

## **TOWN OF YEMASSEE**

Ordinance No. 23-20

AN ORDINANCE OF THE TOWN OF YEMASSEE, SOUTH CAROLINA AMENDING THE DEVELOPMENT STANDARDS ORDINANCE (DSO), REPEALING THE EXISTING DEVELOPMENT STANDARDS ORDINANCE AS A STANDALONE MANUAL, AND ADOPTING AND INCORPORATING THE UPDATED DEVELOPMENT STANDARDS ORDINANCE AT CHAPTER 11 OF THE CODIFIED ORDINANCES OF THE TOWN OF YEMASSEE, SOUTH CAROLINA

**WHEREAS**, the Town of Yemassee desires to periodically improve its Zoning Ordinance, Development Standards Ordinance and Municipal Code to identify areas for potential modifications; and

**WHEREAS**, to establish the necessary provisions to accomplish the above, the Town of Yemassee has the authority to enact resolutions, ordinances, regulations, and procedures pursuant to South Carolina Code of Laws 1976, Section 5-7-30; and,

**WHEREAS**, the Town of Yemassee Town Code and the Town of Yemassee Development Standards Ordinance is currently a standalone manual that regulates development processes within the Town of Yemassee through regulations set forth to protect and promote the interests of all in the Town of Yemassee and as authorized by the South Carolina Local Government Comprehensive Planning Enabling Act of 1994; and,

**WHEREAS**, the Town of Yemassee Planning Commission and subsequently the Town Council adopted its Development Standards Ordinance, in March 1991; and,

**WHEREAS**, the Town desires to eventually incorporate all accessory manuals, such as the Development Standards Ordinance into the codified Ordinances as a single source for Town Ordinances and regulations; and

**WHEREAS**, the Planning Commission conducted a review of the proposed amendments at their June 6, 2023, Planning Commission Meeting and recommended forwarding the proposed amendment to the Town Council for consideration; and

**WHEREAS**, a Public Hearing shall be conducted by the Town Council prior to second reading; and

**WHEREAS**, the Town of Yemassee Town Council desires to amend the Zoning Ordinance to adopt the amendments listed below in Section 1 Amendments.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF YEMASSEE, SOUTH CAROLINA:**

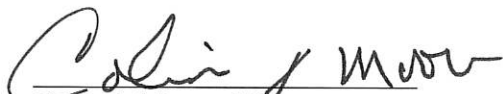
**Section 1. AMENDMENTS.** In accordance with the foregoing, the Town hereby repeals the current Development Standards Ordinance of the Town of Yemassee and adopts the revised Development Standards Ordinance (Attachment A) that will be incorporated into the Code of Ordinances of the Town of Yemassee upon second reading and adoption.

**Section 2. REPEAL OF CONFLICTING ORDINANCES.** All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency. Any approved Development Permits and Plans including Planned Unit Developments that were in force prior to the date of adoption are grandfathered to the previous standards.

**Section 3. ORDINANCE IN FULL FORCE AND EFFECT.** This entire Ordinance shall take full force and effect upon adoption.

DONE, RATIFIED AND ENACTED THIS 11<sup>th</sup> DAY OF July, 2023.

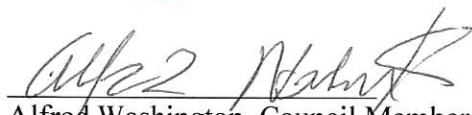
This Ordinance was read and passed at First Reading on: 6/13/23

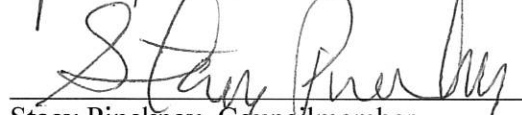
  
Colin J. Moore, Mayor

  
ATTEST: Matthew E. Garnes, Town Administrator

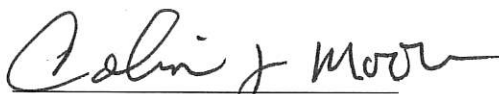
  
Peggy O'Banner, Mayor Pro Tem

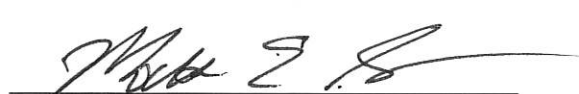
  
David Paul Murray, Councilmember

  
Alfred Washington, Council Member

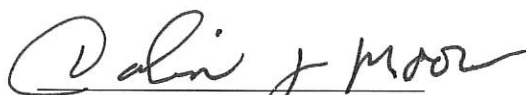
  
Stacy Pinckney, Councilmember

A Public Hearing on this Ordinance was held on: 7/11/23

  
Colin J. Moore, Mayor

  
ATTEST: Matthew E. Garnes, Town Administrator

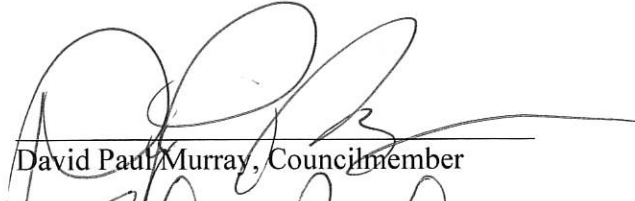
This Ordinance was read and passed at Second and Final Reading held on: 7/11/23

  
Colin J. Moore, Mayor

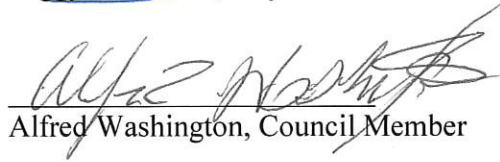
  
ATTEST: Matthew E. Garnes, Town Administrator



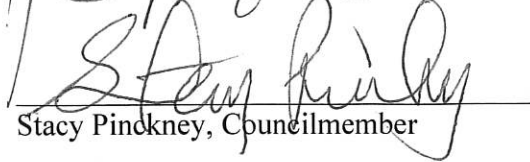
Peggy O'Banner, Mayor Pro Tem



David Paul Murray, Councilmember



Alfred Washington, Council Member



Stacy Pinckney, Councilmember

(seal)

CHAPTER 11  
DEVELOPMENT STANDARDS ORDINANCE

**ARTICLE I. IN GENERAL**

**Secs. 11-1 – 11.50.     Reserved**

**ARTICLE II. AUTHORITY**

**Sec. 11-51.     Authority and Enactment Clause**

In pursuance of authority conferred by the General Statutes of South Carolina Code of Laws, Section 6-29-330 and for promoting health, safety, or general welfare of the community. By lessening congestion in the streets; securing safety from fire; providing adequate light and air, providing for adequate transportation, water, sewerage, schools, parks, and other public improvements; protecting scenic and unique areas, in accordance with the Comprehensive Plan.

**Sec. 11-52.     Jurisdiction.**

This Ordinance and the provisions contained herein shall govern all land development within the Town of Yemassee as now or hereafter established.

**Sec. 11-53.     Definition of Development**

The following activities or uses shall be taken for the purposes of this Ordinance to involve development as defined in this Article unless expressly excluded by Ordinance:

- a) A material change in the type of use of a structure or land which would tangibly affect the area's natural environment, drainage, transportation patterns, public health, or economic values.
- b) A building operation involving construction, reconstruction, or alteration of the size of a structure which would result in a tangible effect on the area's natural environment, transportation patterns, public health, or economic values.
- c) Material increases in the intensity of land use, such as an increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land when such increase would tangibly affect the area's natural environment, transportation patterns, public health, or economic values.
- d) Subdivision of a parcel of tract of land into two (2) or more lots, parcels, or pieces for the purpose of sale or transfer of title.
- e) Commencement of any mining operation on a parcel of land.

- f) In connection with the use of land, the making of any material, change in noise levels, thermal conditions, or emissions of waste materials.
- g) Alteration of a shore, bank, or flood plain of a seacoast, river, stream, lake, or other natural water body.
- h) Reestablishment of a permitted use which has been abandoned for one (1) year.
- i) Construction of major electrical and telephone utility lines over three-fourths (3/4) of a mile in length and involving tree removal, construction of any utility line substation, or construction of any utility line crossing wetlands.

The following operations or uses do not constitute development for the purpose of this Ordinance:

- A. The construction of any public street or other public way, grounds, buildings, structures, or facilities. Such public project Development Plans are submitted and reviewed for approval under a separate administrative procedure.
- B. Work for the maintenance, renewal, improvement, or alteration, of any structure, if the work affects only the interior or the color of the structure, or decoration of the exterior of the structure.
- C. The use of any structure or land devoted to dwelling uses for any purposes customarily incidental to enjoyment of the dwelling.
- D. The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products, or for other agricultural purposes, including agriculture.
- E. A transfer of title to land not involving the division of land into parcels.
- F. The division of land into parcels for conveyance to other persons through the provisions of a will or similar document and in the settlement of an intestate's estate.
- G. The division of land into lots for the purpose of sale or transfer to members of one's own immediate family, where no new street is involved, is exempt from the standard submission and review procedures.
- H. Any subdivision, construction, changes, or improvements approved by the County or its delegated authorities prior to adoption of this Ordinance.
- I. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the governing authority.
- J. The recordation of a plat of land or property for purposes other than the sale or transfer of title to land including:
  - a. The creation or termination of mortgages, leases, easements, or liens.
  - b. Lot line corrections on existing recorded properties.
  - c. The creation, termination, or amendment of private covenants or restrictions on land.
  - d. Property trades or swaps between immediately adjacent landowners not resulting in the creation of new parcels of record.

- e. Division of land for the purpose of sale or transfer to an immediately adjacent landowner for the sole purpose of enlarging the adjacent landowner's property and not resulting in the creation of new parcels.

Development as designated in this Ordinance includes all other activities customarily associated with it unless otherwise specified. Activities, which may result in development as defined herein, include erection, construction, redevelopment, alteration, or repair. When appropriate to the context, development refers to the act of developing or the result of development. Reference to any specific operation not involving development is not intended to mean that the operation or activity when part of other operations or activities is not development.

"Material", as contained herein, shall be construed to mean objective, substantive, tangible, or consequential.

#### **Sec. 11-54. Exemptions and Repeal of Previous Ordinances**

The previous Development Standards Ordinance (DSO) as approved April 24, 2007, is hereby repealed and replaced and incorporated into the Town of Yemassee Code of Ordinances.

#### **Sec. 11-55. Non-Conforming Development**

Existing development which does not comply with the provisions of this Ordinance shall be exempt from the provisions of this Ordinance except that non-conforming development shall not be:

- A. Changed to another non-conforming use.
- B. Reused or reoccupied after discontinuance of use or occupancy for a period of thirty (30) days or more or completed season in the case of a seasonal nonconforming use.
- C. Reestablished, reoccupied, or replaced with the same or similar building, structure, or mobile home if physically removed or relocated from its specific site location after passage of this Ordinance.
- D. Repaired, rebuilt, or altered after damage exceeding fifty (50) percent of its replacement cost at the time of destruction. Reconstruction or repair, when legal, must begin within six (6) months after damage is incurred.
- E. Enlarged or altered more than an additional twenty (20) percent of existing floor area in a way which increases its non-conformity.

Nothing in this Section shall be deemed to prevent the strengthening or restoring to a safe condition, any building or part thereof, declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

The Town Administrator, or if the position of Zoning Administrator is employed, shall have the authority to enforce the provisions of this Ordinance in conjunction with the Planning Commission.

#### **Secs 11-55 – 11.59 - Reserved**

### **CHAPTER 11 – DEVELOPMENT STANDARDS**

### **ARTICLE III. ESTABLISHMENT OF DISTRICTS**

#### **Sec. 11-60. Description and Definition of Special Districts**

Portions of the Town of Yemassee are hereby divided into Districts.

Conservation district: for the purposes of protecting and conserving sensitive environmental areas, discouraging growth in areas which pose undue hazards to man, and maintaining open space, the conservation district is established. It consists of all wetland areas delineated as part of the special conservation district on the Town of Yemassee Official District Map and specifically defined as:

- a) Any salt, brackish, or freshwater marsh, bog, swamp, lake, pond, meadow, flat, or other area subject to tidal flow, whether the tidewater reaches the area naturally or through artificial water courses.
- b) Any other areas upon which exist a natural community of one (1) or more of the following marsh grass indications of tidal influence:
  - a. *Spartina alterniflora*
  - b. *Spartina patens*
  - c. *Juncus roemerianus*
- c) Any natural land-locked bogs, swamps, lakes, ponds, sinks, or low-lying areas determined to be unique or important wildlife habitats or possess unique scenic and recreational value. The County may call upon the advice of various Federal or State agencies involved in wetlands preservation in making such a determination.

Flood Hazard District: To protect future development from the effects of rising tidal waters associated with probable future hurricanes, the Flood Hazard District is established. That consists of that area designated on the Official Zoning Map as the Special Flood Hazard District and specifically defined by reference to indicate elevation figures measured from mean sea level for each designated flood hazard area.

#### **Sec. 11-61. Establishment of Zoning District Map**

The Town of Yemassee is hereby divided into Zoning Districts, as shown on the Official Zoning Map which, together with all explanatory matters thereon, is hereby adopted by reference and declared to be part of this Ordinance.

An official copy of the Town of Yemassee Zoning Map shall be filed in the office of the Town Administrator. This map shall bear the seal of the Town of Yemassee under Copies of the Zoning Map shall be furnished to the Beaufort County Planning Department and the Hampton County Building Department on a regular basis.

#### **Sec. 11-62. Interpretation of District Boundaries**

Where any District boundary is indicated on the Town of Yemassee Zoning Map as following

approximately the corporate limits line of any incorporated place within the County, then such County boundary line or corporate limits line shall be construed to be such a District boundary.

Where any District boundary is indicated on the Town of Yemassee Official District Map as following approximately the corporate limits line of any incorporated place within the County, then such County boundary line or corporate limits line shall be construed to be such a District boundary.

- a) Unless otherwise indicated, the district boundaries follow natural features such as marsh edges and stream banks.
- b) Where indicated, District boundaries are parallel to the centerlines of streets, highways, railroads, or the rights-of-way of same. Property lines, said streams, other bodies of water, or said lines extended at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such distance shall be determined by the use of the scale of said map.
- c) Where District boundary lines are so indicated that they approximately follow property or lot lines, such property or lot lines shall be construed to be such boundary lines.
- d) Where a District boundary line divided a parcel or lot, the location of any such District boundary line, unless indicated by dimensions shown on the Official Zoning Map, shall be determined using the scale on said map.

### **Sec. 11-63. Town Planning Districts**

The Town of Yemassee has adopted “Planning Districts” within the Town which coincides with the Police Patrol Zones. The following Planning Districts are established which aid in identifying growth patterns in various areas of Town.

**Zone A [Cochran/Riley/Bing Residential]** – All properties in Town south of SC-68 (Yemassee Hwy), from the western Town limit on SC-68 (Yemassee Hwy) east to Willis St S and to Riley Street to the south.

**Zone B [Salkehatchie West]** – All properties in Town north of SC-68 (Yemassee Hwy) from the western Town limits on SC-68 (Yemassee Hwy) and on Old Salkehatchie Hwy near Early Branch, east to Willis St N and including Ponderosa Subdivision and Interstate 95 from Exit 38, north to Colleton County.

**Zone C [Yemassee Core]** – All properties in Town south of SC-68 (Yemassee Hwy), from Willis St S in Hampton County, east to the intersection of Old Sheldon Church Rd & Castle Hall Rd in Beaufort County, to include all properties in Town limits on Pocotaligo Road to the south.

**Zone D [Downtown]** – All properties in Town north of SC-68 (Yemassee Hwy), from Willis St N in Hampton County, east to the intersection of River Road and Le Creuset Dr in Beaufort County.

**Zone E [Sheldon/Seabrook]** – All properties in Town within Beaufort County south of the intersection of Castle Hall Rd & Old Sheldon Church Rd and all annexed properties within the Sheldon & Seabrook communities of Beaufort County.

### **Secs. 11-64 – 11.70 Reserved**



## ARTICLE IV. MINIMUM CONSTRUCTION STANDARDS

### Sec. 11-70. Introduction

No structure may be erected, or development undertaken except in conformance with the requirements of this Article.

### Sec. 11-71. Minimum Construction Standard Applying Throughout Jurisdiction

The standard prescribed in this Section shall apply to all buildings and/or development hereafter undertaken within the Town of Yemassee:

Setbacks From Roads: No structure, except signs, shall be erected nearer than fifty (50) feet of the right-of-way line of a major thoroughfare so designated on the Town of Yemassee Zoning Map. Setbacks from all other roadways to be one-half (½) the right-of-way, (i.e., a fifty (50) foot road right-of-way shall require a setback of twenty-five (25) feet), unless otherwise provided with the Zoning Ordinance and applicable to a particular District.

Setbacks at Intersections: There shall be no interference with the vision clearance at any street intersection. No fence, wall, terrace, building, sign, shrubbery, hedge, planting, etc., above the height of three (3) feet measured from the finished street centerline level, shall be planted, placed, erected, or maintained within the triangular area created by a line connecting points of the front and side lot lines at a distance from the intersection of said lines or the extension of said lines:

At an intersection involving:

1. Driveway and a street: Ten (10) feet.
2. An alley and a street: Ten (10) feet.
3. A street and a street: Thirty (30) feet.
4. Major thoroughfares: Fifty (50) feet.

Access to Major Thoroughfares: Street, driveway, or other access separation along State and Federal highways shall be in accordance with the South Carolina Department of Transportation's Access and Roadside Management Standards.

Sign Regulations: No sign shall be erected except in compliance with the Town of Yemassee Sign Ordinance. All signs shall be constructed of durable materials and maintained in good condition.

Alteration of Surface Runoff Prohibited: No site shall be developed, or structure erected that will alter appreciably the quantity of surface water runoff to or from adjoining property.

Increase in Flood Hazard Prohibited: No site shaped or structure erected including dikes, dams, or levees that will result in any increase in flood hazard on adjoining or non-contiguous property.

## **Sec. 11-72. Minimum Construction Standards Applying to Special Districts**

### **Conservation District**

- a) Water Related Development Activities: Special exception to the provisions of this Ordinance is hereby given for the construction of certain water-related development activities in the Conservation District for which valid permits have been issued by appropriate state and federal agencies having permitting authority over such activities. Such uses will normally include docks, wharfs, piers, marinas, bulkhead, and erosion control devises. In granting this special exception, the Town of Yemassee does hereby reserve the right to impose the provisions where it is determined that the permitting of such activity by another agency is inconsistent with adopted goals and regulations of the Town aimed at preserving environmental quality.
- b) Site Alteration/Disturbance: The Town of Yemassee recognizes that not all wetlands may possess unique scenic, recreational, and wildlife habitat value. The Town may approve alteration of wetlands as a special permit condition, specifying the manner and extent of alteration permitted, based on evaluation of the affected wetland by agencies and experts deemed appropriate by the Town.
- c) Flood Hazard District: Local Ordinance regarding Flood Control must be adhered to during construction.

