



## TOWN OF YEMASSEE PLANNING COMMISSION MEETING

Tuesday, June 6, 2023 - 3:00PM

Yemassee Municipal Complex, Council Chambers

101 Town Cir, Yemassee, SC 29945-3363

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- I. **Call to Order**
  - II. **Roll Call**
  - III. **Public Comments**
    - a. Every member of the public who is recognized to speak shall address the Chairman and in speaking, avoid disrespect to the Commission, Staff, and other members of the meeting. State your name and address for the record. Comments are limited to Two (2) Minutes.
  - IV. **Old Business**
    - a. Approval of the May 9, 2023, Planning Commission Meeting Minutes
  - V. **New Business**
    - a. **Town of Yemassee Zoning Ordinance Amendments (Zoning Text Amendment - Workshop):** A request by the Town Administrator for a Zoning Text Amendment to Amend the Town of Yemassee Zoning Ordinance, Article V titled "Campgrounds and Recreational Vehicle Park Regulations".
    - b. **Town of Yemassee Zoning Ordinance Amendments (Development Standards Ordinance - Workshop):** A request by the Town Administrator for a Zoning Text Amendment to Repeal the existing Town of Yemassee Development Standards Ordinance and to place the Development Standards Ordinance into the Code of Ordinances for the Town of Yemassee, South Carolina at Chapter 11 of the new codified Ordinances.
    - c. **Riveted, LLC. (Zoning Map Amendment Application - Initial Briefing):** A request by Charlotte Reeves of Riveted, LLC. for approval of a Zoning Map Amendment for approximately 3.00 acres of land located at 105 Le Creuset Rd from its current zoning of Office Commercial District (OCD) to Regional Commercial District (RCD).
    - d. **Planning Commission Rules of Procedure:** Consideration of adoption of the Planning Commission Rules of Procedure.
  - VI. **Adjournment**

"FOIA Compliance – Public notification of this meeting has been published and posted in compliance with the Freedom of Information Act and the Town of Yemassee policies."

*Mayor*

Peggy Bing-O'Banner

*Mayor Pro Tempore*

Matthew Garnes

*Town Administrator*



*Council Members*

Alfred Washington

Stacy Pinckney

David Paul Murray

## Committee / Commission Agenda Item

**Subject:** Approval of the May 9, 2023, Planning Commission Meeting Minutes

**Submitted by:** Matthew Garnes, Town Administrator

### Attachments:

	Ordinance		Resolution		Other
√	Support Documents	√	Motion		

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**Summary:** Review of the May 9, 2023, Planning Commission Meeting Minutes

**Recommended Action:** If no corrections or modifications, request approval.

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### Council Action:

- Approved as Recommended
- Approved with Modifications
- Disapproved
- Tabled to Time Certain
- Other

**Town of Yemassee**  
**Planning Commission Meeting Minutes**  
**May 9, 2023 / 3:00PM**  
**Yemassee Municipal Complex, 101 Town Cir, Yemassee, SC 29945-3363**

Present: Ethel Denmark, Joe Riley, Sharon Mansell, and Adonis Riley

Absent: Jay Holloway

Staff Present: Matthew Garnes, Town Administrator

Media Present:

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**Call to Order:**

The Town of Yemassee Planning Commission special meeting was called to order at 3:04 PM by Chairman Adonis Riley.

**Roll Call:**

Jay Holloway was absent.

**Determination of Quorum:**

Quorum satisfied.

No Public Comment.

**Old Business:**

Chairman Riley read the draft minutes of the April 4, 2023, Planning Commission meeting minutes and asked if there were any questions or comments regarding the minutes as presented. Ms. Mansell made a motion to approve as presented, second by Ms. Denmark. **All in favor, Motion Passed. Minutes approved.**

Chairman Riley read the draft minutes of the April 12, 2023, Planning Commission Special meeting minutes and asked if there were any questions or comments regarding the minutes as presented. Ms. Mansell noted a correction needed to be made and motioned to approve the minutes with the corrections, second by Mr. Riley. **All in favor, Motion Passed. Minutes approved with the corrections.**

**New Business:**

Chairman Riley read a proposed Text Amendment to the Town Zoning Ordinance, Article V, Section 5.3, Single-Family Residential 1/3 Acre [SF] and asked the Administrator to give some background. Mr. Garnes stated that during his review of the zoning ordinance, they discovered that this zoning designation is not in use anywhere in Town and is redundant and

nearly identical to what is permitted within the Single-Family Residential ¼ Acre and General Residential, with respect to minimum lot sizes, setbacks and permitted uses. He is proposing to remove this section from the Zoning Ordinance to streamline the code and strengthen the remaining residential zoning districts. He stated that this is an easy fix as no properties are currently zoned as such and any properties that are around 0.33 acre could be zoned as Single-Family Residential ¼ Acre or General Residential. If approved by the Planning Commission, this request would forward to the Town Council for further action. Ms. Mansell made a motion to recommend approval and forward to the Town Council. Second by Mr. Riley. **All in favor, Motion Passed.**

