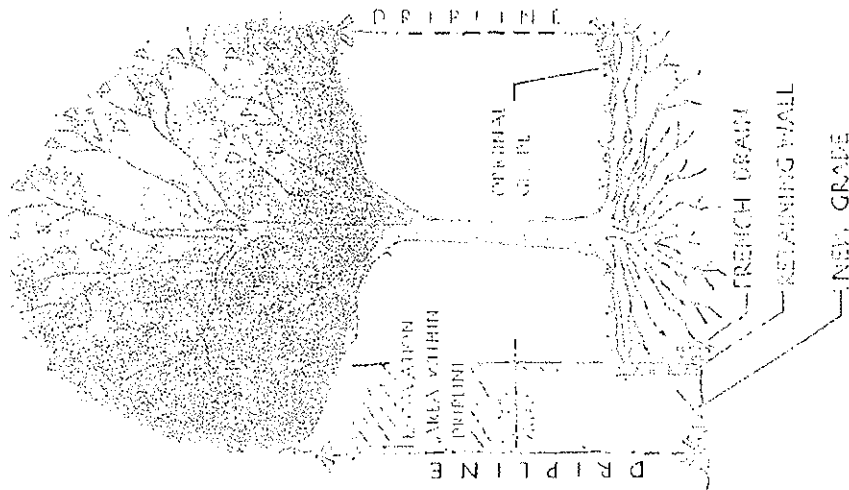
ILLUSTRATION FOR 9.4.3 A



A. NOT ACCEPTABLE B. ACCEPTABLE

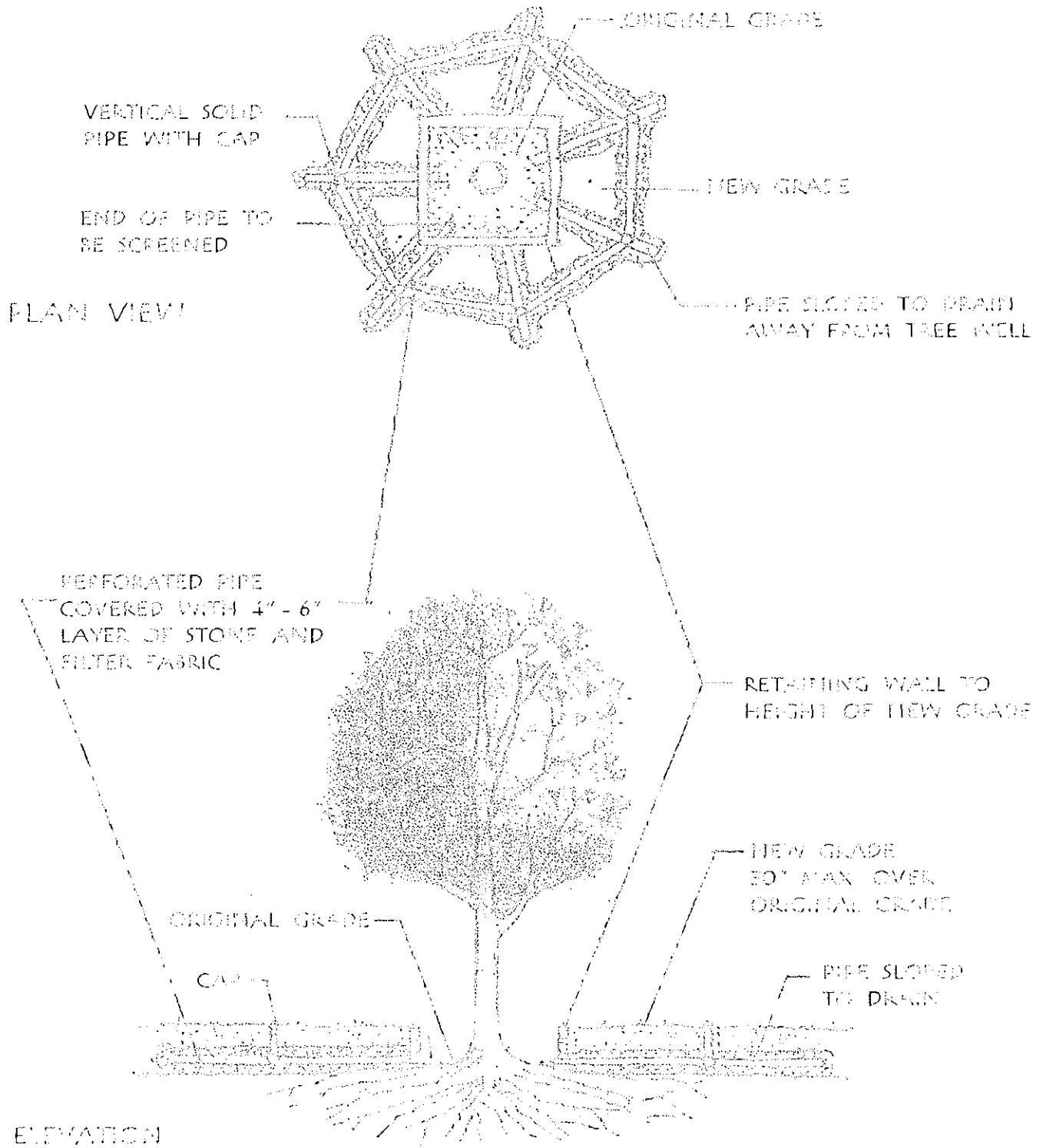


TRENCHING METHODS FOR UTILITY LINES  
 A. THIS TYPE OF TRENCHING WILL KILL THE TREE.  
 B. TUNNELING UNDER THE TREE WILL PRESERVE THE IMPORTANT FEEDER ROOTS.