## **Sec. 11-73 – 11.79. Reserved**

### **ARTICLE V. SITE DESIGN AND DEVELOPMENT STANDARDS**

## **Sec. 11-80. Applicability**

No development shall be undertaken, except in conformance with the standards set forth in this Article, unless expressly exempt from obtaining a Development Permit as specified in Section 11-121. The Standards prescribed in this Section shall apply to all site design and development hereafter undertaken within the jurisdiction. All proposed development in the Town of Yemassee that meets the requirements for street, sidewalk, pathway, and bikeway standards shall comply with the provisions of this Article to receive approval of any Development Permit. The design and performance standards of this Article are generally applicable to all development in the Town. In the review of any proposed development, on a site-specific basis, some of the design and performance standards may be deemed inapplicable as determined by the Planning Commission, or Town Council.

## **Sec. 11-81. Purpose and Intent**

The purpose of this Article is to establish design and performance standards for all development in the Town. The standards promote good site design and planning that produces development that is functional, an asset to the community, and in keeping with the general nature of the Town. The standards allow for and promote design integration of the man-made improvements to the land with the natural elements of the land. Due to ever accumulating knowledge about site design, the design and performance standards will be monitored and reviewed on an on-going basis as to their reasonability and effectiveness in promoting these purposes. Developers are urged to present information which may

document a more applicable standard. Such information may be used to update this Article. Town adoption of neighborhood plans or Planned Unit Developments (PUD) may result in neighborhood or PUD standards supplementing or replacing these standards.

#### **Sec. 11-82. Addressing and Lot Numbering**

Proposed street names and numbering will be obtained by completing an E-911 Addressing Application and/or a Street Naming Request Application. Every property and/or development shall have legible addresses posted on the property visible from the street with a minimum three (3) inch high letters in a color that contrasts the structure. Within subdivisions, blocks shall be numbered and the lots within each block shall be numbered consecutively and in a logical manner to allow easy emergency access. The Town shall provide a reflective E-911 Address marker with each residence for which a permit is procured with no extra cost for the initial marker. The marker shall be installed by the Town of Yemassee Public Works.

#### **Sec. 11-83. Public Access**

While it is the intent of this Ordinance that all property proposed for development have legal and adequate access to public thoroughfares, it is recognized that often such legal right of access may not be clearly established at the time of proposed development activity. For development activity not involving the sale of lots or residential units to consumers, the concern over questionable legal access is not as great, except that such proposed development may impact other property across which access to the development depends. It is, however, of great concern that projects proposed for the sale of lots or dwelling units to consumers have clear legal access to avoid potential legal litigation involving unsuspecting consumers. To this end, all Applicants for development approval on property not immediately contiguous to deeded public right-of-way, shall submit the following:

- a) Copies of recorded deeds, plats, and easements clearly documenting access to the development property; and
- b) In the absence of such recorded documents, evidence that reasonable effort has been made to acquire necessary easements from property owners whose lands over which access is dependent.
- c) Development involving the sale of lots, tracts, or units for which the provisions for public access cannot be met, must include on the face of recorded plats, surveys, and in the body of associated deeds, master deeds, and covenants and restrictions, the following disclosure:
  - i. Disclosure Statement: "It has been determined by the Town of Yemassee, that access to all lots or units contained in this development, is not clearly and legally established or defined at the time of approval of this development for construction and sale of lots or units to the general public." and
  - ii. For development not involving the sale of lots or units which cannot meet the provisions of subpart C.1 of this section, the Community Development Department of the Planning Commission shall send notice of development intent by certified mail to all affected property owners, whose land over which access to the proposed development property is dependent, at least fourteen (14) days in advance of scheduled project review.

- d) The Town Administrator and the Planning Commission shall review all applications for physical adequacy of access on a case-by-case basis and may deny development approval where access is inadequate for emergency vehicles or users may experience unwarranted inconvenience.

## **Sec. 11-84. Street, Sidewalk, Pathway and Bikeway Standards**

### Layout of Circulation System

While it is the intent of this Section to provide ample flexibility in the layout of streets, and most design standards are not specifically required herein, proposed street systems will be reviewed as to its design, safety, and convenience of users as well as adjacent property owners; provided, such review shall be conducted in accordance with reasonable street design standards and with generally accepted engineering and development practices. Emphasis should be placed on safety at curves and intersections.

The layout of the circulation system shall be designed to provide access and to accommodate vehicular traffic and pedestrians safely and efficiently with a minimum impact on adjacent properties. The layout shall also provide an aesthetically pleasing design.

The layout of the circulation system shall be adapted to the site, taking into consideration physical factors such as natural elements, grade, and drainage, as well as aesthetic factors such as the visual impact of the street pattern and the highlighting of special site features.

Streets shall be designed according to a hierarchy of functions with through traffic separated from residential access streets. Pathways may also be provided. They may be designed to be independent of the road system, but they may be required along roads in areas of high intensity land use, provided there is some physical separation from the edge of street pavement, such as curbs or green strips.

Upon determination that reasonable access to adjoining property(s) would be seriously affected by a proposed subdivision design, the Town Planning Commission will notify the adjacent property owner by registered mail of his/her findings and recommend that (s)he take whatever action deemed necessary based on that finding. This provision is merely for the purpose of notifying an adjacent property owner and in no way obviates existing laws regarding access to properties by right of necessity.

General Street Design Standards: All streets shall incorporate, as applicable, the following:

- a) The arrangement of streets shall conform to the circulation requirements of the Comprehensive Plan.
- b) For streets not shown on the Comprehensive Plan, the arrangement shall provide for the extension of existing streets where appropriate.
- c) The road system shall be designed to permit the safe, efficient, and orderly movement of traffic and should generally follow the guidelines of the latest South Carolina Department of Transportation Guidelines and any Federal Guidelines.
- d) The road system for residential subdivisions shall be designed to serve the needs of the neighborhood.
- e) Proposed streets, which are obviously in alignment with other existing and named streets, bear the assigned name of the existing street. Proposed street names shall be obtained by submitting a

New Street Naming Application and E-911 addresses may be obtained by completing an E-911 Addressing Application.

Street Naming Regulations – Staff shall review the completed application as prepared by the applicant and verify that the following criteria are satisfied:

- 1) New Street Names should not be existing and in use within Beaufort, Colleton, Hampton, or Jasper Counties.
- 2) Are not street types with the same primary name, such as Main Street and Main Avenue.
- 3) Are not name (s) which sound alike, or which might be confused with one another.
- 4) Does not use frivolous or complicated words including unconventional spellings.
- 5) Are not numbers (such as 1<sup>st</sup> Street) or alphabetical letters (such as A Street).
- 6) Could not be perceived as offensive.
- 7) Are simple, logical, easy to pronounce, clear and brief.
- 8) Are associated with the history of Yemassee or the character of the Lowcountry when possible.
- 9) May represent a common theme within residential developments.
- 10) The application must comply with the applicable requirements as detailed on the application.

Where a subdivision abuts or contains an existing or proposed major thoroughfare as designated on the Comprehensive Plan, the Town may require (except in planned residential, resort, or commercial developments where a central access road has been provided or is included in the Master Plan for such area) minor access, frontage streets, or other such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic;

Cross Access: Street access to adjoining property may be required by the TOWN ADMINISTRATOR, Planning Commission, or Town Council during the development review process. Street stubs to adjoining areas shall be provided when required to give access to such areas or to provide for proper traffic circulation. Street stubs more than two hundred fifty (250) feet shall be provided with a temporary cul-de-sac turnaround. This temporary cul-de-sac shall meet the requirements as specified in Section 4.5.6. The developer of the adjoining area shall pay the cost of restoring the street to its original design cross section and extending the street.

The Town Administrator may require marginal access, frontage streets, or other such treatment as may be necessary for adequate protection of residential properties where a subdivision abuts or contains an existing or proposed arterial, collector, or other major road. This requirement shall not apply in developments, such as a PUD, where a central access road has been provided.

No fence, wall, tree, terrace, building, sign, shrubbery, hedge, other planting, structure, or object capable of obstructing driver vision will be allowed at intersections.

While finished paving of private streets is encouraged, private streets may be constructed without finished paving; provided, however, that all private streets shall have shoulders, side slopes, and ditches prepared in conformance with the latest edition of the South Carolina Department of Transportation's Access and Roadside Management Standards.

All costs involved in bringing road widths and/or rights-of-way to public street standards shall be borne by either the Developer, a Property Owners' Association, or affected property owners through the creation of a Special Tax District.

All streets shall meet the standards set forth above, whether publicly owned and/or maintained or privately owned and/or maintained.

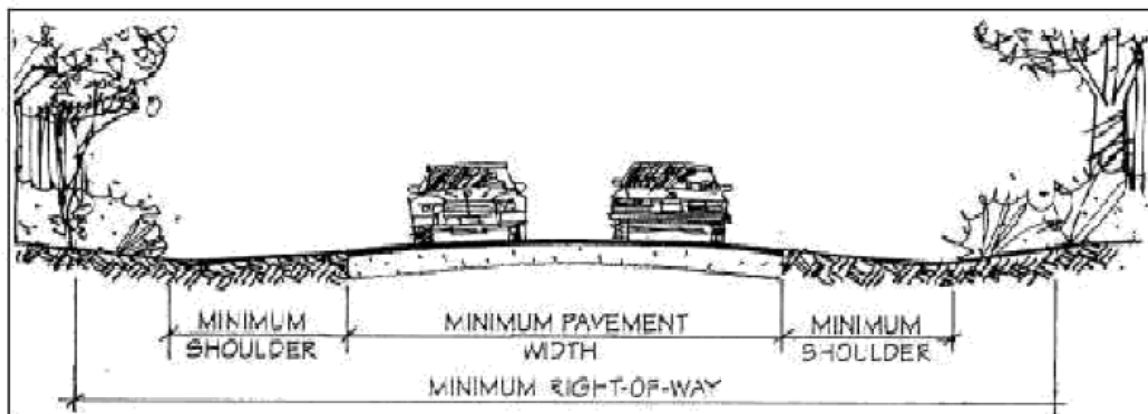
### Street Hierarchy

- a) Streets shall be classified in a street hierarchy system with design tailored to function.
- b) The street hierarchy shall be defined by road function and average daily traffic (ADT). Each street shall be classified and designed to meet or exceed the minimum standards for one (1) of the street types defined below.

### Design Standards by Street Type

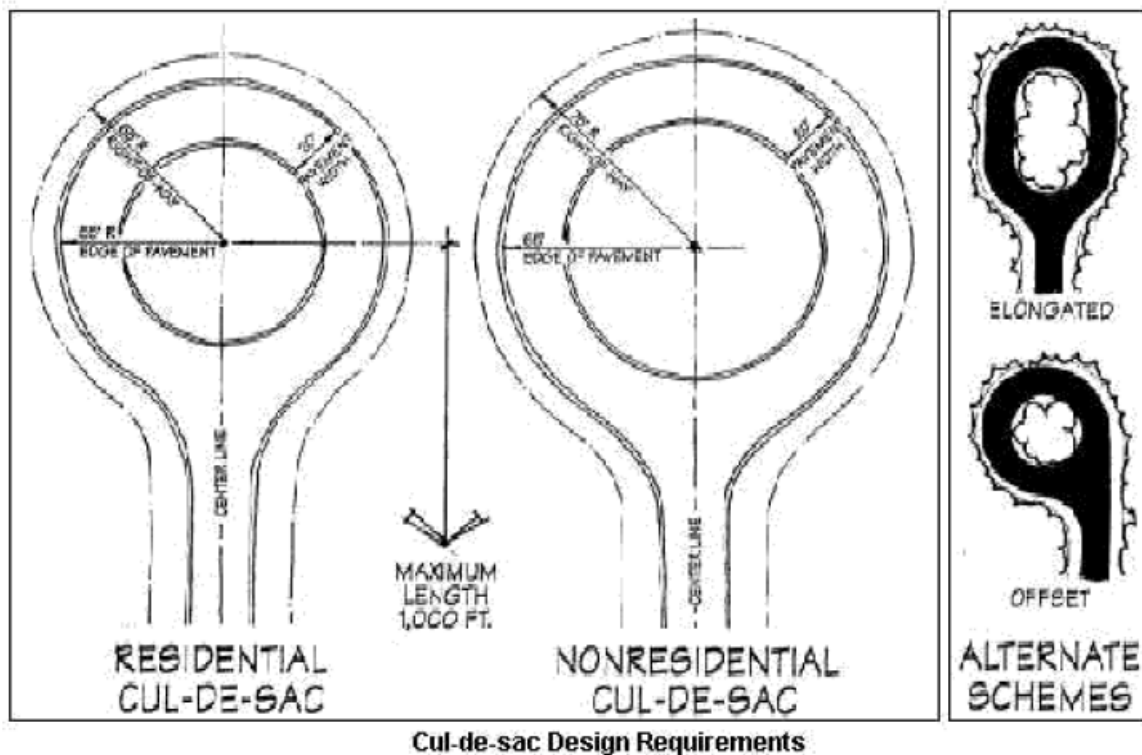
Street Standards: The following standards shall apply to all streets.

<i>Street Type</i>	<i>Maximum ADT</i>	<i>Minimum Pavement Width</i>	<i>Minimum Shoulder Width</i>	<i>Minimum Right-of-Way</i>
Lane	Fifty (50)	Twenty (20) feet	Four (4) feet	Thirty (30) feet
Cul-de-sac	Two hundred fifty (250)	Twenty (20) feet	Four (4) feet	Forty (40) feet
	Five hundred (500)	Twenty (20) feet	Eight (8) feet	Fifty (50) feet
Local Access	Two thousand (2,000)	Twenty-two (22) feet	Eight (8) feet	Fifty (50) feet
Sub-collector	Four thousand (4,000)	Twenty-four (24) feet	Eight (8) feet	Sixty (60) feet
Collector	Six thousand (6,000)	Twenty-four (24) feet	Ten (10) feet	Seventy (70) feet
Minor Arterial	Twenty-five thousand (25,000)	Twenty-four (24) feet	Ten (10) feet	Seventy (70) feet
Major Arterial	Fifty thousand (50,000)	Twenty-four (24) feet	Twelve (12) feet	One hundred twenty (120) feet



**Street Standards**

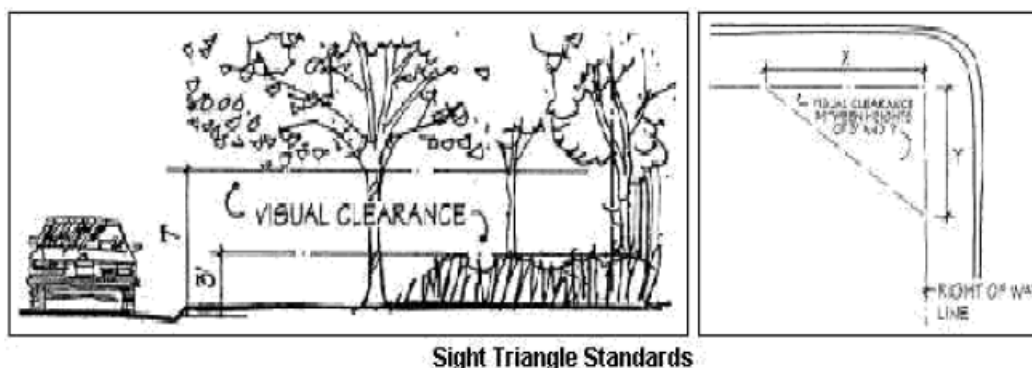
- A. Dead-End Streets: No dead-end streets shall be permitted, except those classified as a lane or cul-de-sac above.
- B. Estimate of Average Daily Trips (ADT): If it is not possible to determine the maximum average daily trips to be served by a street at the time of street design due to uncertainty about the type or intensity of use to be served, then the Applicant shall estimate the probable uses, intensities, and probable ADT. If the TOWN ADMINISTRATOR determines that such estimates are unrealistic, (s)he shall state why and require more realistic estimates.
- C. Right-of-Way: Right-of-way shall be measured from property line to property line and shall be sufficiently wide enough to contain the encompassing street elements of street pavement, shoulders, curbing, sidewalks, and median (if provided). In addition to a street, it may only contain utilities (including drainage), signs allowed by this Ordinance, and where applicable, pathways. The street elements required vary depending on intensity of development and street order. Minimum rights-of-way shall be provided as shown in Section 4.5.4.A.
- D. Cul-de-Sacs: Residential cul-de-sacs shall abide by the following regulations:
  - i. Residential cul-de-sacs shall have a minimum right-of-way radius of sixty-five (65) feet and a minimum outside edge of pavement radius of fifty-five (55) feet.
  - ii. Non-residential cul-de-sacs shall have a minimum right-of-way radius of seventy-five (75) feet and a minimum outside edge-of-pavement radius of sixty-five (65) feet.
  - iii. A cul-de-sac shall have a minimum width of twenty (20) feet of unobstructed pavement.
  - iv. The maximum length of a cul-de-sac shall be one thousand (1,000) feet.



#### E. Street Intersections

- Minimum Intersection Angle:** Street intersections shall be as nearly at right angles as practical, and in no case, shall be less than seventy-five (75) degrees.
- Minimum Centerline Offset of Adjacent Intersections:** New intersections along one (1) side of an existing street shall coincide with and, if practical, be directly opposite any existing intersections on the opposite side of each street. For all streets, the use of "T" intersections in subdivisions is encouraged. To avoid corner cutting when inadequate offsets exist between adjacent intersections, offsets shall be at least one hundred twenty-five (25) feet between centerlines of intersecting streets.
- Grade:** Intersections shall be designed with a relatively flat grade wherever practical. The maximum grade within intersections shall be five (5) percent, but within collectors and lower order streets shall be three (3) percent.

#### F. Sight Triangle Standards





Sight triangle easements shall be required and shall include the area on each street corner that is bounded by the line which connects the sight or "connecting" points located on each of the right-of-way lines of the intersecting street.

2. No structure or plantings (at mature growth) that exceed three (3) feet in height above the street grade shall be permitted within the sight triangle. Exceptions are permitted for trees if the lower canopy of the trees allow a clear line of sight between three (3) feet and seven (7) feet above the street grade and the trunks of such trees are sufficiently spaced or are so located as to be unlikely to substantially interrupt the line of sight.
3. A public right-of-entry shall be reserved for the purpose of removing any object, material, or otherwise that obstructs the clear sight. The distances shown below between the connecting points and the intersection of the right-of-way lines shall be required.
4. Sight triangles shall have the dimensions shown in the following table.