Chairman Riley read a proposed Text Amendment to the Town Zoning Ordinance, Article V, Section(s), 5.1, 5.2 & 5.4, to rename the respective districts, correct a typographical error and update the intent of Section 5.4. Mr. Garnes advised that he is proposing to update the section titles and abbreviations to ones more commonly used in the community and by staff unofficially. The current sections are titled:

- Section 5.1 - Single-Family Residential 1 Acre [SF]
- Section 5.2 - Single-Family Residential ½ Acre [SF]
- Section 5.4 - Single-Family Residential ¼ Acre [SF]

Mr. Garnes remarked that the abbreviations at the end of the existing titles are duplicated, and an update to the title and abbreviations would help make the sections easier to identify. Within each Section, it is proposed to update the references to the current section titles and abbreviations for Permitted Uses and Standards. The proposed new Section titles would be:

- Section 5.1 - Residential 1 Acre [R1A]
- Section 5.2 - Residential ½ Acre [R2A]
- Section 5.4 - Residential ¼ Acre [R4A]

Within Section 5.4, Staff propose updating the description of the intent of the zoning district to reflect the fact that that zoning district can accommodate smaller lot sizes. Mr. Garnes emphasized that nothing materially is changing within these sections such as permitted uses, densities, or setbacks and this is merely housekeeping to better the Zoning Ordinance. Ms. Mansell made a motion to recommend approval and to forward the request to the Town Council for consideration. Second by Mr. Riley. **All in favor, Motion Passed.**

### **Adjournment:**

Chairman Riley asked for a motion to adjourn the special meeting. Motion by Mr. Joseph Riley. Second by Ms. Sharon Mansell. All in favor, meeting adjourned at 3:34PM. The next regularly scheduled meeting of the Planning Commission is Tuesday, June 6, 2023, at 3:00 PM in the Court Room.

***Recommended Motion***

***(May Planning Commission Meeting Minutes)***

***“I make the motion to approve the minutes of the  
May 9, 2023, Planning Commission Meeting as  
presented”.***



# Staff Report Administration



Meeting Date:	June 6, 2023
Project:	A request by the Town Administrator for a Zoning Text Amendment to Amend the Town of Yemassee Zoning Ordinance, Article V, titled “Campgrounds and Recreational Vehicle Park Regulations”.
Project Manager:	Matthew E. Garnes Town Administrator

**Request:** The Town Administrator requests that the Planning Commission consider an amendment to the Campgrounds and Recreational Vehicle Park Regulations in the Town of Yemassee.

**Background:** The impetus for the amendment was a result of Staff conducting a thorough review of the existing Town of Yemassee Zoning Ordinance. The Zoning Ordinance contains several inconsistencies with abbreviations and typographical errors. Currently, Campgrounds and Recreational Vehicle (RV) parks are permitted in the Regional Commercial District (RCD) and Light Industrial District (LID) as a Conditional Use. As the minimum lot size was recently amended for LID, the existing campground / RV park requirements make the development of a park challenging.

**Existing Text and Proposed Changes:**

As found in the Zoning Ordinance in Section 5.8.3(h 1-8) and Section 5.12.3(h 1-8), the Campground and Recreational Vehicle Parks state:

**“Campgrounds and Recreational Vehicle Parks provided that:**

- 1. No site or structure shall be continuously occupied for more than fourteen (14) days. Any tent, camper, or recreational vehicle shall be physically removed on or before the expiration of fourteen (14) days;**
- 2. No overflow camping shall be allowed. When a campground/RV park is full, no more campers or vehicles shall be permitted on the grounds;**
- 3. The campground shall have a minimum size of twenty (20) acres and shall not exceed fifty (50) acres on any single parcel;**



# Staff Report Administration



4. All permanent structures including cabins in a campground shall be limited to single-story structures in height;

5. No more than eight (8) campsites/RV sites or camping structures, including cabins, shall be permitted per net acre in any campground;

6. Not less than thirty (30) percent of all campgrounds/RV Parks shall consist of open space, which shall contain no camp/RV sites and/or structures;

7. All campgrounds and recreational vehicle parks in the Town of Yemassee shall be in compliance with the Rules and Regulations Governing Camps of the South Carolina Department of Health and Environmental Control and have a valid permit from same for operation; and

8. All campground facilities shall be served by public water and sewer.

## **Staff Comments on Existing Text by Section:**

- 1) Staff concur with the existing occupancy limit of fourteen (14) days.
- 2) Staff concur with existing overflow requirements. Should the Campground / RV Park be full it could create a safety hazard for the campground occupants.
- 3) Staff request the minimum campground size be reduced from twenty (20) acres as written now to match the minimum lot size as defined in the LID zoning.
- 4) Staff concur with the current limitation on height of permanent structures.
- 5) Staff request amending the density of camp sites per acre. Staff propose to allow no more than eight (8) campsites [i.e., pitched tents that are temporary] per acre and no more than 13 RV's [i.e., movable pull-behinds or full-size drivable RV's] per acre. RV's typically park parallel to each other and have the protection of walls on the vehicle which instills a sense of privacy and safety that is less than that which a tent provides.
- 6) Staff concur with the existing open space requirements.
- 7) Staff concur with the campgrounds / recreational vehicle parks being subjected and in compliance with the Rules and Regulations Governing Camps issued by the South Carolina Department of Health & Environmental Control and propose no changes.
- 8) Staff concur with the requirement that the facility be served by water & sewer.