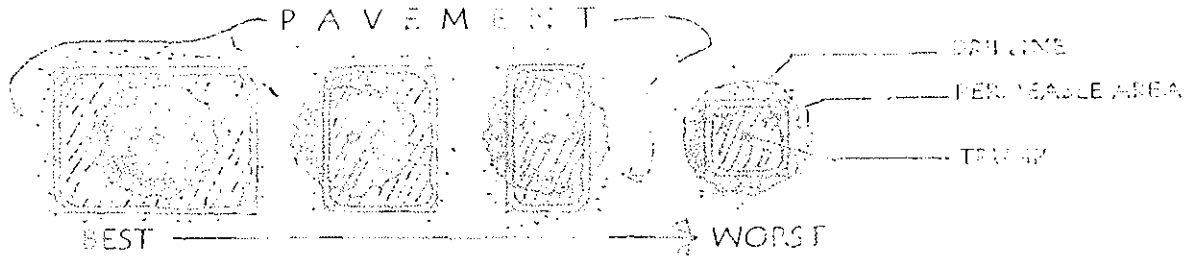
EXCAVATION WITHIN DRUPLINE

ILLUSTRATION FOR 9.4.4 D

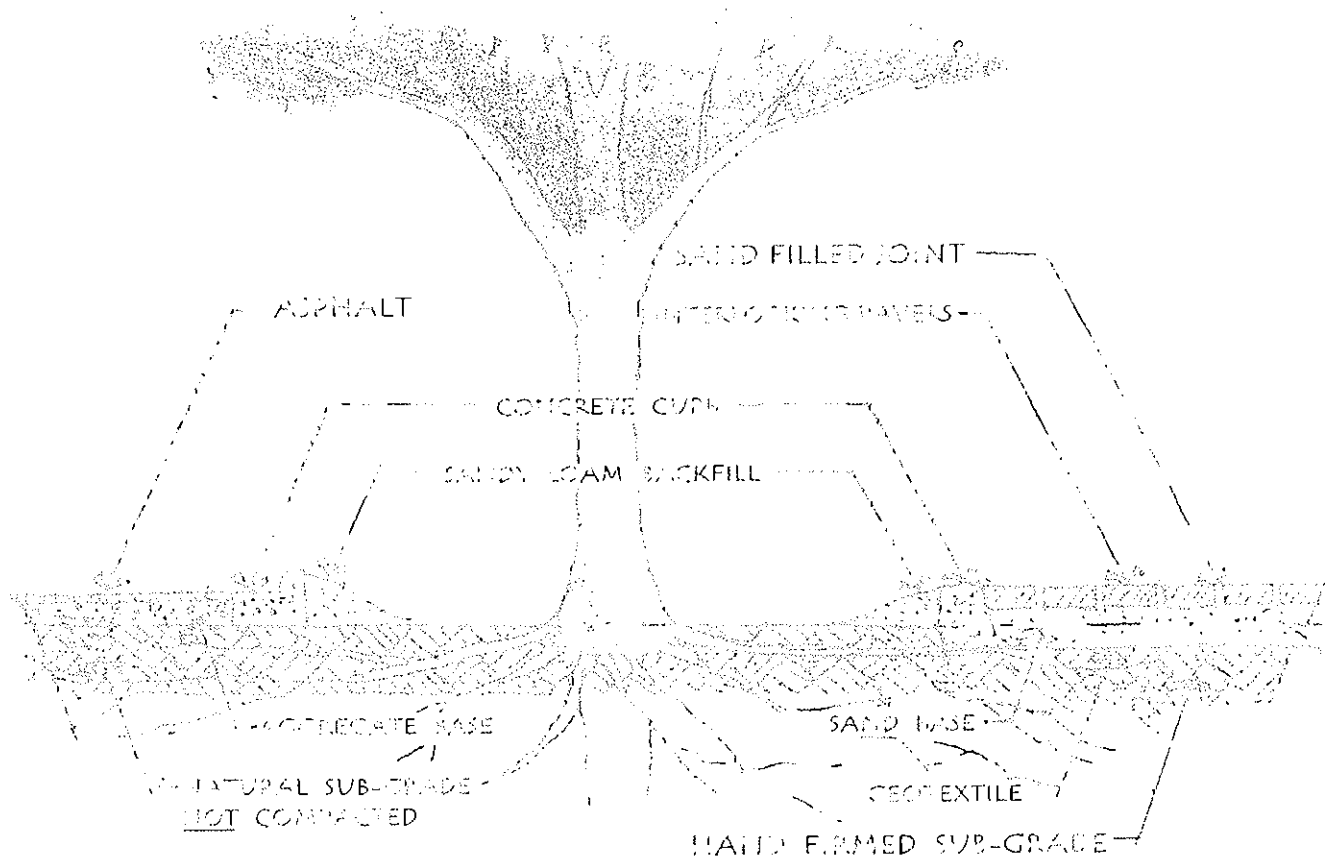


TREE PROTECTION FROM WELLS

ILLUSTRATION FOR § 9.4.6 D



THE MORE PERMEABLE SURFACE OUTSIDE THE DRIPLINE, THE LESS IMPACT THERE IS TO THE TREE.