<i>Minimum Sign Distance (in feet)</i>	<i>Lane, Cul-de-sac, Local Access Street</i>	<i>Sub-Collector</i>	<i>Collector</i>	<i>Minor Arterial</i>	<i>Arterial</i>
Lane, Cul-de-sac, Local Access Street	25/25	25/35	30/40	30/45	35/50
Sub-collector	35/25	35/35	40/40	40/45	45/50
Collector	40/30	40/40	40/40	45/45	50/50
Minor Arterial	45/30	45/40	45/45	45/45	50/50
Arterial	50/35	50/45	50/50	50/50	50/50

- E. Curbing: Curbing shall be required at the radials of intersections involving two (2) streets of sub-collector or higher order unless the Town Administrator waives this requirement.
- F. Deceleration Lane and Right Turn Lane: Whenever an arterial or collector road intersects an arterial, the road having the right-of-way shall have a deceleration lane of at least one hundred fifty (150) feet, and the yielding road shall have a right-turn lane designed to allow stacking at least one hundred (100) feet in length. In any case, where neither road is obviously dominant, due to equal order hierarchy, signalization, or other similar factor, then both roads shall provide deceleration or right-turn lanes, as appropriate, of at least one hundred fifty (150) feet.
- G. Stacking Depth: New development on major arterials shall provide a drive aisle of not less than one hundred (100) feet from the arterial, measured from edge of pavement to edge of pavement (including deceleration lanes), so as to provide adequate stacking room for vehicles entering the development. Such drive aisles shall be free of any functions that may impede vehicle travel.

#### Access to Streets

- i. Access may be granted to a parcel of record existing at the time of adoption of the HCOD provided that the property owner demonstrates that (s)he has made significant but unsuccessful efforts to establish alternative access, including, but not limited to the following methods: joint

access with adjoining properties, access from adjacent roads and the establishment of frontage roads; and

- ii. All Other Streets: Along the same side of all other streets no street, driveway, or other vehicle access point shall enter at a point nearer than one hundred (100) feet from the centerline of an existing or final approved street, driveway, or other access point to the centerline of the proposed access.
- iii. Median Cuts: New median cuts on major arterials shall be at least one thousand (1,000) feet from existing or approved median cuts and shall have left-turn deceleration lanes in each direction at the median cut.
- iv. Frontage Required: All multi-family and non-residential development shall have frontage on and access directly onto a street meeting the standards set forth within this Chapter.
- v. Waiver: For a lot of record which would be rendered unusable by the strict application of this Section or by demonstration that the access point is otherwise optimally located so as to provide acceptable turning radii, and minimize adverse impact, including turning movements and visual impact of "strip development" resulting from the less than minimum separation of access point from the roadway, relief may be requested in the form of a request for a waiver from the TOWN ADMINISTRATOR or Planning Commission, as appropriate, during the development review process.

#### Street Lighting:

Lighting, if provided, shall comply with the standards recommended in the IES Lighting Handbook (1981 or as revised), published by the Illuminating Society of North America, or other standards approved by the TOWN ADMINISTRATOR. All such lighting shall be hooded or directed, to the extent practical, to shield the light source from direct view from adjacent properties and streets. Development within the Yemassee Highway Corridor Overlay District (HCOD) shall also meet the lighting standards in Section 5.15.11, Highway Corridor Overlay District, Lighting, in the Town of Yemassee Zoning Ordinance.

#### Traffic Signs and Street Name Signs

- a) Traffic signs shall be provided at the Developer's expense, and their design and placement shall be as required by the State of South Carolina's Standards and Criteria or those of the Town of Yemassee.
- b) Street name signs, on private internal streets, shall be provided at the developer's expense. At least two (2) street name signs shall be placed at each four (4) way street intersection and one (1) at each "T" intersection. Signs shall be reflective or installed under light standards and should be consistent of a style appropriate to the Town, of a uniform size and color, and erected on street posts of the same height set in concrete as established by the Town Engineer.
- c) Private Street Sign Design: Deviation from the strict standards will be allowable when approved by the TOWN ADMINISTRATOR in consideration of neighborhood character or special signage. The Town shall consider private street sign design.

Street Furniture: Street furniture, which consists of the man-made elements of a streetscape generally associated with amenities for pedestrians, shall be placed where needed and not interfere with safe use

of the sidewalk or roadway.

Street Design and Construction Standards: Subject to the Town Building Official's approval, the following standards shall apply:

- a) All streets offered for public dedication shall have shoulders, curbs, side slopes, ditches, or alternative storm drainage systems, prepared in conformance with the latest edition of the Standard Specifications for Highway Construction, South Carolina Department of Transportation.
- b) Shoulders should be properly compacted and backfilled to safe edge. Stabilized turf shoulders are not required but are recommended where proper irrigation is available. If curbs are used, shoulders may not be required.
- c) Paving Streets for Public Dedication: All streets offered for public dedication shall be constructed and surfaced with finished paving in conformance with the latest edition of the South Carolina Department of Transportation's Standard Specifications for Highway Construction. Nothing contained herein shall obligate the Town to accept any offer to dedicate.
- d) Paving Private Streets: Private streets may be constructed without finished paving, provided that the finished surface and drainage system are approved by the Town Engineer.
- e) Sidewalks, Pathways, and Bikeways: All new Planned Unit Development, major subdivision, or Highway Corridor Overlay District (HCOD) development must construct its portion of the Town's multi-modal transportation systems, unless an alternative system is approved by the Planning Commission. If a waiver to these provisions is granted by the Town, the owner/developer shall be required to contribute, in lieu of construction, an amount equal to the cost of construction of the required, sidewalk or bikeway for the Town to use in constructing or completing pedestrian/bikeway systems. Pathways and bikeways may be required at the TOWN ADMINISTRATOR's discretion, depending on the probable volume of use, in consideration of the site's location in relation to other populated areas, or its location with respect to an overall pathway and bikeway plan adopted by the Planning Commission. The following standards or substitutions, as well as the standards established within this Ordinance and approved by the Town Administrator shall be followed:

### Definitions

Bicycle: Every vehicle propelled solely by human power upon which any person may ride, having two (2) tandem wheels, except scooters and similar devices. The term "bicycle" for this publication also includes three (3) and four (4) wheeled human-powered vehicles, but not tricycles for children.

Bicycle Facilities: A general term denoting improvements and provisions made by public agencies to accommodate or encourage bicycling, including parking and storage facilities, and shared roadways not specifically designated for bicycle use.

Bicycle Lane or Bike Lane: A portion of a roadway, which has been designated by striping, signing, and pavement markings for the preferential or exclusive use of bicyclists.

Bicycle Path or Bike Path: See Pathway.

Bicycle Route System: A system of bikeways, designated by the jurisdiction having authority, with appropriate directional and informational route markers, with or without specific bicycle

route numbers. Bike routes should establish a continuous routing, but maybe a combination of all types of bikeways.

*Bikeway:* A generic term for any road, street, path, or way which in some manner is specifically designated for bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

*Shared Roadway:* A roadway, which is open to both bicycle and motor vehicle travel. This may be an existing roadway, street with wide curb lanes, or road with paved shoulders.

*Pathway:* A bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent right-of-way. Shared use paths may also be used by pedestrians, skaters, wheelchair users, joggers, and other non-motorized users.

*Pathway, Sidewalk, Pedestrian System, and Bikeway Standards:* Bicycle and pedestrian ways shall include sidewalks, bikeways, and pedestrian paths. Except as provided below, bicycle and pedestrian ways may meander between the curb and right-of-way line where necessary to preserve topographical or natural features or to provide visual interest; provided a grassed or landscaped area at least three (3) feet wide is retained to separate the pathway from the adjacent curb.

*Pathways:* Dimensions and construction specifications of bicycle paths shall be determined by the number and type of users and the location and purpose of the bicycle path. A minimum eight (8) foot paved width shall be provided for two (2) way bicycle traffic and a five (5) foot width for one (1) way traffic.

- a) Choice of surface materials, including bituminous mixes, concrete, gravel, soil, cement, stabilized earth, and wood planking, shall depend on use and users of the path, as approved by the Town Building Official.
- b) Gradients of bike paths should generally not exceed a grade of five (5) percent, except for short distances.

*Pathway Designation:* Any bikeway and/or pathway shall be restricted as part of the site's common open space when on a residential site. On a non-residential property, a permanent easement shall be reserved, and maintenance assigned to a specific entity. The improvements, in either case, may also be offered for public dedication.

*Sidewalks:* Sidewalks are normally to be constructed adjacent to the street right-of-way line with a minimum separation between the sidewalk and the roadway of five (5) feet, unless a reduced width or different location is approved by the TOWN ADMINISTRATOR or Planning Commission. Where this separation is not possible within the right-of-way, every effort will be made to locate the sidewalk on an easement on private property or otherwise achieve the desired separation. If it is not possible to maintain the minimum separation, sidewalks may be constructed adjacent to a vertical curb. Other items, which conflict with the sidewalk location, such as utility structures, shall be relocated at the developer's expense.

- a) Sidewalks may abut the curb where the available right-of-way is constrained, when approved as part of a Special District Plan, or where necessary to maintain continuity with previously constructed sidewalks on adjacent properties.

- b) Sidewalks may be required in areas not specifically noted, where necessary, to continue a walk on an existing street, to link areas, or to provide access to pedestrian generators located in proximity.
- c) Commercial and residential sidewalks shall be a minimum of five (5) feet in width and residential sidewalks shall be a minimum of five (5) feet in width. All sidewalks shall be a minimum of four (4) inches in thickness, except where crossing driveways in which case the minimum thickness shall be six (6) inches and will have a six (6) inch by six (6) inch #10 W. W. F. (or equivalent) reinforcement.
- d) All public sidewalks or pedestrian systems within the Town shall be constructed at the expense of the owner of the real estate along which such system is constructed. The owners of real estate within the Town shall construct, at their own expense, good and substantial walkways along abutting rights-of-way and easements dedicated specifically for pedestrian walkways, which shall always be the width prescribed by the Town. Upon failure to do so, the Town shall notify them of such neglect, and if the failure is not corrected by the abutting property owner within thirty (30) days of receipt of written notice from the Town, then the Town shall have the work done by the Town at the expense of the owner of the property, which expense shall constitute a lien on the lot and be enforced in the same manner as a mechanic's lien. The notice shall be in writing and specify the kind of pedestrian system to be built.
- e) Requirements for sidewalks when required for new Planned Unit Development, major subdivisions, or Highway Corridor Overlay District (HCOD) development are:
  - Arterial or Local Commercial Streets: Along the frontage of all properties abutting these streets.
  - Local Residential Streets: A connecting system of sidewalks on both side of each such street; and
  - Multi-Family Residential Streets: A connecting system of sidewalks on both sides of each such street and a sidewalk running from each building in the development to the street.
  - Sidewalks placed on both sides of the street shall not be required where one (1) or more of the following conditions exists, unless a lot has frontage on a road or road is classified as a collector, arterial, or local commercial street, or on a road which provides direct access to a public school, park, or other comparable public facility that is located within one (1) mile of the lot, to wit:
    - i. In subdivisions or developments where the minimum lot size is one and one half (1 ½) acres (65,340 square feet). In such subdivision or development, a pedestrian pathway system is still required.
  - In subdivisions or developments which are physically isolated by water, marsh, saltwater wetlands, or freshwater wetlands from other subdivisions or developments; and/or
  - In affordable housing projects where an alternate pedestrian pathway system is approved by the Planning Commission based on public access and inner connecting.

### Bicycle Facilities

- i. A bikeway providing for travel in two (2) directions shall be provided, if feasible along roadways which the Planning Commission & Town Council determines, subject to review and approval of the South Carolina Department of Transportation and the Town of Yemassee. Consideration shall be given to allow for interconnectivity to existing bikeways or planned bikeway projects outlined in the Beaufort County “Beaufort Connects” plan.
- ii. Bicycle facilities may also be required if a bicycle route system is addressed within an adopted plan, such as the Comprehensive Plan.
- iii. Bicycle lanes shall be constructed of the same materials and specifications as the adjacent street.
- iv. Bicycle-safe drainage grates shall be used in the construction of streets with bicycle lanes.
- v. Bicycle facilities shall be designed to meet the standards of the current version of the American Association of State Highway and Transportation Official's Guide for the Development of Bicycle Facilities.

### **Sec. 11-85. Off-Street Parking Requirements**

There shall be provided at the time of the erection of any building or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, or floor area or before conversion from one (1) type of use or occupancy to another, permanent off-street parking space in the amount specified by this Section. Such parking space may be provided in a parking garage or properly graded and improved space.

- A. If the off-street parking space required by this Article cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet of the principal use or by shuttle bus, walkways, or similarly convenient service or access to a more distant remote parking site.
- B. The required parking space for any number of separate uses may be combined in one (1). But the required space assigned to one (1) use may not be assigned to another use, except that one-half ( $\frac{1}{2}$ ) of the parking space required for churches, theaters, or other uses may be assigned to a use which will be closed at night or on Sundays.
- C. All off-street parking in conjunction with development shall be designed to the criteria of the Beaufort and/or Hampton County Engineer. Parking areas shall be designed in such a manner as to eliminate the necessity of utilizing any portion of adjacent street, road, or highway rights-of-way for maneuvering.
- D. The size of parking space for one (1) vehicle shall consist of a rectangular area having dimensions of not less than nine (9) feet by twenty (20) feet, plus adequate area for ingress and egress, other than handicapped, which shall conform to required standards.
- E. Tandem parking spaces shall not be allowed.

- F. In planned resort, residential, and commercial developments where a substantial number of visitors are presumed to arrive by public transportation, the parking spaces noted below will be required.
- i. Auditorium and Theater: One (1) space for each spectator seat.
  - ii. Automobile Service: One (1) space for each vehicle stored or parked, plus one (1) space for each employee.
  - iii. Bank: One (1) space for each two hundred (200) square feet of gross floor space, plus one (1) space for each two (2) employees.
  - iv. Bus Terminal: One (1) space for each of the four (4) seats in the waiting room, plus one (1) space for each two (2) employees.
  - v. Child Care Center: One (1) space for each adult attendant, plus two (2) off-street spaces for loading and unloading.
  - vi. Church: One (1) space for each six (6) seats in the main assembly room.
  - vii. Driving Range: One (1) space for each two (2) golf tees.
  - viii. Elementary School: One (1) space for each vehicle owned or operated by the school, plus two (2) spaces for each faculty member and administrative office.
  - ix. Fire Station: One (1) space for each employee and one (1) space for each three (3) volunteer personnel on a normal shift.
  - x. Funeral Home: One (1) space for each of the four (4) seats in the chapel or parlor, plus one (1) space for each employee.
  - xi. Golf Course: Four (4) spaces for each green, plus requirements for any other associated use, except in PUD.
  - xii. Hospital: One (1) space for each of the six (6) patient beds, excluding bassinet, plus one (1) space for each medical staff member or visiting doctor, plus one (1) space for each four (4) employees.
  - xiii. Hotel/Motel: One (1) space for each room to be rented, plus one (1) additional parking space for each of the three (3) employees, plus requirements for any other use associated with the establishment.
  - xiv. Indoor and Outdoor Commercial Recreation: Adequate parking facilities for contemplated use. The required parking spaces for any multiple use area shall be either of the following:
    - a. Number of spaces required for such single use having the greatest parking needs, plus ten (10) percent of the combined required for all other uses in the area; or
    - b. The number of spaces shown to be necessary and reasonable by data submitted by the developer, whichever is less.
  - xv. Industrial Manufacturing and Wholesale: One (1) space for each two (2) employees on the largest shift, plus one (1) space for each member of the managerial or office staff, plus one (1) visitor parking space for each ten (10) persons on the managerial staff, and one (1) space for each vehicle used directly in the conduct of the business.
  - xvi. Junior High School: One (1) space for each vehicle owned or operated by the school, plus three (3) spaces for each faculty member, plus one (1) space for each of the five (5) seats in the auditorium or gymnasium.

- xvii. Mobile Home Park: Two (2) spaces for each mobile home.
- xviii. Nursing Home: One (1) space for each five (5) beds intended for patient use, plus one (1) space for each shift employee.
- xix. Office and/or Professional: One (1) space for each two hundred (200) feet of gross floor space plus one (1) space for each two (2) employees.
- xx. Planned Shopping: Four (4) spaces for every one thousand (1,000) square feet of gross leasable floor area.
- xxi. Public or Private Club: .02 spaces for each two hundred (200) square feet of gross floor space.
- xxii. Public Utility: One (1) space for each employee.
- xxiii. Residential: One and one-half (1 ½) spaces per dwelling unit.
- xxiv. Restaurant: One (1) space for each three (3) seats, plus one (1) space for each two (2) employees.
- xxv. Retail Business: Five (5) spaces for every one thousand (1,000) square feet of gross floor area, except as otherwise specified below.
- xxvi. Appliance and Furniture Store: Two (2) spaces per one thousand (1,000) square feet of gross floor area, plus one (1) space for each employee.
- xxvii. Automobile Dealership: One (1) space per one thousand (1,000) vehicle square feet of gross floor area, plus one (1) space for each employee.
- xxviii. Feed and Seed: Two (2) spaces per one thousand (1,000) square feet of gross area, plus one (1) space for each employee.
- xxix. Building Supply: Three (3) spaces per one thousand (1,000) square feet of gross floor area, plus one (1) space for each employee.
- xxx. Sales and Service: One (1) parking space for each two hundred (200) square feet of gross floor area, plus one (1) space for each two (2) employees.
- xxxi. Senior High School: One (1) space for each vehicle owned or operated by the school, plus seven (7) spaces for each faculty member, plus one (1) space for each administrative office, plus one (1) space for each four (4) students enrolled.
- xxxii. Stadium: One (1) space for each of the four (4) spectator seats.

A waiver of on-site parking spaces may be granted by the Town of Yemassee Planning Commission if required parking can be satisfied by the number of public parking spaces available along the lot line adjacent to the public street. The availability of parking shall be determined based on the accessibility of these parking areas to the proposed business activity as measured by distance and ease of pedestrian access, the amount of surplus parking over the current and projected demand for parking, and any other constraints that may affect the proposed business activity's ability to benefit from the designated parking area. A waiver cannot be granted towards the required on-site handicap parking spaces.

#### **Sec. 11-86. Off-Street Loading Requirements**

- A. Any industrial operation and wholesale building shall provide sufficient off-street space for the loading and unloading of vehicles. Loading berths and parking areas for waiting vehicles shall be



designed in accordance with the needs of the proposed operations subject to the minimum standards indicated in the following schedule:

Square Feet of Gross Floor Areas in Structure	Number of Berths or Parking Spaces
0 - 25,000	1
25,001 - 40,000	2
40,001 - 100,000	3
100,001 - 160,000	4
160,001 - 240,000	5
240,001 - 320,000	6
320,001 - 400,000	7
Each 90,000 over 400,000	1

- B. All retail uses and office buildings with a total floor area of twenty thousand (20,000) square feet shall have one (1) loading berth or parking space for each twenty thousand (20,000) square feet of floor area; and
- C. Off-street loading areas shall be designed so that vehicles can maneuver for loading and unloading entirely within the property lines of the premises.

## **Sec. 11-87. Traffic Impact Analysis**

It is the purpose of this Article to guide development in accordance with the existing and future needs of the Town of Yemassee and to protect, promote and improve the public health, safety, convenience, order, appearance, prosperity, and general welfare of the citizens of the Town, as these issues apply to the provisions of this Article. The regulations of this Article are designed to:

- A. Enable the Town to conduct an appropriate review and evaluation of the traffic impact of the proposed developments, so that new development does not impair the Town's ability and obligation to provide adequate road facilities to all its citizens, and to prescribe necessary project-specific mitigation measures as outlined in professionally prepared traffic impact analysis plans.
- B. Enable the Town to address the relationships between land use and the transportation system. The purpose of the Traffic Impact Analysis plan, hereinafter referred to as "TIA", is to identify and quantify transportation related impacts to the public transportation system, and to identify measures to mitigate such traffic impacts; and
- C. Establish uniform procedures for traffic impact analysis.

**Applicability:** The traffic impact analysis plan guidelines shall apply to all land within the Town of Yemassee, except for that specifically exempted below. It is the responsibility of the applicant to submit all data required by the Town necessary for the TIA report.

**Exemptions:** The following types of development shall be exempt from the traffic impact analysis plan

and mitigation requirements and procedures of this part:

- A. Activities and uses not constituting development, or exempt from development plan approval, as defined in Article I.
- B. Town Planned Unit Developments with approved development agreements will be subject to traffic mitigation, including turn lanes, traffic signals and traffic impact analysis based on the terms of the Approved Development Agreements and Zoning Regulations.
- C. Any development that would generate fewer than 50 a.m. or 50 p.m. peak hour trips. Trip generation rates shall be taken from the most current edition of the Institute of Transportation Engineers' Trip Generation Manual (ITE Manual), provided, however, that an applicant may elect to perform, at his own expense, a trip generation study which may be submitted to the Town Administrator and the Town Planning Commission in determining this alternative. Such a trip generation study shall be undertaken by a qualified traffic-engineering firm and is subject to review and approval by the Town through the Town's development process. The TOWN ADMINISTRATOR shall determine the most appropriate trip generation rate for proposed uses not specifically listed in the ITE Manual. Input from the applicant may be necessary in making this decision.
- D. If the proposed development will be replacing on the same site a vacant or occupied structure, then for the purpose of determining exemptions, the number of ADT, a.m. and p.m. peak hour trips generated by the proposed land use shall be reduced by the number of ADT, a.m. and p.m. peak hour trips generated by the most recent legally established land use.
- E. Proof of the most recent principal land use of a site shall be the responsibility of the applicant and shall be submitted to the Town Administrator for approval. Absent such proof, the ADT, a.m., and p.m. peak hour trip rate will be based on the lowest trip generation of all the uses permitted by right in the site's zoning district.
- F. Any residential development generating less than 200 Average Daily Trips in which at least twenty (20%) percent of its units will qualify as affordable housing as defined for Beaufort and/or Hampton County.

*Traffic Impact Analysis Plan Approval Required:* No development plan approval, with or without conditions or modifications, shall be granted without the applicant for development plan approval first obtaining traffic impact analysis plan approval, unless the development is exempt subject to the provisions listed previously in this Section.

*Traffic Impact Analysis Plan Requirements:*

#### Plan Preparation

- A. Responsibility. Applicants shall be responsible for preparing the complete Traffic Impact Analysis plan (TIA). The expense of preparing the TIA shall be borne solely by the applicant. If the Town determines that a Town Transportation consultant needs to review a TIA, the cost of this review shall also be borne solely by the applicant.

- B. All TIA's shall be prepared, signed, and sealed by a professional engineer with a specialty in traffic and transportation and who is registered in South Carolina.
- C. Submittal Requirements: Three (3) copies of each TIA shall be submitted to the Community Development Department simultaneously and as part of the plan submittal package to the Town.
- D. Traffic Impact Plan Parameters. Prior to beginning the traffic impact analysis plan, the applicant shall submit the following to the Town:
  - a. A written narrative describing the proposed land use(s), size and projected opening date of the project and any phases. The narrative must also identify the Beaufort and/or Hampton County Tax Map and Parcel numbers to be occupied by the proposed development.
  - b. A site location map.
  - c. A proposed site plan showing the location of the proposed development on the site and all points of access to public or private roads or any other development; and
- E. Based on this information, along with the ITE Trip Generation manual and available information on land use, travel patterns and traffic conditions, the applicant will schedule and attend a methodology meeting with the Town Administrator to determine the parameters to be followed in the study including the study area definition, directional split of driveway traffic, trip distribution, background traffic growth rate, previously approved but not completed projects and the intersections to be analyzed along with any current intersection turning movements counts if available, and an identification of other primary assumptions. At the methodology meeting, the Town may require that other existing conditions, such as roadway widths and right-of-way, signal locations, and existing roadway capacity conditions be included in the TIA. A review of needs for transit, bicycle and pedestrian features shall be discussed for inclusion in the traffic impact analysis.

Plan Contents: An acceptable traffic impact analysis shall include an accurate representation of the following elements. All phases of a development are subject to review; however, a traffic impact analysis plan shall be applicable to the phase of development under immediate review:

- A. Transit, Bicycle and Pedestrian Features. A review of needs for transit, bicycle and pedestrian features shall be included, where appropriate, as determined at the methodology meeting.
- B. A current site plan or subdivision plat identifying all access to and from existing or proposed streets and intersections. In addition, a vicinity map shall be provided.
- C. Description of the existing and proposed site land-uses, including the type of proposed land use, the number of residential units by type, the number of existing and proposed lots, the type of proposed non-residential development and the amount of such development measured by gross floor area or other appropriate unit of measure, the general size and type of accessory development or facilities, and, for non-residential development, adequate information to identify the appropriate land use category for trip generation.
- D. Existing and proposed access including cross-access, cross-access easements with adjacent properties, adjacent access points and access across the street, frontage roads, etc.
- E. Development schedule (build out period and phasing).

- F. Existing Conditions. Traffic count data that is collected for the TIA will be included in an appendix to the TIA report. The Town may require at the Pre-Application meeting those other existing conditions, such as roadway widths and right-of-way, signal locations, and existing roadway capacity conditions be included in the TIA.
- G. Projected vehicular trips to and from the completed development during the a.m. and p.m. peak hour. Average Daily Trips (ADT's) shall also be included. Trip rates shall be taken from the ITE Manual, provided, however, that an applicant may elect to perform, at his own expense, a trip generation study which may be submitted as part of the traffic impact analysis plan. Such trip generation study shall be subject to the review and verification of the Town through its development process. For proposed uses not specifically listed in the ITE Manual, and for which a trip generation study has not been performed, the Town Administrator shall determine, in consultation with the applicant's traffic engineer, the most appropriate trip generation rate. The Town Administrator shall make the determination of the appropriate trip generation rate, from whatever source. All assumptions, including the source of information, regarding trip generation, internal capture rates and passer-by rates shall be identified and justified.
- H. Development traffic assignment to the roadway network. The Town, through its development process, may require the use of a transportation model, if appropriate, in the determination of site trip distribution and assignment. Typically, the model will be used for large projects with long build out periods, or where major network or land use changes are anticipated.
- I. A written narrative setting forth the assumptions upon which any projection, made in developing the traffic impact analysis plan required under this part, is based. If the assumptions are derived from the ITE Manual, the materials shall be identified. If the assumptions are not from the ITE Manual, appropriate excerpts will be included in the study and the reasoning underlying the assumptions shall be stated in the narrative.
- J. The traffic impact analysis plan shall be based on intersection analysis procedures for signalized intersections as identified in the South Carolina Department of Transportation Access & Roadside Management Standards (ARMS) manual.

The TIA study area will include the following:

- A. Any intersection that serves as a development's point of access. This will include intersections of public and private roads with any arterials or collectors, as well as driveways offering direct access.
- B. The first major intersection identified by the Town Administrator on either side of the Development's primary point of access.
- C. Other intersections, including all signalized intersections, with existing or future signals, on arterials or collectors if within one (1) road mile of the development's primary point of access and when in the opinion of the Town Administrator there is a potential for a significant impact to the intersections' level of service from site related traffic.
- D. Intersection needs at all development's access intersections shall be determined. This operational evaluation shall include on-site circulation as it may affect access; on-site and off-site turn lanes, and required storage, potential for signalization and review of sight distance and other intersection safety aspects. Usage of joint access driveways and frontage roads are encouraged to

reduce the total number of connections to a roadway network. On-site traffic circulation shall be reviewed, and recommendations made regarding on-site and pavement marking; and

- E. A list of all roadway improvements, as well as planned improvements, which are not yet funded. The list shall identify the type, location, timing, and responsible agency of each roadway improvement project.
- F. The plan must include the results of an analysis of the operating conditions of critical intersections and/or all intersections relative to the quantitative criteria for different levels of service provided in the Highway Capacity Manual. The analysis shall reflect the existing and projected condition of these intersections and movements, based on the scheduled opening date of the development. Other phases of the development, if they can be reasonably determined, shall be considered as well.
- G. Mitigation Plan. A reduction in existing intersection level of service standards makes the proposed development a candidate for mitigation. All proposed mitigation measures must meet guidelines established by the Town of Yemassee through its development review process and the South Carolina Department of Transportation (SCDOT), where applicable, and be submitted to the SCDOT District Office for approval.

Action on Traffic Impact Analysis Plan: Following review of the required traffic impact analysis plan, the Town Administrator shall recommend and/or approve through the development process, one of the following actions: which shall be accompanied by findings of fact supporting the action:

- A. Approve the traffic impact analysis plan as submitted by the applicant.
- B. Approve the traffic impact analysis plan with conditions or modifications.
- C. Approve the traffic impact analysis plan with an acceptable traffic mitigation program.

Expiration of Approval: A traffic impact analysis plan approval shall expire after one year unless the applicant submits a complete development plan review application within one (1) year of the approval date of the traffic impact analysis plan.

Timing of Implementation: If a traffic mitigation program is part of an approved traffic impact analysis plan, all approved traffic mitigation improvements must be implemented prior to receipt of a Certificate of Compliance or unless otherwise provided for as part of the approved traffic impact analysis plan. Traffic mitigation improvements may be bonded. This requirement may arise if the timing of the improvements needs to be synchronized with other scheduled improvements in the area.

Responsibility for Costs of Improvement; Reimbursement: The costs of implementation of an approved mitigation program shall be the responsibility of the applicant.

## **Sec. 11-88. Lot Design**

The Developer shall demonstrate through design and the use of private property restrictions and covenants adequate attention to the following aspects of lot design:

- a) Lot size, width, depth, shape, grade, and orientation to streets
- b) Relationship of residential lots to adjoining non-residential development, existing or proposed.

- c) Building setback lines, front, side, and rear.
- d) Separation of residential lots from major thoroughfares and railroads and other possible incompatible land uses.
- e) Separation and proper screening of non-residential development from adjacent existing residential development. Suitable natural or commercial grade materials of sufficient height shall be used in the construction of the required buffers.

## **Sec. 11-89. Infrastructure and Services**

All development shall be provided with minimum services in conformance with the provisions of this Section. The property owner or Developer, his agents or his assignees shall assume responsibility for the provision of basic services within the proposed development. The requirement of services as a prerequisite for development does not in any way oblige the Town Council or its departments or agents to furnish such services.

- A. No development shall be undertaken if provision has not been made for the following basic services:
  - a. Power supply, normally electric.
  - b. Potable water supply of sufficient quantity to satisfy domestic needs.
  - c. Water supply of acceptable quality and enough to satisfy commercial and industrial demand.
  - d. Means for treatment and disposal of domestic sewage and other liquid waste.
  - e. Means for collection and disposal of solid wastes except for single-family residential subdivisions.
  - f. Vehicle access to existing streets or highways; and
  - g. All driveways shall be paved from the property line to the edge of pavement, except for private dirt roads.
- B. No development shall be undertaken, except in conformance with all applicable standards, regulations, specifications, and permitting procedures established by any duly authorized governmental body or its authorized agents, for the purpose of regulating utilities and services. It shall be the responsibility of the Developer to show that the development is in conformance with all standards, regulations, specifications, and permitting procedures.
- C. No development shall be undertaken unless adequate easements are provided to accommodate all required or planned utilities and drainage. The Developer shall also demonstrate that adequate provisions have been made for access to and maintenance of all easements.
- D. Where there are existing public or private community water and/or sewer systems within one thousand (1,000) feet of a proposed development, the Developer must show evidence that he has explored the possibility of tying into existing systems.
- E. All electrical, telephone, and gas utility lines in the development shall be installed according to plans and specifications approved by the respective utility companies providing such a service. In addition, all such utility lines shall be installed underground unless it is determined that a variance to allow for overhead facilities is warranted due to exigencies of

construction, undue and unreasonable hardship, a conservation easement that restricts the burying of utilities, or any other conditions unique to the development and approved by the Town Administrator.

#### **Sec. 11-90. Property Markers**

At all corners there shall be placed a concrete or other permanent marker of the type commonly used in the area. Concrete control monuments shall be placed on the lot property lines intersection with the road right-of-way lines as shown on a site-specific basis determined during the plan review process.

#### **Sec. 11-91. Stormwater**

All development will contain adequately designed stormwater management systems in accordance with the Beaufort and/or Hampton County Stormwater Management Best Management Practices in use at the time of development and implement necessary maintenance programs for the system, as necessary. Stormwater Management Plans will be reviewed by the Town's designated engineer prior to development approval.

#### **Sec. 11-92. Certified Plans**

All Design, Grading, Drainage, and Construction Plans for roads and for site-related projects shall be prepared and certified by either an Engineer, Landscape Architect, or both where appropriate under State Law, who are registered for practice in South Carolina. However, all Design, Grading, Drainage, and Construction Plans for sanitary sewage systems, potable water systems, and other principal engineering systems, features, or structures shall be prepared and certified only by an Engineer who is registered for practice in South Carolina.

#### **Sec. 11-93. Landscaping Requirements**

##### *Purpose and Intent*

- A. To preserve and protect the local, native vegetation to maintain Yemassee's Lowcountry character.
- B. To acknowledge that landscaped areas of Yemassee provide much needed shade and oxygen for the residents.
- C. To assert that the existence of landscaping enhances property values in the community.
- D. To implement landscape design plans which encourage natural vegetation areas, tree preservation, efficient irrigation, soil health, and proper plant selection.
- E. To eradicate or control certain exotic and invasive plant species that have become nuisances because of their tendencies to destroy native ecosystems and damage public works projects.
- F. To acknowledge that regional wildlife will thrive because of a properly maintained, native ecosystem.
- G. To provide critical habitat with designated natural and safe transportation corridors.
- H. To encourage efficient usage of water with native landscaping and effectively maintaining irrigation systems is vital to the reduction of landscaping and maintenance costs of residential and commercial properties.

- I. To recognize that stormwater management is a critical need for the Yemassee community and landscaping with native vegetation allows for natural percolation and nutrient intake.

### Applicability

The provisions of this ordinance shall apply in all areas of the Town except those areas of the Town which are zoned as Residential 1 Acre (R1A), Residential ½ Acre (R2A), Residential ¼ Acre (R4A) and General Residential (GR).

### Landscape Plan Requirements

The following shall be submitted with all applicable development plans:

- A. Landscape Plan Elements.
- B. Landscape plans shall indicate on a tree and topographic survey drawing or map the proposed natural vegetation areas to be preserved on the site and the proposed areas to be cleared. Applicants are strongly encouraged to utilize existing native landscaping in lieu of new landscape plantings. All (100%) landscaping shall be specified on the survey drawing or map. Additional requirements of a submitted landscape plan are as follows:
  - i. An engineering scale and north arrow.
  - ii. The legal description and address of the property.
  - iii. The property lines and buffers.
  - iv. All existing and proposed site features, such as structures, paved areas, streets, stormwater infrastructure management, and utility easements.
  - v. Existing soil characteristics and classifications.
  - vi. The location, scientific and common names of plants, estimated planting width and height of plants, and the quantity of plants provided shall be listed in a key on the landscape plan.
  - vii. Irrigation plan
- C. Bonding
  - i. The survival of all tree and landscaped areas planted or replanted shall be guaranteed with a tree and landscape maintenance and replacement bond for a period of one (1) year from the date installed. The required bond amount shall equal one hundred twenty-five (125%) percent to replace each tree and landscaped area that is planted, replanted, or relocated on the development site.
- D. Vehicular Use Areas
  - i. Since parking lots are a major source of heat, leading to a reduction in air quality, the emphasis on tree and landscaped plantings is vital. The minimum sized planting area with irrigation methods to support growth shall be 240 square feet. Clustering of certain species of trees and other landscaping elements within an island shall be allowed and shall be equidistant if islands are being utilized.
- E. Stormwater Retention and Detention Areas
  - i. Installation of detention areas and lagoons to retain stormwater runoff is imperative within the Town of Yemassee. Plant material shall be installed within the littoral shelf



area in accordance with the latest Beaufort and/or Hampton County Best Management Practice Manual. Table 1: Appropriate Plants for Stormwater Ponds shall assist the community in selecting these plants.

F. Buffers

a. Land Use Buffers

- i. If existing vegetation is not present within a buffered area, then supplemental plantings shall be installed to provide an opaque buffer. Overstory and understory trees and a combination of herbaceous species shall be utilized.

b. Riparian Buffers

- i. The vegetation within riparian buffers shall remain undisturbed to prevent soil erosion and to protect water quality.

G. Urban Environments

- i. Root barriers shall be installed within tree lawns less than seven feet between the back of curb and the sidewalk to prevent root penetration and destruction of infrastructure. The root barrier may be installed in either continuous, linear patterns or segments to achieve maximum protection of infrastructure and maintain healthy tree and root growth. Specifications for the root barrier system shall be detailed in the landscape plan.

### Plant Selection

The following steps shall be utilized respectfully:

- A. Critical Resource Map. The Yemassee Critical Resource Map shall serve as a resource outlining the historical native vegetative species of a particular ecosystem. The Critical Resource Map shall be used as an initial guide for a person, firm, or corporation when landscape plantings are added to the site.
- B. Existing Vegetation Evaluation. An evaluation of existing vegetation on the site shall assist in the selection of appropriate plant installations.
- C. Published Resources. A list of indigenous and native trees is provided in Table 2: Indigenous Trees of Yemassee of this ordinance. Additional sources include:
  - i. South Carolina Coast A Syst, published by the SC Grant Consortium and Clemson Extension Office.
  - ii. Manual of the Vascular Flora of the Carolinas, published by the University of North Carolina Press
- D. Yemassee Landscaping. The Yemassee "Lowcountry look" emphasizes native trees and heavier vegetative understory in lieu of a larger grass lawn landscape. In turn, trees, herbaceous species, and ground covers shall be given greater emphasis than grass placements.
- E. Exotic and Invasive Species. Exotic and invasive species are strictly prohibited and shall not be used. Please refer to the list in Table 3: Exotic and Invasive Species List of this ordinance.