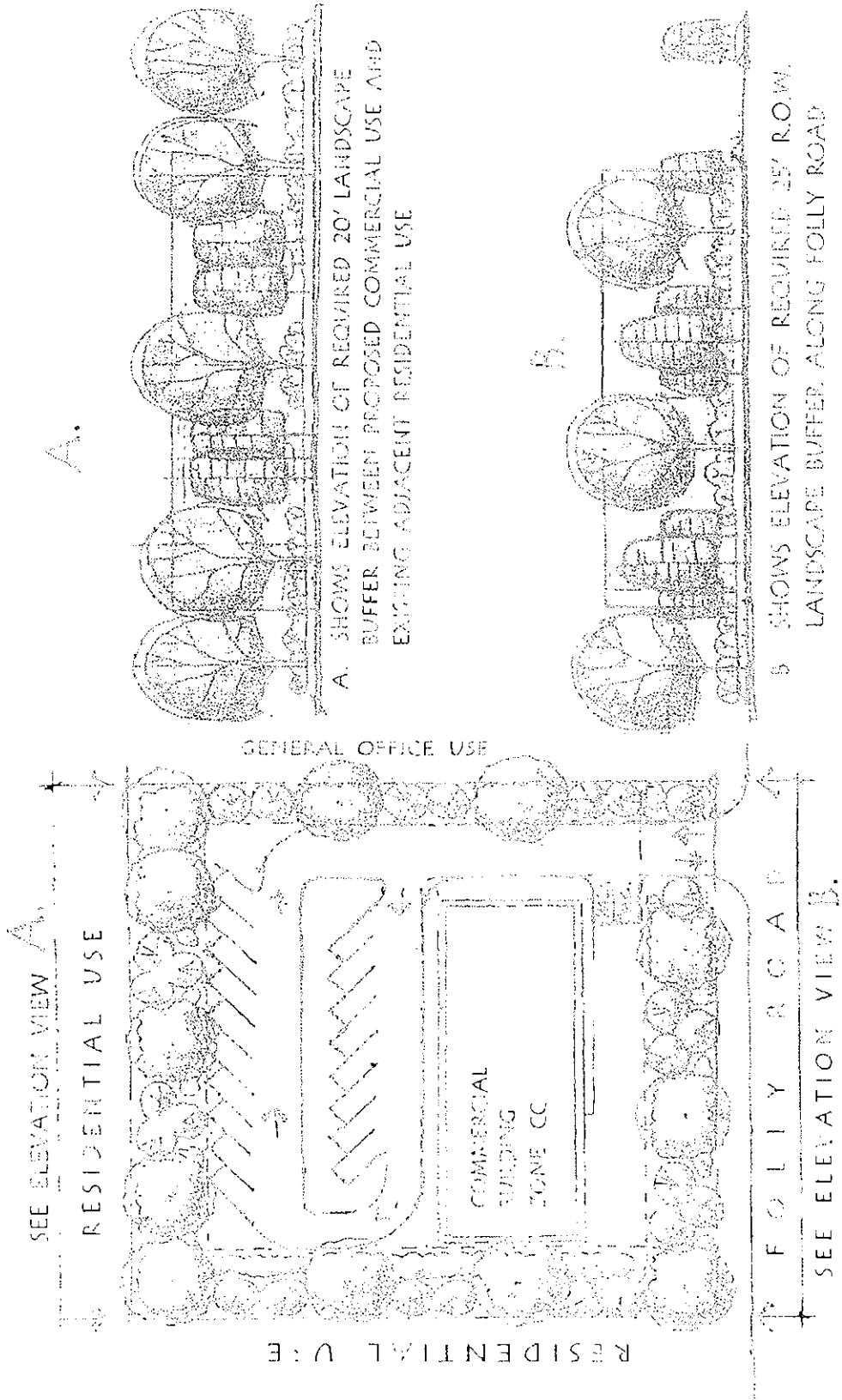


NO DIG PAVEMENT METHOD

BRICK OR INTERLOCKING PAVELS FOR PERMEABLE PAVING

PAVEMENT METHODS UNDER DRIPLINE

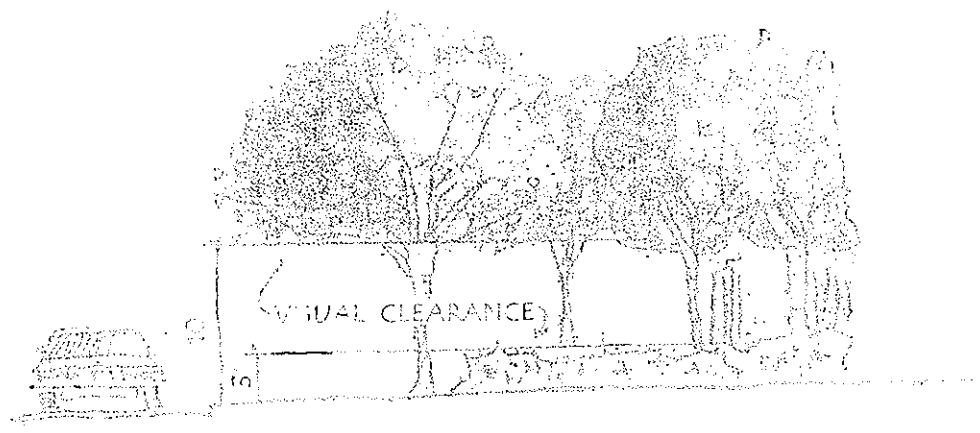
ILLUSTRATION FOR 9.4.4 D



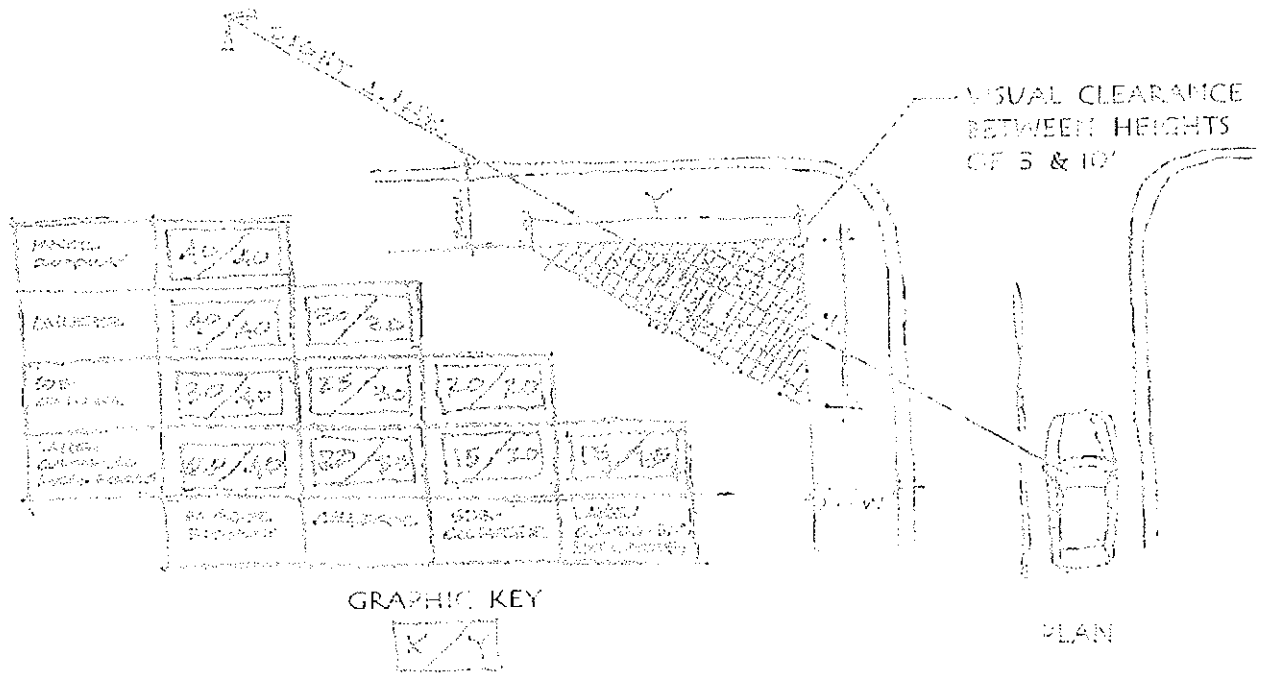
LANDSCAPE BUFFERS

1. THIS EXAMPLE SHOWS THE REQUIRED PARKING IN "SIDE OR REAR" OF BUILDING WHEN THERE ARE TO OR MORE SPACES
2. DIFFERENT ADJACENT USE REQUIRE DIFFERENT SIZE LANDSCAPE BUFFERS RANGING FROM 0 TO 100'. SEE THE LAND USE BUFFER TABLE AND LANDSCAPE STANDARDS FOR BUFFER DEPTH AND PLANT MATERIAL REQUIREMENTS.

ILLUSTRATION FOR ARTICLE 9.5



ELEVATION



NOTE: SITE TRIANGLES ARE SUBJECT TO SCOT APPROVAL AND MAY NEED ADJUSTMENTS FOR ROAD HORIZONTAL AND VERTICAL CURVATURE

# SITE TRIANGLE STANDARDS

ILLUSTRATION FOR ARTICLE 9.10