### Watering and Irrigation Systems

Permanent built-in or temporary irrigation systems shall be installed to ensure the plants will survive the

critical establishment period. Irrigation systems shall be equipped with rain sensors and timers and with backflow prevention as required by the Lowcountry Regional Water System.

### Tree and Plant Specifications

All plant material shall always be maintained in good condition. All plants that die or are destroyed within two (2) years of planting must be replaced, during the next suitable planting season of September through May.

- A. Plant and Tree Standards. All plant and tree material shall meet the American Standard of Nursery Stock standards (ANSI Z60.1-1996). These standards are published by and available from the American Association of Nurserymen (AAN).
- B. Quality of Tree and Landscape Materials. Tree and landscape materials selected for planting must be free from injury, pests, disease, nutritional disorders, or root defects, and must be of good vigor to assure a reasonable expectation of survivability.
- C. Height and Caliper Minimums for Large and Medium Trees. Large and Medium Maturing (Canopy) Tree species shall be a minimum of twelve (12') feet in height and have a caliper of at least two and a half (2.5") inches at planting. See Table 2: Indigenous Trees of Yemassee for suitable species choices.
- D. Height and Caliper Minimums for Small Trees. Small Maturing (Understory) Tree species shall be a minimum of five (5) feet in height and have a caliper of at least one and one-half (1 1/2) inches at planting. See Table 2: Indigenous Trees of Yemassee.
- E. Shrub and Hedge Height and Spread Requirements. Height requirements for shrubs and hedges shall in be in general a minimum of eighteen (18) inches and a spread of fifteen (15) inches at the time of planting depending on type and growth structure. Rare allowances shall be made for native selections.

### Tree and Plant Installation

- All planting installations shall comply with the following:
  - i. The diameter of the planting hole shall be a minimum of two (2) times the diameter of the root ball.
  - ii. The planting hole sidewalls shall be scored or roughened to eliminate the smooth, slick surface caused by the shovel or auger.
  - iii. If containerized material is to be planted, any circling roots shall be cut by slicing the root ball vertically from top to bottom in two to three well-spaced lines around the root ball with a sharp knife.
  - iv. The root ball shall rest on undisturbed soil in the planting hole with the top of the root ball on level with the natural ground level or slightly raised (not to exceed a height of two (2) inches above the natural ground level).
  - v. Any tree planted with the top of the root ball below natural ground level shall be replanted to the correct elevation.
  - vi. The soil used to backfill around the root ball shall be uncompacted, native soil free of rocks, trash, or any construction debris.

- vii. Stakes and guy wires shall be installed. Supporting devices shall not interfere with vehicular or pedestrian movement and shall be removed after twelve (12) months.
- Mulch Requirements
  - i. Mulch in the form of pine straw, pine bark, or wood chips shall be a minimum of four (4) inches of mulch and shall be distributed evenly over the tree planting hole and at least four (4) inches away from the base of the tree trunk. If mulch contains an exotic or invasive species within its contents, the mulch must be non-seeded. Fertilizer should be supplemented in the mulch to reduce the intake of nitrogen away from the tree roots during natural decomposition.

### Residential Developments

For new development subdivisions to meet the minimum tree cover required within this Chapter, the Native Vegetation and Tree Protection Ordinance, the following shall be applied:

<i>Lot Size</i>	<i>Number of Trees</i>	<i>Type of Tree*</i>
4,719 square feet	3	1 Large, 2 Small
5,662.8 square feet	4	1 Large, 1 Medium, 2 Small
7,078.5 square feet	5	1 Large, 2 Medium, 2 Small
9,428.56 square feet	6	2 Large, 1 Medium, 3 Small
*Denotes a recommended combination of large, medium, and small trees. See Table 2: Indigenous Trees of Yemassee for a tree listing.		

### Commercial/Mixed Use Developments

Side and rear vegetative areas and buffers shall remain undisturbed unless supplemental plantings are required in accordance within this Chapter. Landscape Plan Requirements Buffers. Waivers from this section shall be discouraged.

*Table 1: Appropriate Plants for Stormwater Ponds*

Common	Scientific
Smooth Cord Grass	<i>Spartina alterniflora</i>
Golden Canna	<i>Canna flaccida</i>
Blue Flag Iris	<i>Iris virginica</i>
St. Johns Wort	<i>Hypericum perforatum</i>
Duck Potato	<i>Sagittaria latifolia</i>
Arrowhead	<i>Sagittaria lancifolia</i>
Bulrush	<i>Scirpus californicus</i>
Soft Rushes	<i>Juncus sp</i>
Giant/Soft-Stem Rushes	<i>Scirpus californicus</i>
Gulf Coast Spikerush	<i>Eleocharis cellulosa</i>
Water Lily	<i>Nymphaea odorata</i>

Tape or Eelgrass	Vallisneria sp
Pondweed	Sagittaria stagnorum
American Lotus	Nelumbo lutea
Pickeralweed	Pontederia cordata
Swamp Lily	Crinum americanum
Bald Cypress	Taxodium distichum, var. distichum
Pond Cypress	Taxodium distichum, var. imbricarium

*Table 2: Indigenous Trees of Yemassee Native (N) and Urban-Friendly (U)*

### **Large Canopy Trees**

(Trees with a mature height of 40' and greater and display a canopy width of at least 30'.)

Genus and Common Name		
Acer barbatum, Southern Sugar Maple	N	U
Acer negundo, Box elder	N	
Acer rubrum, Red Maple	N	U
Betula nigra, River Birch	N	U
Carya aquatica, Water hickory	N	
Carya cordiformis, Bitternut Hickory	N	
Carya glabra, Pignut hickory	N	U
Carya illinoensis, Pecan		
Carya myristiciformis, Nutmeg hickory	N	U
Carya ovata, Shagbark Hickory	N	U
Carya pallida, Sand hickory		
Carya tomentosa, Mockernut hickory	N	
Celtis occidentalis, Hackberry		U
Celtis laevigata, Sugarberry	N	
Fagus grandifolia, American beech		U
Ginkgo biloba, Maidenhair tree		
Gleditsia triacanthos, Honey locust		U
Juglans nigra, Black walnut		
Juniperus virginiana, Red cedar	N	
Liquidambar styraciflua 'Rotundiloba', Fruitless or roundleaf sweetgum		U
Liquidambar styraciflua, Sweetgum	N	U
Liriodendron tulipifera, Tulip tree	N	U
Magnolia ashei, Ash magnolia		
Magnolia grandiflora, Southern magnolia	N	U
Morus rubra, Red mulberry		
Nyssa 'biflora', Swamp black gum	N	
Nyssa aquatica, Water tupelo	N	
Nyssa ogeche, Ogeechee Lime		
Nyssa sylvatica, Black Gum or Black Tupelo	N	U
Pinus echinata, Shortleaf pine	N	
Pinus elliottii, Slash pine	N	
Pinus glabra, Spruce pine	N	U
Pinus palustris, Longleaf pine	N	U

Pinus serotina, Pond pine	N	
Pinus taeda, Loblolly pine	N	U
Platanus occidentalis, American Sycamore	N	U
Populus alba, White poplar		
Prunus serotina, Black Cherry		
Quercus acutissima, Sawtooth oak		
Quercus alba, White oak	N	U
Quercus coccinea, Scarlet oak	N	U
Quercus falcata, Southern red oak	N	U
Quercus glauca, Ringcupped oak		U
Quercus incana, Bluejack oak	N	
Quercus laurifolia, Laurel oak	N	U
Quercus lyrata, Overcup oak	N	U
Quercus marilandica, Blackjack oak	N	
Quercus michauxii, Swamp chestnut oak	N	U
Quercus nigra, Water oak	N	
Quercus phellos, Willow Oak	N	U
Quercus shumardii, Shumard's red oak	N	U
Quercus stellata, Post oak	N	
Quercus velutina, Black oak	N	
Quercus virginiana, Live oak	N	U
Robina pseudoacacia, Black locust	N	
Taxodium ascendens, Pond cypress	N	U
Taxodium distichum, Bald cypress	N	U
Tilia caroliniana, Carolina basswood		
Ulmus alata, Winged elm	N	
Ulmus americana, American elm	N	U
Ulmus rubra, Slippery elm	N	

## Medium Trees

(Trees which can reach a height of 25-40'.)

Genus and Common Name		
Carpinus caroliniana, American hornbeam	N	U
Cercis canadensis, Eastern redbud	N	U
Cladrastis kentukea, American Yellowwood	N	U
Fraxinus pennsylvanica, Green ash	N	U
Gordonia lasianthus, Loblolly bay	N	U
Halesia carolina, Carolina silverbell	N	U
Ilex attenuata 'East Palatka', East Palatka holly		U
Ilex attenuata 'Fosteri', Foster holly		U
Ilex attenuata 'Savannah', Savannah Holly		U
Ilex opaca, American Holly	N	U
Magnolia virginiana, Sweet bay magnolia	N	U
Ostrya virginiana, Eastern hophornbeam	N	U
Prunus caroliniana, Carolina cherry laurel	N	U
Sassafras albidum, Sassafras	N	U
Acer Oliveranum, Olive Maple		

Amelanchier arborea, Downy Serviceberry	N	
Amelanchier Canadensis, Shadblow serviceberry	N	
Broussonetia papyrifera, Paper mulberry		
Bumelia lycioides, Buckthorn bumelia	N	
Bumelia tenax, Tough bumelia	N	
Carpinus caroliniana, Ironwood		
Castanea pumila, Chinquapin	N	
Catalpa bignonioides, Common catalpa	N	
Davidia involucrate, Dove Tree		
Diospyros virginiana, Persimmon	N	
Ficus carica, Sweet fig		
Fraxinus caroliniana, Carolina ash	N	
Fraxinus profunda, Pumpkin ash	N	
Gleditsia aquatica, Water locust	N	
Halesia diptera, Two-winged silverbell	N	
Ilex attenuata 'Hume', Hume Holly		
Ilex latifolia, Lusterleaf Holly		
Juniperus silicicola, Southern Red Cedar	N	U
Maclura pomifera, Osage Orange		
Magnolia pyramidata, Pyramid magnolia		
Osmanthus americanus, Devil wood	N	
Parkinsonia aculeate, Jerusalem Thorn		
Persea borbonia, Red bay	N	
Populus deltoides, Eastern cottonwood	N	
Populus heterophylla, Swamp cottonwood	N	
Pyrus communis, Common pear		
Salix babylonica, Weeping willow		
Salix nigra, Black willow	N	U

## Small Trees

(Trees less than 25' in height at maturity.)

Genus and Common Name		
Acer griseum, Paperbark maple		
Aesculus pavia, Red buckeye	N	U
Alnus serrulata, Common alder	N	
Aralia spinosa, Devil's walking stick	N	
Arbutus unedo, Strawberry tree		
Asimina triloba, Pawpaw	N	
Bumelia lanuginosa, Gum bumelia	N	
Carya floridana, Scrub hickory	N	
Celtis tenuifolia, Hackberry	N	U
Chionanthus virginicus, Fringetree	N	U
Cliftonia monophylls, Buckwheat tree	N	
Cornus alternifolia, Dogwood	N	U
Cornus florida, Dogwood	N	U
Cornus foemina, Stiff dogwood	N	
Crataegus aestivalis, May haw	N	

Crataegus marshallii, Parsley hawthorn	N	
Crataegus viridis, Green hawthorn	N	
Cudrania tricuspidata, Cudrania		
Cyrilla racemiflora, Swamp cyrilla	N	
Eriobotrya japonica, Loquat	N	U
Erythrina herbacea, Eastern coralbean		
Eucalyptus polyanthemos, Silver dollar tree		
Forestiera acuminata, Swamp privet	N	
Franklinia altamaha, Franklinia	N	
Hamamelis virginiana, Witch hazel	N	
Ilex cassine, Dahoon holly	N	
Ilex decidua, Possumhaw	N	
Ilex myrtifolia, Myrtle-leaf holly	N	
Ilex pernyi, Perny holly	N	
Ilex vomitoria 'Pendula', Weeping holly	N	U
Ilex vomitoria, Yaupon holly	N	U
Juniperus virginiana, Red cedar		U
Koelreuteria bipinnata, Goldenraintree		U
Lagerstroemia indica faurei, Cherokee, Muskogee, Natchez crape myrtle		U
Lagerstroemia indica, Crape myrtle		U
Crataegus spathulata, Littlehip hawthorn		
Malus angustifolia, Southern crabapple		
Malus prunifolia 'Callaway', Callaway crabapple		
Morus alba, White mulberry		
Myrica cerifera, Wax myrtle	N	U
Osmanthus fortunei, Fortune's Tea olive		
Osmanthus fragrans, Fragrant Tea Olive		
Osmanthus heterophyllus, Hollyleaf osmanthus		
Oxydendrum arboreum, Sourwood	N	U
Pinckneya bracteata, Pinckneya, feverbark	N	
Planera aquatica, Planetree	N	
Prunus angustifolia, Chicksaw plum	N	
Prunus cerasifera 'Atropurpurea', Purple-leafed plum		
Prunus cerasifera 'Newport', Cherry plum		
Prunus granatum, Hog plum	N	
Prunus mume, Flowering apricot		
Prunus persica, Flowering peach		
Prunus umbellata, Flatwoods plum		
Punica granatum, Pomegranate		
Quercus laevis, Turkey oak	N	U
Quercus myrtifolia, Myrtle oak	N	
Quercus virginiana 'Maritima', Sand live oak	N	
Rhamnus carolinianus, Buckthorn	N	
Rhus copallina, Shiny or winged sumac	N	
Salix caroliniana, Coastal plain willow	N	
Sapindus marginatus, Soapberry	N	
Southern plum		

Stewartia malacodendron, Silky stewartia	N	
Styrax americanus, American snowbell	N	
Symplocos tinctoria, Horsesugar sweetleaf	N	
Vaccinium arboreum, Sparkleberry	N	U
Vitex agnus-castus, Lilic chastetree		U
Zanthoxylum clava-herculis, Hercules club	N	
Palms and Cycad		
Genus and Common Name		
Cycas revolute, Sago cycas		
Rapidophyllum histrix, Needle palm	N	U
Sabal etonia, Scrub palmetto	N	
Sabal minor, Dwarf palmetto	N	
Sabal palmetto, Cabbage palmetto	N	U
Serenoa repens, Saw palmetto	N	U
Zamia pumila, Sago cycas		

*Table 3: Exotic and Invasive Species*

*This list includes species which are altering native plant communities by displacing native species, changing community structures or ecological functions, or hybridizing with natives.*

Albizia julibrissin	Mimosa tree
Ardisia crenata	Coral adrisia
Bahia grass	
Cinnamomum camphora	Camphor tree
Colocasia esculenta	Wild taro
Dioscorea alata	Winged yam
Dioscorea bulbifera	Air-potato
Eichhornia crassipes	Water-hyacinth
Elaeagnus pungens	Thorny elaeagnus
Firmiana simplex	Parasol tree
Hedera helix	English ivy
Hydrilla verticillata	Hydrilla
Hygrophila polysperma	Green hygro
Imperata cylindrical	Cogon grass
Lantana camara	Lantana, Shrub verbena
Ligustrum lucidum	Glossy privet
Ligustrum sinense	Chinese privet, Hedge privet
Ligustrum japonica	
Lonicera japonica	Japanese honeysuckle
Lygodium microphyllum	Old World climbing fern
Melia azedarach	Chinaberry
Nandina domestica	Nandina, Heavenly bamboo
Nephrolepis cordifolia	Sword fern
Paederia foetida	Skunk vine



Panicum repens	Torpedo grass
Pistia stratiotes	Waterlettuce
Pueraria Montana	Kudzu
Ruellia brittoniana	Mexican petunia
Sapium sebiferum	Chinese tallow, Popcorn tree
Solanum viarum	Tropical soda apple
Tradescantia fluminensis	White flowered wandering jew
Vinca major	
Wisteria sinensis	

### Sec. 11-95. Site Density

Maximum Density is determined by the base zoning of the parcel and varies based on Zoning District. Refer to Zoning Ordinance for specific requirements.

### Sec. 11-96. Open Space Standards

Open space as required herein, shall mean all areas not utilized for buildings, sidewalks, roads, and parking. Areas qualifying as open space are landscaped areas, lagoons, ponds, lakes, natural freshwater wetlands, dedicated wildlife preserves, buffer areas, and ancillary recreational amenities such as swimming pools, tennis courts, and golf courses.

The Required open space as shown in Table 3 shall be computed as a percentage of the total development tract size.

In the case of Planned Unit Developments, required open space shall be computed as the aggregate sum of the respective open space percentages computed for the various designated land uses and densities within the overall PUD. The total open space required may be provided anywhere within the boundaries of the PUD.

In the case of development fronting on tidal wetlands, the Developer may utilize a portion of the wetlands for which title is held, to meet up to seventy-five (75) percent of the open space required in Table 3. The Open space credit may not exceed the total amount of the wetlands for which title is held.

*Table 3: Percent Open Space Required by Land Use and Density*

Land Use	Percent Open Space
Residential	
Single-family < 10 Acres	NA
Single-family > 10 Acres	10
Multi-family 2 du/acre	20
Multi-family 3 - 8 du/acre	30
Multi-family 9 - 15 du/acre	40
Multi-family 16 du/acre and above	50
Institutional	15
Commercial	15
Industrial	20

Example: Development Tract Size (including wetlands) equals seven (7) acres.

High Ground = Three (3) acres

Wetlands = Four (4) acres

Proposed Density = Nine (9) du/acres

Required Open Space from Table 3 = Sixty (60) percent x seven (7) acres = 4.2 acres

Open Space Required on High Ground = 4.2 acres

-3.15 acres

1.05 acres

For hotels and motels (with an equivalent of forty (40) percent of a residential unit), required open space percentage is computed by dividing the hotel/motel units per acre by two and one half (2 ½) and applying the resultant residential density requirement.

#### **Sec. 11-98. Town Approvals Required**

No development shall be undertaken except where Master Plans, Site Plans, or plats have been submitted to and approved by the Town, clearly denoting all proposed use of the land and the maximum density or size of such use thereon. Such declared uses, density, and size shall not be deviated from until such proposed changes are submitted to and approved by the Town. Undesignated areas on Master Plans, Site Plans, or plats shall be considered as open space, and any proposed use thereof, other than open space, shall be submitted to and approved by the Town.

#### **Sec. 11-99. Fire Safety Standards**

The Fire Safety Standards prescribed herein shall apply to all development activities. All proposed development site review shall be reviewed by the local Fire Official having jurisdiction over fire and life safety standards contained in this Ordinance. Prior to the final plan approval, the local Fire Official shall make written recommendations to the Town administration indicating approval of the design submitted or delineating needed design changes consistent with fire and life safety standards and practices.

The Authority having Jurisdiction (AHJ) shall inspect the completed development site for compliance with the approved plans and submit his/her findings to the Town Administrator prior to issuance of a Certificate of Zoning Compliance.

All occupancies, excluding one (1) or two (2) family dwellings that exceed thirty-five (35) feet in height or exceed a total fire flow demand of three thousand five hundred (3,500) gallons per minute (gpm) as referenced in the Insurance Service Organization's (ISO) Requirements For Specialized Equipment, must have adjustments to plans approved by the Fire District Fire Chief and the Town's designated Building Official and, as necessary, reach financial arrangements acceptable to the Fire District and Town Council which provide assistance in purchasing the appropriate firefighting apparatus or equipment. This standard shall be applied to the Fire Management Plan as defined for the Sheldon

Township Fire District or Hampton County Fire Rescue.

No development shall be constructed so as to obstruct emergency vehicular access to the development property or associated buildings and structures. To ensure that access will not be impaired in any emergency, attention should be given to the design and layout of such features as signs, fences, walls, street intersections and curves, parking lots, sidewalks, ditches, lagoons, recreational amenities, landscaping, alleys, and maintenance of roads. Where buildings are over twenty thousand (20,000) square feet in area, a wall is more than three hundred (300) feet from a fire hydrant or over thirty-five (35) feet in height, special all-weather fire access may be required to meet the Fire Official's approval.

For all subdivisions and land developments of property except single-family subdivisions of four (4) lots or less, prior to bringing any combustibles to a site, the landowner shall get a determination as to whether they are in quantities deemed hazardous by the Fire Official. The Fire Official shall notify the Town if a temporary or permanent water supply and adequate access is required for these materials prior to the start of construction, as approved by the Fire Official.

1. A combustible material is one that is made of wood, compressed paper, plant fibers, plastics, or other materials that can ignite and burn, whether flameproof or not, or whether plastered or unplastered, and not meet the definition of noncombustible material.
2. A noncombustible material is one that, in the form in which it is used and under the conditions anticipated, does not ignite, burn, support combustion, or release flammable vapors when subjected to fire or heat.

#### **Sec. 11-100. Site Design and Development Standards Applying to Special Districts**

Conservation District: The standards prescribed in this Section shall apply to all site design and development hereafter undertaken within the Conservation District. No structures, which impede natural tidal flow and have the effect of reducing the quantity and frequency of water reaching marsh areas, will be permitted, except approved in conjunction with nature and related uses.

Flood Hazard District: All standards prescribed in this Section shall apply to all site design and development hereafter undertaken within the Flood Hazard District. (The Flood Hazard District corresponds to special flood hazard areas officially designated by the Federal Insurance Administration).

- A. Plats of development lying in a flood hazard area shall have such areas clearly delineated on the plat by indication of the topographic contour line corresponding to the one hundred (100) year flood elevation shown on the Official County Flood Plain Maps.
- B. Engineering Plans and specifications shall be submitted showing that adequate design has been incorporated to assure to the maximum extent possible that:
  - i. Water supply systems will be constructed to preclude infiltration by flood waters.
  - ii. Wastewater disposal systems, including septic tanks, will be constructed to preclude infiltration by flood waters; and

- iii. The types and construction of fill materials used for building foundations are such to minimize settlement, slope erosion, siltation, and facilitate drainage of potential surrounding flood waters.
- B. Covenant or deed restrictions shall be placed in the deeds to all lots of a development lying within a flood hazard area stipulating to the owner that:
- i. Construction of a residential structure (or commercial structure in the case of a commercial business subdivision) on that lot lying within a flood hazard area, shall have, as a minimum first floor elevation, the level of the one hundred (100) year flood or above as designated on the Official County Flood Plain Map.
  - ii. Construction on lots within what is defined and designated as "coastal high hazard areas" velocity, shall be elevated and securely anchored to well-anchored piles or columns and have the level of the bottom of the lowest horizontal support member at or above the level of the one hundred (100) year flood. Space below the level of the first-floor level shall be free of obstruction or covered by break away façade material capable of producing free obstruction for the impact of abnormally high tides or wind driven water; and
  - iii. All other requirements of the Beaufort and/or Hampton County Building Code related to construction in flood hazard areas must be met.

On all plats of development, for which lots, sites, or structures are to be sold or leased, the following statement shall be clearly affixed to the plat(s) and readily visible. "The areas indicated on this plat as flood hazard areas have been identified as having at least a one (1) percent chance of being flooded in any given year by rising tidal waters associated with possible hurricanes. Local regulations require that certain flood hazard protective measures be incorporated in the design and construction of structures in these designated areas." Reference shall be made to the development covenants and restrictions of this development and requirements of the Beaufort and/or Hampton County Building Code Department. In addition, federal law requires mandatory purchase of flood insurance as a prerequisite to mortgage financing in these designated flood hazard areas.

**Secs 11-101 – 109. Reserved**

## **ARTICLE VI. SUBDIVISION REGULATIONS**

### **Sec. 11-110. In General**

Applicability: All proposed development in the Town of Yemassee that meets the definition of a subdivision shall comply with the provisions of this Article to receive approval of the subdivision plat as a prerequisite to the recording of the approved subdivision plat. The design and performance standards of this Section are generally applicable to all development in the Town. In the review of any proposed development, on a site-specific basis, some of the design and performance standards may be deemed inapplicable as determined by the Town Administrator.

Purpose and Intent: The purpose of this Article is to establish design and performance standards for all

**CHAPTER 11 – DEVELOPMENT STANDARDS**

development in the Town. The standards promote good site design and planning that produces development that is functional, an asset to the community, and in keeping with the general nature of the Town. The standards allow for and promote design integration of the man-made improvements to the land with the natural elements of the land. Due to ever accumulating knowledge about site design, the design and performance standards will be monitored and reviewed on an on-going basis as to their reasonability and effectiveness in promoting these purposes. Developers are urged to present information which may document a more applicable standard. Such information may be used to update this Section. Town adoption of neighborhood plans or Planned Unit Developments (PUD) may result in neighborhood or PUD standards supplementing or replacing these standards.

### **Sec. 11-111. Subdivision Review**

Applicability: All proposed development defined as a subdivision under this Section shall comply with the provisions of this Article to receive approval of the subdivision plat as a prerequisite to the recording of the approved subdivision plat.

Definition of Major and Minor Subdivision: A minor subdivision is a division of land into Eight (8) or fewer residential lots. All other divisions shall be considered major subdivisions.

Major Subdivision Submission Requirements: All applications for subdivision approval shall include the following:

- i. Application Form and Fee: An application form as published by the Administration Department, including the names and addresses of the owner(s) of record and the Applicant, if different from the owner, other information as stated on the application, and required subdivision application fee.
- ii. Subdivision Plan: The subdivision site plan shall constitute the totality of the land the subdivider proposes to record and develop. When a subdivision is being developed in phases, the final subdivision plan shall constitute only that portion, which the subdivider proposed to develop and record, with a sketch of the entire subdivision included (also see Subdivision Plan requirements below). Twelve (12) black line prints of a subdivision site plan in standard sheet of twenty-four (24) by thirty-six (36) inches and at a scale of one (1) foot equals fifty (50) feet or, other scale acceptable to the Administration Department. Plans must be certified and prepared by and/or under the direct supervision of a Professional Engineer qualified by training and experience in the specific technical field involved and registered or licensed to practice that profession in the State of South Carolina.
- iii. Subdivision Plat: Twelve (12) black line prints of a subdivision plat in standard sheet size of twenty-four (24) inches by thirty-six (36) inches and at a scale of one (1) inch equals one hundred (100) feet, or other scale acceptable to the Administration Department. Plans must be prepared by a Registered Surveyor, with a valid Town of Yemassee Business License, showing:
  - a. Date (including any revision dates), proposed subdivision name and location, name of owner, north arrow, graphic scale, and reference meridian.
  - b. A legal description of the property and current boundary survey prepared and sealed by a registered, licensed Land Surveyor, and certified to the Town of Yemassee, and showing the following:
  - c. Town limit lines (if any)

- d. Property lines
- e. Right-of-way easements
- f. Streets
- g. Utility transmission lines
- h. Stormwater Infrastructure
- i. Ditches and culverts
- j. Water bodies
- k. Sanitary sewers
- l. Water mains
- m. Bridges
- n. Buildings
- o. Bulkheads and bulkhead fines
- p. Fuel storage tanks
- q. Names and locations of adjoining developments and streets
- r. Names of abutting property owners
- s. Zoning classifications of abutting properties
- t. Tract boundaries and total acreage in tract
- u. The proposed name of the subdivision
- v. Names of the owners of contiguous parcels and an indication of whether contiguous parcels are developed, or a Development Permit has been obtained.
- w. Location and description of all primary control points and monuments used in the survey, with ties to such control points to which all dimensions, angles, bearings, distances, block numbers, and similar data shall be referred.
- x. Existing and proposed tract boundary lines, right-of-way lines, proposed street names, easements and other rights-of-way, all lot lines and other site lines with accurate dimensions, bearing or deflecting angles or radii, arcs, and central angles of all curves.
- y. The proposed use of lots shall be noted and the purpose of any easement or land reserved or dedicated to public or utility use shall be designated.
- z. Each block shall be numbered, and the lots within each block shall be numbered consecutively.
- aa. Notation of specific reference plats, if applicable.
- bb. The computed acreage of each lot created by the subdivision that satisfies the minimum lot size requirements as defined in the Zoning Ordinance.
- cc. Minimum building setback or buffer lines as required by the Zoning Ordinance.
- dd. Certification by a South Carolina professional Land Surveyor as to the accuracy of the details of the plat, with seal and signature affixed.
- ee. Notation of the one-hundred-year storm flood elevation MSL and Flood Disclosure Statement (if in FEMA Zone A or V);
- ff. Surveyed delineation as appropriate of any wetland area within or contiguous to the subdivision.
  - i. A map or site plan showing:

1. The location, dimensions, descriptions, and flow line of existing watercourses and drainage structures within the tract or on contiguous tracts.
  2. Location of municipal limits or county lines, and district boundaries, if they traverse the tract, form part of the boundary of the tract, or are contiguous to such boundary.
- gg. Vicinity map at a scale of not less than one (1) inch equals two thousand (2,000) feet showing the location of the proposed site, relationship to surrounding areas within five hundred (500) feet and including surrounding streets and thoroughfares with access roads referenced to the intersection of the nearest state primary or secondary paved road, existing zoning on the site and surrounding areas, and existing land uses on the site and surrounding areas.
- hh. The location, dimensions, name, and description of all existing or recorded streets, alleys, reservations, easements, or other public rights-of-way within the tract, intersecting or contiguous with its boundaries or forming such boundaries.
- ii. The location, dimensions, descriptions, and names of all existing or recorded residential lots, parks, public areas, permanent structures, and other sites within or contiguous with the tract.
- jj. A Soil Survey based on the most recent Soil Survey of Beaufort and Hampton Counties, USDA.
- kk. Proposed lot layout, street design, and street right-of-way widths.
- ll. Proposed street names.
- mm. Proposed drainage system layouts.
- nn. Proposed water system layout, except where individual wells are proposed.
- oo. Proposed sewer system layout, except where individual septic tanks are proposed.
- pp. Proposed open space areas.
- qq. Where applicable, surveyed line delineating the extent of any special district boundary on the development property.
- rr. Topographic survey, including flood prone delineations. The most recent topographic survey and USGA flood prone mapping may be utilized.
- ss. Tree survey
- tt. Other affected agencies provide preliminary comments or approvals on elements of the proposed subdivision over which such agencies have approval or permitting authority.
- uu. Letters of capability and intent to serve community water supply and sewage disposal (where applicable from the affected agency or entity).
- iv. The Town may require submission of additional data or proposed methods of addressing other pertinent matters relative to the proposed development where, owing to the nature, size, and location of the proposed development, particular elements critical to the health, safety, and welfare of the community and its citizens should be addressed. Such elements may be, but are not limited to, hurricane evacuation, other emergency preparedness and response, environmental preservation, historical preservation, shoreline erosion, public access, community linkages, public education, and the like.

- v. A narrative addressing:
  - a. Proposed ownership and maintenance of streets, drainage systems, water and sewer systems, open space areas, parking areas, and other proposed amenities and improvements.
  - b. Proposed phasing and time schedule if development is to be done in phases.
  - c. Certification of Owner's Consent: Certification that the owner of the land has given consent to the proposed subdivision.
  - d. Certification of Title Source: Certification, signed by the surveyor, setting forth the source of title of the owners of the land subdivided or a copy of the deed by which the property was conveyed to the owner.
- vi. Open Space and Public Dedication Narrative: A detailed narrative explaining how the subdivision will meet the open space and public dedication requirements, as applicable, of Section 5.6. The narrative should include:
  - a. Description of the form of organization proposed to own and maintain the open space in conformance with the requirements for Property Owners Associations, or the equivalent. Identification of how the open space and facilities relate to existing and proposed open space areas, bikeways, and recreational facilities in Yemassee, envisioned in the Comprehensive Plan, or more detailed plans adopted by the Town Council, such as Planned Unit Developments.
- vii. Subdivision in Phases: Whenever part of a tract is proposed for platting and it is intended to subdivide additional parts in the future, or abutting land is in the same ownership, a sketch plan for the entire tract shall be submitted with the plat.

Minor Subdivision Submission Requirements: A minor subdivision plat shall be submitted with each of the items set forth in this Section, Major Subdivisions, except for the following:

- Open Space Standards: Development of individual lots in minor subdivisions shall comply with the Open Space Standards in the Town of Yemassee Zoning Ordinance or Development Standards Ordinance (DSO), whichever is greater.
- Sidewalk and Pathway Standards within this Ordinance unless the property is a new Planned Unit Development or within the Highway Corridor Overlay District.

#### Maximum Review Period for Plat or Plan

Once an application for review of a subdivision plat or other land development plan is considered complete, failure to act within sixty (60) days, shall constitute approval of the plat or plan, as set forth in Section 6-29-150 of the Code of Laws of South Carolina.

A letter of approval or authorization to proceed shall be sent by the TOWN ADMINISTRATOR to the Applicant within this sixty (60) day period. If the plat or plan is not approved, a written statement detailing the deficiencies shall be sent to the Applicant.

The sixty (60) day time period may be extended by mutual agreement between the Town and the



Applicant.

*Review and Action by Town:* If a proposed subdivision is determined by the Town in conformance with all applicable provisions of this Section and is approved by the Town, the TOWN ADMINISTRATOR shall advise the Applicant in writing. A determination by the Town that all applicable provisions have not been satisfied shall result in disapproval of the subdivision and notice of such disapproval shall be given to the Applicant in writing.

### Appeals

A. Minor Subdivisions: Appeals of administrative decisions on minor subdivisions, made by the Town Administrator shall be made to the Zoning Board of Appeals within thirty (30) days of the date the appealing party has received actual notice from the Town Administrator, in accordance with the procedures in Article VIII, Appeals and Procedures, Town of Yemassee Zoning Ordinance.

B. Major Subdivisions: Appeals of Town Council decisions on major subdivisions, made by the Town Administrator, shall be made to the South Carolina Circuit Court.

*Expiration of Approval:* A subdivision approval shall expire unless a Certificate of Compliance is obtained within two (2) years of the approval, or unless recorded at the Beaufort and/or Hampton County Register of Mesne Conveyances.

## **Sec. 11-112. Certificate of Compliance**

**Applicability:** The regulations set forth in this Article shall apply to any development, which has previously obtained subdivision or development plan approval pursuant to the provisions of this Section, or a prior Development Permit.

**Certificate of Compliance Required:** The development, or approved phase thereto, may not be occupied or used until a Certificate of Compliance has been obtained from the Town of Yemassee. Approved phases for purposes of this Article, shall be an approved phase through the subdivision or development plan approval process, or a phase thereof approved by the Town Administrator prior to a request for an inspection for a Certificate of Compliance. In order for a phase to receive a Certificate of Compliance, that approved phase must be able to function alone with all required infrastructure including, but not limited to, access drives, parking, drainage facilities, utilities, and required landscaping/tree planting.

### Determination of Compliance

A. Upon completion of all development work and simultaneous with the Applicant's request to the Town for a final site inspection, the Applicant shall submit the applicable documents to the Community Development Department for review and approval.

B. Following the review of the materials submitted above, the Town Administrator shall schedule and conduct a final inspection for the purpose of verifying compliance with all applicable provisions of this Section, requirements of subdivision approval, development plan approval or permit, and any other applicable approval.

C. Upon determination of compliance, the Town shall complete a Certificate of Compliance and forward it to the Applicant.

## **CHAPTER 11 – DEVELOPMENT STANDARDS**

### Temporary Certificate of Compliance

- A. At the discretion of the Town, a Temporary Certificate of Compliance may be issued for a period to be determined by the Town, up to a maximum of six (6) months, for a subdivision, site, or structure.
- B. No Temporary Certificate of Compliance shall be issued for a development, or approved phase thereof, unless:
  - 1. Development is substantially complete, and the site is in a safe, accessible, and useable condition; and/or
  - 2. Development surety has been provided to the Town.

### **Sec. 11-113. Subdivision Standards**

Purpose and Intent: The purpose of subdivision layout is to create a functional and attractive development with infrastructure and lots appropriately sized and located to minimize adverse impacts. The intent of this Section is to provide clear requirements and guidelines for subdivision design for both major and minor subdivisions.

#### General Requirements

- A. Layout of the development shall be based on complete site analysis. Streets and lots shall be designed and situated to minimize alteration of natural and historical site features to be preserved.
- B. The subdivision layout shall consider the practicality and economic feasibility of development of individual lots, including the environmental characteristics, size of the site, and the requirements of this Ordinance.
- C. Unique and fragile elements including, but not limited to, wetlands, significant stands of trees, and individual trees of significant size shall be preserved, where practical, with development reserved for environmentally stable areas.
- D. Open space and recreational areas shall be planned in accordance with this Ordinance.
- E. Street, sidewalk, and pathways shall be planned in accordance with this Ordinance.
- F. To the extent practical, the proposed development shall be coordinated with all existing and officially approved plans for the surrounding community.
- G. Lots shall be situated so that stormwater may be easily directed away from buildings. In subsequent site-specific development, lots shall be configured so that buildings and general flood sensitive site facilities can be located out of drainage ways.
- H. All subdivisions shall be served by central water and sewer service unless the Town and the utility service provided agree that service is not feasible.

#### Layout of Lots and Blocks

### **CHAPTER 11 – DEVELOPMENT STANDARDS**

- A. Subdivisions may be laid out in conventional, cluster, or a combination of block/lot designs.
- B. The lot configuration and shape shall provide satisfactory sites for buildings, be property related to topography, natural elements, access, drainage, and utilities, and conform to all requirements of this Ordinance.
- C. Lots shall be as nearly rectangular in shape as practical, given consideration of environmental features. Side lot lines shall be perpendicular to straight streets, and radial to curved streets and cul-de-sac turnarounds as practical. The dimensions of corner lots shall permit the required building setbacks from streets and site triangles. Lots shall not be designated with irregular shapes for the purpose of access or to obtain street frontage.
- D. The number of lots within a block shall be as appropriate for the location and the type of development contemplated as practical. Visual monotony created by excessive blocks of lots that are not interrupted by intersections, open space, buffers, and/or features shall be avoided.
- E. Pathways are encouraged throughout the subdivision. Pathways may be required by the Town Administrator to provide circulation or access to schools, playgrounds, shopping, or other community facilities. Interconnection with other pathways is also desirable.

#### Street Access

- A. All major subdivisions shall have direct access to a public street.
- B. Minor subdivisions shall be permitted to provide alternative access in accordance with this Ordinance.

#### Miscellaneous Standards

- A. **Applicability:** Subdivisions shall comply with all applicable design and performance standards of this Ordinance. Setback and buffer standards shall apply to the perimeter of all subdivisions. Setback and buffer areas may be within individual lots if shown on the plat to be recorded. Any question of applicability shall be determined by the Town Administrator.
- B. **Monuments and Markers:** At all lot corners there shall be placed, a concrete marker installed per standard surveying techniques. Horizontal control monuments shall be placed on the pavement of subdivision streets so that no lot is more than two thousand (2,000) feet from a control monument. The control monument shall be placed in a manner satisfactory to the Town Engineer. As an alternative to the above requirement, control monuments may be placed in open space areas, park areas and the like, and may be of the type commonly used in the area and installed according to the common practice, as approved by the Town Engineer. The overall survey control system may be one established by the Planning Commission.
- C. **Subdivision Name:** Every subdivision shall be given a name by which it shall be legally known. Such a name shall not be the same, or in any way so, similar to any name appearing on any recorded plat in Beaufort and/or Hampton County as to confuse the records or to mislead the public as to the identity of the subdivision, except when the subdivision is subdivided as an additional unit or section of the subdivision by the same Developer or his successors in title. Every subdivision's name shall have legible

lettering of the same size and type. The name of the subdivision shall be shown in the dedication and shall coincide exactly with the subdivision.

D. Addressing and Lot Numbering: Each block shall be numbered, and the lots within each block shall be numbered consecutively and in a logical manner to allow easy emergency access. Proposed street names and numbering will be obtained through submitting an E-911 Addressing Application to the Town Administrator.

E. Lot Size and Septic System: Subdivisions creating lots where the Town and utility provider agree that public sanitary sewer is unavailable, shall demonstrate that all lots are seized to accommodate septic systems. Clearance of said systems from property line is mandatory, and septic easements shall be recorded with the subdivision plat. SCDHEC review of the subdivision shall be required.

Issuance of Certificate of Occupancy: A Certificate of Occupancy shall not be issued by the Town's Community Development Department until either a Certificate of Compliance has been issued by the Town for the site or phase thereof in which the building is located.

#### **Sec. 11-114. Development Sureties**

Development sureties as set forth herein shall be required for:

- A. Any development for which a Temporary Certificate of Compliance is being issued pursuant to Section:
- B. Any development involving the division of land or buildings into single or multiple ownership lots or units, where the actual sale of such lots or units may commence prior to the fulfillment of all requirements of this section and all conditions of approval.
- C. Development surety shall not be required for any development involving the division of land or buildings into single or multiple ownership lots or units, where sale of such lots or units will not occur prior to the completion of all development work required by this Section and all applicable approvals. Any related plat or plan shall be stamped "for construction only, no recording authorized".

#### Types of Sureties

- Cash.
- A bank certified check payable to "Town of Yemassee"
- An irrevocable letter of credit naming the Town of Yemassee as beneficiary; and
- A performance bond by a surety firm, approved by the Town Attorney, naming the Town of Yemassee as beneficiary.
- A letter of credit or performance bond shall be approved by the Town Attorney for content, format, and conditions. The approved original shall be held in the Town safe.

Acceptance of Surety: Prior to the Town's acceptance of any such development surety, the Applicant shall submit to the Town Administrator a copy of a contract signed by both the Developer and Licensed Contractor or an itemized and certified cost estimate prepared by a Licensed Contractor, Registered Engineer, Registered Architect, Registered Landscape Architect, or any combination thereof, which will cover the costs for completion of all required improvements.

### Amount of Surety

- The amount of any such development surety shall be the aggregate amount of the contract or cost estimate approved by the Town that equals at least one hundred twenty-five (125) percent of the improvement costs, plus a fifteen (15) percent contingency fee and an additional ten (10) percent administrative fee. This aggregate amount shall be considered to be the face amount/value of the development surety for determining the appropriate amount of the non-refundable filing fee.
- The contingency fee is required to ensure completion of work which may have been underestimated or unanticipated. The administrative fee is required to cover any potential cost incurred by the Town in administering completion of any unfinished portion of the work and may include, but shall not be limited to, staff time and expenses, and/or possible professional consultant fees.

### Release of Surety

- After final on-site inspection and issuance of a final Certificate of Compliance by the Administration Department that all secured work has been completed, the surety, or any remaining balance thereof, shall be released. In the case of a cash or certified check surety, any interest earned during the time of deposit of such surety in a Town account shall be included in the total amount due at the time of final release.
- A release of an appropriate portion of a development surety, which has been accepted by the Town in the form of cash or certified check (hereinafter a "drawdown") or amendment of the face value of any letter of credit or performance bond (hereinafter a "markdown") that has previously been accepted by the Town may be permitted provided that:
  - Prior to a request for a drawdown or markdown, the Applicant shall submit, to the Town Administrator, the contractor's itemized list of work completed and work remaining as secured by the surety, which has been certified by the project engineer or owner.
  - The Administration Department has inspected the work site and has verified in writing that, to the best of his/her knowledge, all such respective work has been completed.
  - The requested drawdown or markdown shall be at least twenty (20) percent of the original face value of the approved surety, but not less than ten thousand (10,000) dollars.
  - No more than one (1) such drawdown or markdown shall be approved during any thirty (30) day period, except for the request for a final drawdown or markdown; and
  - In all cases where a drawdown or markdown is requested, the contingency fee and the administrative fee shall remain intact until the work secured by the development surety is verified by the Administrator to have been finished and a final drawdown or markdown has been requested.

Time Limits on Surety: Time limits on development sureties shall be as follows:

- A. The maximum length of time for which a development surety may be held by the Town shall be twelve (12) months, except as provided for below. Any development surety submitted as a letter of credit or performance bond shall state on its face that, after the date of expiration, the Town as beneficiary shall have thirty (30) days from the date of expiration to make demand upon

the issuing bank or agency for the honoring of such surety, if the respective work has not been fully completed; and

B. Any development surety submitted as a letter of credit or performance bond shall also state, that written notice of the imminent expiration of such surety shall be given to the Town by the surety issuer or Developer not less than thirty (30) days prior to the date of expiration.

**Failure to Complete Work:** If all secured development work has not been completed as of the stated date for such completion, the Town shall contract to complete the remaining work following normal Town bidding procedures.

- In the case of a cash or certified check surety, take possession of the full amount or remaining balance of such surety.
- In the case of a letter of credit or performance bond surety, make demand upon the issuer of such surety for immediate payment to the Town of the full or amended face value of such surety.

## **Sec. 11-115. Open Space Standards for Subdivisions**

### **General Open Space Standards**

A. All development shall include open space areas as part of the site development plan. Open space as required herein shall generally mean all areas not utilized for buildings, roads, and parking, loading areas, or accessory structures. Areas qualifying as open space include, but are not limited to, natural undisturbed areas, landscaped areas, lagoons, ponds, and lakes, natural freshwater wetlands, dedicated wildlife preserves, buffer areas, and ancillary recreational amenities such as swimming pools, tennis courts, and golf courses.

B. Open space for a given development shall be a minimum of thirty-five (35) percent.

C. Minor subdivisions (less than five (5) lots) shall be exempt from the provisions of this Section; however, development of individual lots in minor subdivisions shall comply with the Open Space Standards in the Town of Yemassee Zoning Ordinance, or Development Standards Ordinance (DSO), whichever is greater. In addition, expansion of a minor subdivision onto adjacent parcels, such that the total number of lots in the subdivision is greater than five (5), shall require the provision of open space calculated based upon the entire subdivision. Evidence of expansion of a subdivision shall include, but not be limited to, contiguous ownership of the tracts to be developed, or extension of existing streets to serve additional area.

### **Common Open Space Standards**

A. Common Open Space Required: In major residential subdivisions, a percentage of the required general open space shall be specifically restricted to use as common open space through deed restrictions, covenants, public dedication, or other method acceptable to the Town Administrator. The percentage of required general open space needed to satisfy this standard is in accordance with the area regulations for the base district the site lies.

B. Requirement: Common open space shall be a minimum of twenty-five (25) percent of total open space required by the area regulations of the base district the development lies within, but not less than

fifteen (15) percent of gross acreage, whichever is greater, and shall be legally described and depicted on the subdivision plat to be recorded.

C. Depiction: The common open space shall be depicted on any plat of the development submitted for approval to record. In rental apartment developments or other residential developments not requiring subdivision of land and subsequent recording of a plat, no recording of a plat depicting common open space shall be required, but the restricted area shall be identified on the approved Development Plan. The restricted area shall be referred to in this Section as "common open space".

D. Types of Land Included: Lands included as common open space may include historic sites or lands planned for active recreational uses, such as golf courses, tennis courts, areas for other court games, pedestrian, bike and equestrian trails, plaza areas for crowd congregating, playfields, picnic areas, horse stables, or passive recreation areas.

E. Environmental Land Included: Common open space may also include areas subject to environmental restrictions, such as wetlands, which shall be planned for limited use and access and appropriate protection, in accordance with other sections of this Ordinance pertaining to each environmentally sensitive feature. However, these areas shall not be more than fifty (50) percent of the total required common open space.

F. Accessibility Required: Required common open space shall be reasonably accessible from all parts of the development, especially by pathways. Wherever feasible, the common open space shall connect into existing town parks, recreation, or conservation lands, historic sites, or lands proposed for park, recreation, or conservation in the Comprehensive Plan, or lands in adjacent developments that are set aside, or proposed to be set aside, for common open space.

#### Common Recreational Open Space

##### A. Common Recreational Space Required

In major residential subdivisions, at least twenty-five (25) percent of the common restricted or dedicated open space required above shall be reserved for common recreational uses for the development such as those described in Section 5.6.2 above. The purpose shall be to ensure a reasonable level of accessible recreational facilities for the residents of the development, thereby minimizing the need for expenditure of public funds to provide such recreational facilities.

2. At the time of submission of an application for a Development Plan approval, the Applicant shall specify the location of the common recreational open space and the type of recreational uses and facilities to be located therein.

B. Alternatives: As an alternative to meeting the common recreational open space requirements set forth above and based on documented hardship with no other options available, the Applicant may, at the Planning Commission's discretion, either contribute recreational, conservation, or open space land, or provide a payment in lieu of such contribution, as set forth below. Any contribution or payment in lieu thereof is due prior to recording the plat.

1. Contribution of Recreational Land: The Applicant may contribute comparable land as an expansion to existing or proposed common recreational open space area for a Planned Unit Development, Homeowners Association, or similar neighborhood entity of which residents of the development will be a part. Such common recreational open space area shall be reasonably accessible, in

the opinion of the Town Administrator, and funded in a manner adequate to maintain it.

Contribution of Conservation or Open Space Land:

- a. The Applicant may contribute land that has been designated Conservation Preservation District (CPD) to the Town, or such entity as the Town Council may approve.
- b. Such contributed land shall be at least equal in size to that, which would otherwise be designated common recreational open space for the residential development, or one-half (½) acre, whichever is greater in size.
- c. The Town Administrator, or his designee shall determine whether the land to be conveyed is appropriate for use as a common recreational open space for the public or residents of the residential development. Among the factors to be considered by the TOWN ADMINISTRATOR in making such a determination shall be the accessibility of the land to be conveyed and whether the size and physical characteristics are appropriate.

Reduction of Common Open Space: When a contribution of other land occurs or payment is made, the amount of common open space required may be reduced by the developer in an amount equal to that, which would otherwise have been required for common recreational open space.

Ownership and Maintenance

- Maintenance: Common open space areas shall be maintained so that their use and enjoyment as open space is not diminished or destroyed. Common open-space areas shall be owned permanently, preserved, and maintained by any of the following mechanisms or combinations thereof:
- Dedication of common open space to an appropriate public agency if there is a public agency willing to accept the dedication.
- Common ownership of the open space by a Property Owner's or Homeowner's Association or a similar entity approved by the Town Council, which assumes full responsibility for its maintenance; and/or
- Deed-restricted private ownership, which shall prevent development and/or subsequent subdivision of the common open-space land and provide for the maintenance responsibility.

Organization Responsible: Such organization shall not be dissolved and shall not dispose of any open space, by sale or otherwise, except to an organization conceived and established to own and maintain the common open space for the benefit of such development, and thereafter such organization shall not be dissolved or dispose of any of its common open space without first offering to dedicate the same to the Town or an appropriate public agency.

1. If the organization established to own and maintain common open space or any successor organization shall fail to maintain the common open space in reasonable order and condition and in accordance with reasonable health, safety, and welfare standards, the Town may serve written notice upon such organization or upon the residents and owners setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition.



2. Said notice shall include a demand that such deficiencies of maintenance be corrected within thirty (30) days thereof. If such deficiencies are not corrected within such time, the Town shall serve written notice of a hearing on the matter and shall state the date and place of a hearing thereon which shall be held within fifteen (15) days of that notice.
3. At such a hearing, the Town may modify the terms of the original notice as to the deficiencies and may give a reasonable extension of time within which they shall be corrected. If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within the thirty (30) days, or any extension thereof, the Town in order to preserve the taxable values of the properties and to prevent the common open space from becoming a public nuisance, may enter upon such common open space and maintain the same for a period of one (1) year.
4. The entry and maintenance shall not vest in the public any rights to use the common open space, except when the same is voluntarily dedicated to the public by the owners.
5. Before the expiration of the year, the Town shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization and to the owners of the development, to be held by the Town.
6. At said hearing, such an organization and the owners of the development shall show cause why such maintenance by the Town shall not, at the election of the Town, continue for the succeeding year.
7. If the Town shall determine such organization is not ready and able to maintain the common open space in a reasonable condition, the Town may, in its discretion, continue to maintain the common open space during the next succeeding year and subject to a similar hearing and determination, in each year thereafter.
8. The decision of the Town in any such case shall constitute a final administrative decision subject to judicial review.

Costs May Be Assessed: The cost of such maintenance and any administrative costs by the Town shall be assessed ratably against the properties within the development that have a right of enjoyment of the common open space and, if not paid, shall become a tax lien on the properties. The assessments or charges shall be subordinate in lien to the lien of any mortgage or mortgages on the property, which is subject to such assessments or charges regardless of when the mortgage or mortgages were created, or when such assessments or charges accrued. The Town, at the time of entering upon the common open space for the purpose of maintenance, shall file a notice of such lien in the office of the County Register of Mesne Conveyances upon the properties within the development affected by such lien.

## **ARTICLE VII. DEVELOPMENT PERMITS**

### **Sec. 11-120. Permits Required**

No development shall be undertaken within the Town of Yemassee except in accordance with the procedures established in this Ordinance.

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### **Sec. 11-121. Development Exempt from Permit**

The following types of development shall be exempt from obtaining a Development Permit under the provisions of this Article. These developments are, however, subject to the provisions of Article IV of this Ordinance and require a Building Permit. Compliance with the provisions of Article IV for this Code is checked off as part of the administrative process of obtaining a Town Building Permit from the Town Department of Building Inspections.

- a) Any single-family residential structure, including a mobile home, on an individual parcel, tract, lot of record, or on a lot within a platted subdivision existing prior to the adoption of this Ordinance or approved under this Ordinance.
- b) The construction or addition of single-family residential units on family property for occupancy by members of the same family. Applications must be accompanied by a signed statement indicating that the property is family land and existing or proposed occupancy by family members only.
- c) Accessory uses incidental to the enjoyment of a single-family residential structure (i.e., detached garage, swimming pool, pump house, and private use fishponds where no materials are removed from the property).
- d) Home occupations confined within a residential structure.
- e) All farm and farm related structures (See Definitions)
- f) Any structure or use expressly approved as integral to a development permitted in accordance with the provisions of this Article.

### **Sec. 11-122. Approval of Development**

The Town Administrator shall be responsible for the issuance of Development Permits under the provisions of this Ordinance.

### **Sec. 11-123. Conditions for Development Plan Approval**

If the conditions set forth in this Section are satisfied, the Planning Commission shall approve the Development Plan and direct the issuance of a permit. Said permit shall authorize the Applicant to:

Record a Subdivision Plat, where appropriate.

Commence all improvements to the land and the construction of all support facilities as specified by the permit; and

Commence the construction of all buildings and facilities shown by the Development Plan and specified by the permit.

The following conditions shall be met prior to Development Plan approval (Phased planned developments shall be treated, insofar as this Section is concerned, by phases, notwithstanding general approval of the entire plan):

- A. The Applicant has complied with the procedures of this Ordinance and has furnished all information and data expressly required by this Ordinance.

## **CHAPTER 11 – DEVELOPMENT STANDARDS**

B. The Development Plan complies, or in the case of phased planned developments in relevant part, with the provisions of Article IV and Article V of this Ordinance.

C. The Applicant has satisfactorily demonstrated his ability and intent to complete the proposed development and to meet all obligations agreed to or incurred as a result of conformance with this Ordinance, within a reasonable time period and in accordance with all conditions of the permit.

D. The Applicant has established adequate legal safeguards to ensure compliance with the approved Development Plan and to provide for adequate management of the development regardless of future ownership or control of the land or facilities thereon.

E. The Applicant has given legal guarantee (where applicable) of the installation and maintenance of water systems, sewer systems, drainage systems, street systems, open space areas, and any other improvements indicated on the final plat in lieu of actual construction of improvements prior to final approval. Such guarantees are applicable only to residential developments involving the sale or other transfer of lots, building sites, or buildings. Guarantees may be in the form of:

1. Letter of commitment from a public agency providing service (such as municipality or public service district providing the water or sewer systems);
2. Dedication to and acceptance by the County of permanent public-maintenance of streets and/or drainage systems or open space areas;
3. Establishment of an automatic homeowners association;
4. Performance bond underwritten by an acceptable South Carolina licensed corporate surety;
5. County government lien against the development property;
6. Escrow account;
7. Irrevocable bank letter of credit;
8. Cashiers check payable to the Town of Yemassee;
9. Any other means acceptable to the Town Council;

F. For all time sharing (internal ownership) units, the Developer must show, prior to commencement of sales, a Financial Plan demonstrating its capacity to fund maintenance and other preferred services;

G. Prior to submitting plans for preliminary plan approval on a project containing an element critical to that development involving other agencies including, but not limited to, the South Carolina Coastal Council, Army Corps of Engineers, and DHEC, the Applicant shall seek preliminary comments from such agencies regarding:

1. Protection of water quality in adjacent waterways and wetlands; and

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2. The long-term operating viability of any mechanism or process associated with the element. Comments from the respective agencies will be required in writing at the time of preliminary plan submission.

#### **Sec. 11-124. Project Denial**

The Town Administration has the right to request approval from the Planning Commission on any project. Town Administration and Planning Commission shall deny approval of a Development Permit only if they find that the proposed development does not comply with the expressed provisions of this Ordinance.

#### **Sec. 11-125. Rights Attaching to Development Permits**

Changes to this Ordinance, which become effective after an application for a Development Permit has been filed, but before the permit has been granted, apply to the pending application unless it is determined that the ordinance change would place a unique hardship on the Applicant in having to modify the application to conform with the change.

A change in this Ordinance, which becomes effective after a Development Permit has been granted, shall not apply to the permitted development unless such permit shall have expired as provided earlier in this Ordinance.

A Development Permit is assignable, but an assignment does not discharge any assignor or assignee from the requirements of the approved permit or from any obligation owed to the County in connection with the development unless the Planning Commission approves the discharge of obligations.

#### **Sec. 11-127. Expiration of Development Permits**

Any permit approved under the provisions of this Article shall become invalid one (1) calendar year from the date of its issue unless:

- A. Otherwise specified by the permit.
- B. The Subdivision Plat has been recorded; and/or
- C. An appreciable amount of improvement or development of the land has commenced in accordance with the approved permit, as determined by the Development Review committee, which in the case of phased developments shall be understood as improvement or development of the permitted phase of such development.

The Planning Commission may grant one (1) extension for a period of one (1) calendar year upon request of the Applicant.

#### **Sec. 11-128. Revocation of Development Permits**

Any permit approved under the provisions of this Ordinance may be revoked by the County upon determination that conditions related to a development activity permitted have changed or been altered from that which was approved for the permitted development, or which is not in compliance with the provisions of this Ordinance.

Revocation of a Development Permit immediately ceases all authorized construction, work, or sales associated with the development activity.

The Developer shall be notified in writing of permit revocation and may apply for reinstatement of the permit by correcting the deficiency for which revocation action was taken.

#### **Sec. 11-129. Public Dedication of Improvements**

The State of South Carolina, the County of Hampton, nor the Town of Yemassee accept public dedication of improvements. Improvements remain the responsibility of the developer through development and shall turn over maintenance responsibilities to the Homeowners Association or Property Owners Association.

**Secs. 130 – 139. Reserved.**

### **ARTICLE VIII. ADMINISTRATION, APPEAL, COMPLAINTS AND REMEDIES**

#### **Sec. 11-140. Administration**

This Article defines the department officer responsible for the overall administration of this Ordinance; specifies the powers of that department officer; sets forth procedures for the filing of development applications and the issuance of permits including the establishment of time limits; establishes the foundation and procedures for the appeal of rulings made under this Ordinance; and set forth remedies and penalties for violation.

#### **Sec. 11-141. Grant of Power to Administer and Enforce**

The Town of Yemassee Town Council delegates the responsibility and authority for administration of this Ordinance to the Town Administrator and the Planning Commission. They shall:

- A. Prepare and publish rules and procedures relating to the administration of this Ordinance.
- B. Review and approve or disapprove all permit applications in accordance with Article VI of this Ordinance.
- C. Issue permits in accordance with the provisions of this Ordinance.
- D. Review and recommend action, when applicable, to the Town Council and the Yemassee Zoning Board of Appeals.
- E. All other responsibilities and powers granted explicitly by this Ordinance; and
- F. All other authority lawfully delegated to it by Town Council legislation.

#### **Sec. 11-142. Approvals**

The Yemassee Planning Commission hereby delegates all permitting responsibilities to the Town Administrator or his designee.

#### **Sec. 11-143. Development Permit Applications**

Pre-Application Meeting: Although not mandatory, prior to the filing of a formal application, the Applicant is encouraged to consult with Town Administration or Planning Commission for comments and advice on the procedures, specifications, and applicable standards required by this Ordinance. The Town's Planner, or a designated representative, shall be available for such purposes at the request of the Applicant at a time mutually agreeable to both parties.

Application Process: The Owner, Developer, or otherwise responsible agent initiates the permit procedure by filing a final application with the Town in accordance with the provisions of this Section.

A. To defray some of the administrative costs associated with processing development applications, a filing fee must accompany each application according to the schedule contained in the Town of Yemassee Municipal Code. No action by the Town Administration shall be taken until the filing fee is paid. This fee shall not be refunded should the Applicant fail to file a final application for a Development Permit or should a preliminary application be disapproved. Re-filing of a previously disapproved application shall be subject to a filing fee equal to one and one half (1 ½) of the initial filing fee, provided such re-filing occurs within one (1) year of the initial filing.

B. To notify adjacent property owners, landowners, and residents in the immediate vicinity and the general public of impending development activity, Applicants for Development Plan approval shall post a notice of development at least two (2) weeks prior to the scheduled review meeting at which the development application is to be reviewed. The notice sign shall be obtained from the Town Administration and erected on the development property readily visible from the most traveled thoroughfare adjacent to the property. The cost of the sign will be borne by the Applicant. The Town will not review applications for which the prescribed notice sign has not been posted in accordance with the provisions of this Section.

#### Application Format and Content

A. Subdivision of Land: The application for subdivision of land shall contain:

1. Twelve (12) black or blue line prints of the subdivision layout;
2. The names and addresses of the owner(s) of record and the Applicant, if different from the owner;
3. A legal description of the property and a boundary survey with the computed acreage of the tract bearing the seal of a Registered Land Surveyor;
4. The location of primary control points or descriptions, and ties to such control points to which all dimensions, angles, bearings, block numbers, and similar data shall be referred;
5. The proposed name of the subdivision;
6. Names of the owners of contiguous parcels and an indication of whether or not contiguous parcels are developed, or a Development Permit has been obtained;
7. A map or Site Plan showing:
  - a. The location, dimensions, descriptions, and flow line of existing watercourses and drainage

structures within the tract or on contiguous tracts;

- b. Location of municipal limits or county lines, and district boundaries, if they traverse the tract, form part of the boundary of the tract, or are contiguous to such boundary;
- c. Vicinity map or sketch showing the general relationship of the proposed development to the surrounding areas with access roads referenced to the intersection of the nearest state primary or secondary paved road. Reference distances shall be shown in feet if less than one thousand (1,000) feet and in miles or tenths of a mile if greater than one thousand (1,000) feet;
- d. Topographic survey when required by the Town;
- e. The location, dimensions, name, and description of all existing or recorded streets, alleys, reservations, easements, or other public rights-of-way within the tract, intersecting or contiguous with its boundaries or forming such boundaries;
- f. The location, dimensions, descriptions, and names of all existing or recorded residential lots, parks, public areas, permanent structures, and other sites within or contiguous with the tract;
8. Proposed lot layout, street design, and street right-of-way widths;
9. Proposed street names;
10. Proposed drainage system layouts;
11. Proposed water system layout, except where individual wells are proposed;
12. Proposed sewer system layout, except where individual septic tanks are proposed.
13. Proposed open space areas (where applicable).
14. Where applicable, surveyed line delineating the extent of any special District boundary on the development property.
15. Where applicable, topographic contour line corresponding to the one hundred (100) year flood elevation affecting the proposed development property.
16. Tree survey
17. Other affected agencies preliminary comments or approvals on elements of the proposed subdivision over which such agencies have approval or permitting authority.
18. Letters of capability and intent to serve community water supply and sewage disposal (where applicable from the affected agency or entity);
19. The Planning Commission may require submission of additional data or proposed methods of addressing other pertinent matters relative to the proposed development where, owing to the nature, size, and location of the proposed development, particular elements critical to the health, safety, and welfare of the community and its citizens should be addressed. Such elements may be, but are not limited to,

hurricane evacuation, other emergency preparedness and response, environmental preservation, historical preservation, shoreline erosion, public access, community linkages, public education and the like.

20. A narrative addressing:

a. Proposed ownership and maintenance of streets, drainage systems, water and sewer systems, open space areas, parking areas, and other proposed amenities and improvements.

b. Proposed phasing and time schedule if development is to be done in phases; and

c. In a Beach Development District, a plan to preserve sand dunes and shore vegetation.

B. Other Development: The application for other development shall contain:

1. Six (6) black or blue line prints of the development Site Plan.

2. Name and address of owner of record (Developer/Applicant).

3. Name of development, north point, graphic scale, and date.

4. Name of county, project location, tax map, and parcel number.

5. Bearings and distances of all property lines, tract acreage, location of property markers, and seal of Registered Land Surveyor.

6. Location, size, and type of all existing easements on or immediately adjacent to the development property.

7. Existing railroads, streets, drainage ditches, watercourses, city limit lines, and utility lines on or adjacent to the development property.

8. Names of all contiguous landowners and indication of all contiguous property land uses (residential, commercial, industrial, institutional, agricultural, wooded/vacant, etc);

9. Tree survey as described in this Ordinance and indication of trees proposed for removal. (Note: It is the expressed intent of this Ordinance that every effort be made in the design and layout of development projects to conserve as many trees as possible.

10. Proposed building locations, ingress/egress, circulation/maneuvering facilities and areas, parking areas, loading/unloading areas, storage areas, work and other activity areas, and facilities properly dimensioned and labeled.

11. Stormwater Drainage Plan.

12. Water and sewer system layouts, or well and septic tank locations, where applicable.

13. Underground electric, telephone, and gas service layouts by the respective utility companies, signed and dated with reference to the nearest point of existing utility lines.

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14. Existing and proposed fire hydrant locations (where applicable).
15. Location, size, and type of all proposed easements.
16. Proposed setbacks, buffer, and screening (where applicable);
17. Proposed open space and landscaped areas.
18. Fire Official and other required agency permits or approvals.
19. Solid Waste Disposal Plan or letter of intent to provide contract service by a private refuse collection agency or the like.
20. Agreements, contracts, or letters of intent to provide water supply or sewage disposal service by a municipality, other government authority, public service district, or private utility company, where applicable; and
21. For development projects on property which is not immediately contiguous to a public road, street, or highway and where such proposed project involves the sale of residential, commercial, industrial, or institutional condominium, townhouse, or other such unit or space, the Applicant shall submit copies of recorded deeds, plats, or easements clearly documenting access to the development property.

Approval Process: Upon receipt of the preliminary application, the Town Administrator shall review the application for conformity with the format and content requirements of this Section. If discrepancies are found, the Administrator shall, within ten (10) working days, notify the Applicant of all discrepancies and return the application for correction.

A. If the Town Administrator finds that the preliminary application conforms to the format and content provisions in this Ordinance shall record the application and the date of its receipt and shall submit the application for review.

B. The Town Administration or Planning Commission shall review all preliminary applications within thirty (30) days of the application filing date and take one (1) of the following actions:

1. Approve the application.
2. Approve the application with conditions; or
3. Disapprove the application.

C. The Applicant shall be notified in writing of Planning Commission action by the Development Administrator. If the application is disapproved, the written notice to the Applicant shall specify the reasons for disapproval.

D. Approval, where granted by the Town, shall be two (2) years from the date of such approval.

Approval of the application shall be deemed an expression of approval of the development concept and

preliminary site design submitted and invites the Applicant to proceed with more detailed planning and design prior to submission of a final application. Preliminary application approval does not authorize the recording of a Subdivision Plat nor the sale or transfer of subdivided property except as provided for in this Ordinance.

In addition, the Town shall act on the posted bond and cause the improvements to be completed on behalf of lot purchasers in the development. Extension to the twelve (12) month time period afforded for completion of improvements may be granted one (1) time by the Town.

- A. Such requests must be submitted in writing prior to the expiration date and accompanied by:
  - 1. An explanation of why the extension is necessary.
  - 2. Signed/dated agreement with the extension by all lot owners in the subdivision to date.
  - 3. Amount of work completed and costs remaining for incomplete work; and
  - 4. Amended bond or surety for incomplete work.
- B. Upon receipt of the final application, the Town Administrator shall review the application for conformity with the format and content requirements of this Section. If discrepancies are found, the Administrator shall within ten working days notify the Applicant of all discrepancies and return the application for correction.
- C. If the Administrator finds that the final application conforms to the format and content provisions of this Section, (s)he shall record the application and the date of its receipt and shall submit the application to the Planning Commission.
- D. The Planning Commission shall review all final applications and may, at its discretion, call a public hearing in accordance with the provisions of this Article. Within sixty (60) days of the application filing date, Planning Commission shall take one (1) of the following actions:
  - 1. Approve the application; or
  - 2. Disapprove the application
- E. In the event the application is approved, the Administrator shall issue a permit authorizing the Applicant to commence development or file a Subdivision Plat (where appropriate).
- F. If the permit is denied, the Administrator shall notify the Applicant of such action in writing specifying the reasons for such denial.
- G. In the event, the Planning Commission does not act within sixty (60) calendar days of the filing date of the application, the application shall be deemed to have been approved and a certificate to that effect shall be issued by the Administrator upon demand.

#### **Sec. 11-144. Documentation of Rulings**

Any ruling made by the Planning Commission under the provision of this Ordinance shall be issued in

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writing, and shall include written findings of fact and conclusions, together with the reasons therefore to the extent practicable. Conclusions based on any provision of this Ordinance shall contain a reference to the provision on which the decision was based.

#### **Sec. 11-145. Changes to Approved Plans**

Changes to approved plans involving, but not limited to, street and parking layouts, water, sewer, drainage, density, access, setbacks, buffer zones, and tree removal shall be submitted to and approved by the Planning Commission.

#### **Sec. 11-146. Public Hearings**

Public hearings required or called under the provisions of this Ordinance shall proceed in accordance with this Section. Other than those expressly provided for in the Ordinance, public hearings may be called only when the issues raised by the proposed development, in the judgment of the Planning Commission, have sufficient impact as to warrant public discussion.

At least fifteen (15) days in advance of a hearing, the Town Administrator shall publish notice of the hearing in a newspaper of general circulation, and shall give notice individually to the following:

- A. The Developer, Property Owner, or Applicant; and
- B. Any other person, agency, or organization that may be designated by this Ordinance.

The notice shall:

- A. Give the time and place of the hearing.
- B. Contain a statement describing the subject matter of the hearing; and
- C. Specify the officer or employee of the County from whom additional information can be obtained.

7.7.1 The notice shall specify the governmental authority, commission, agency, or officer responsible for conducting the hearing and before which the hearing shall be held and shall designate the presiding officer.

A written statement giving the name and address of the person making the appearance, signed by him or his attorney, and filed with the presiding officer, constitutes appearance of record. The parties to a hearing shall be any of the following persons who have entered an appearance of record, either prior to commencement of the hearing or when permitted by the presiding officer:

- A. A person entitled to notice
- B. The representative of any department or agency of the Town; and
- C. A person who satisfied the presiding officer that he has significant interest in the subject matter of the hearing.

The Town Administrator shall make a record of the hearing.

### **Sec. 11-147. Enforcement, Remedies, and Penalties**

It shall be unlawful for any person, firm, or corporation to sell or transfer lots of subdivided land until such subdivision or Development Plan has been approved and a Development Permit issued under the provisions of this Ordinance and approved Subdivision Plat duly recorded with the Registrar of Deeds or Clerk of Court for Beaufort and/or Hampton County.

No Building, Plumbing, or Electrical Permit shall be issued by the Town unless a valid Development Permit has been approved under the provisions of this Ordinance for those developments for which a Development Permit is required.

No agency, public or private, shall modify, install, or provide any streets or public utility services to any development unless a preliminary application approval and improvement design approval has been granted under the provisions of this Ordinance.

No agency, public or private, shall sell or supply any water, gas, electricity, or sewer services within any development unless a valid Development Permit has been approved under the provisions of this Ordinance.

The responsibility for the enforcement of this Ordinance is delegated to the Yemassee Town provided however until a Town Administrator is employed.

A. If the Administrator shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, setting forth the nature of the violation and order the action necessary to correct it.

B. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a signed written complaint with the Town Administrator. Such complaint shall state fully the causes and basis thereof.

C. The Development Administrator shall properly record such complaints, immediately investigate to determine the validity of the charge, and take whatever action is necessary to assure compliance with this Ordinance.

D. In the event any development is undertaken in violation of this Ordinance, the Administrator, the Town Council or its agent, or any person aggrieved, may, in addition to other remedies provided by law, institute an injunction, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful development.

Any person violating any provisions of this Ordinance shall be guilty of a misdemeanor and upon the conviction thereof, shall pay such penalties as the court may decide, as prescribed by South Carolina law, not to exceed Five hundred (500) dollars or thirty (30) days imprisonment for each violation. Each day during which such conduct shall continue shall constitute a separate violation, which shall subject the offender to liability prescribed in this Section. Furthermore, any violation of the provisions of this Ordinance dealing with subdivision of land, by any person, firm, corporation, owner, or agents of owners of land to be subdivided, shall make the transfer, sale, agreement for sale, or negotiation for sale of any lot, part, tract, parcel, building site, or building interior structure, rescindable at the purchaser's

option.

In the event any development activity is undertaken prior to approval and issuance of a Development Permit, or if the Developer is declared guilty by a magistrate in accordance with the provisions of this Ordinance, in addition to other prescribed remedies in this Section, the Planning Commission shall not consider the Developer's application for Development Plan approval and subsequent issuance of a Development Permit for that project for a period of ninety (90) days from the date of determination of violation.

Nothing herein shall prevent the Town of Yemassee from taking such other lawful action, as is necessary, to prevent or remedy any violation.

## **ARTICLE IX. AMENDMENTS**

### **Sec. 11-150. Review by Planning Commission**

Under the General Statutes of South Carolina Code Section 6-29-330, the Planning Commission is charged with the development of ordinances for land use within the Town of Yemassee. The Commission is also the agency designated for initial review and approval of amendments to this Ordinance proposed by residents. After a decision by the Planning Commission, the proposed amendment is passed to the Town Council for consideration.

### **Sec. 11-151. Public Hearing Required**

The Town Council shall not adopt any amendment to this Ordinance until at least one (1) public hearing has been held.