# Staff Report Administration



## **Proposed:**

Campgrounds and Recreational Vehicle Parks provided that:

1. No site or structure shall be continuously occupied for more than fourteen (14) days. Any tent, camper, or recreational vehicle shall be physically removed on or before the expiration of fourteen (14) days;
2. No overflow camping shall be allowed. When a campground/RV park is full, no more campers or vehicles shall be permitted on the grounds;
3. The campground shall have a minimum size of three (3) acres and shall not exceed fifty (50) acres on any single parcel;
4. All permanent structures including cabins in a campground shall be limited to single-story structures in height;
5. No more than eight (8) campsites or camping structures, including pitched tents and cabins, shall be permitted per net acre in any campground. No more than thirteen (13) Recreational Vehicle parking pads with hookups shall be permitted per net acre in any campground.
6. Not less than thirty (30) percent of all campgrounds/RV Parks shall consist of open space, which shall contain no camp/RV sites and/or structures;
7. All campgrounds and recreational vehicle parks in the Town of Yemassee shall conform with the Rules and Regulations Governing Camps of the South Carolina Department of Health and Environmental Control and have a valid permit from same for operation; and
8. All campground facilities shall be served by public water and sewer.

**Planning Commission Action:** As granted by the powers and duties set forth in the Town of Yemassee Zoning Ordinance, the Planning Commission has the authority to take the following actions with respect to this application:

- a. Approval of the application as submitted.
- b. Approval of the application as submitted with amendments; or
- c. Denial of the application as submitted by the applicant.





# Staff Report Administration



**Staff Recommendation:** Administration Staff recommend approval of the text amendment as presented and request the Planning Commission forward the Text Amendment to the Town Council for Consideration.

## **Next Steps:**

Step	Date	Complete
<b>Step 1. Planning Commission Recommendation</b>	June 6, 2023	✓
<b>Step 2. Town Council 1<sup>st</sup> Reading</b>	June 13, 2023	
<b>Step 3. Town Council Public Hearing</b>	July 11, 2023	
<b>Step 4. Town Council 2<sup>nd</sup> Reading</b>	July 11, 2023	

## **Attachments:**

- Existing text of the Campground & Recreational Vehicle Park Regulations
- Proposed text of the Campground & Recreational Vehicle Park Regulations

*Mayor*

*Peggy Bing-O'Banner*

*Mayor Pro Tempore*

*Matthew Garnes*

*Town Administrator*



***Council Members***

*Alfred Washington*

*Stacy Pinckney*

*David Paul Murray*

## **Committee / Commission Agenda Item**

**Subject:** A request by the Town Administrator for a Zoning Text Amendment to Repeal the existing Town of Yemassee Development Standards Ordinance and to place the Development Standards Ordinance into the Code of Ordinances for the Town of Yemassee, South Carolina at Chapter 11 of the new codified Ordinances.

**Submitted by:** Matthew Garnes, Town Administrator

### **Attachments:**

	Ordinance		Resolution		Other
√	Support Documents	√	Motion		

**Summary:** Staff are requesting consideration on amendments to the Town of Yemassee Development Standards Ordinance (DSO), to repeal the existing ordinance as a standalone document and to incorporate the DSO with updates into the Code of Ordinances for the Town of Yemassee, South Carolina at Chapter 11 of the soon-to-be codified Ordinances

**Recommended Action:** Staff request Planning Commission recommend approval and advance request to the Town Council.

### **Council Action:**

- Approved as Recommended
- Approved with Modifications
- Disapproved
- Tabled to Time Certain
- Other



# Staff Report Administration



Meeting Date:	June 6, 2023
Project:	A request by the Town Administrator for a Zoning Text Amendment to Repeal the existing Town of Yemassee Development Standards Ordinance and to place the updated Development Standards Ordinance into the Code of Ordinances for the Town of Yemassee, South Carolina at Chapter 11 of the new codified Ordinances.
Project Manager:	Matthew E. Garnes Town Administrator

**Request:** The Town Administrator requests that Planning Commission consider a Zoning Text Amendment to repeal the existing Town of Yemassee Development Standards Ordinance and to insert the Development Standards Ordinance into the Code of Ordinances for the Town of Yemassee, South Carolina at Chapter 11 of the soon-to-be codified Ordinances through Municode. The updated DSO also aligns chapter numbers within the DSO to match the new Zoning Ordinance numbering conventions.

**Background:** The Town Council is scheduled to adopt the updated codified Ordinances of the Town of Yemassee at their meeting on June 13<sup>th</sup>. This codification updates.

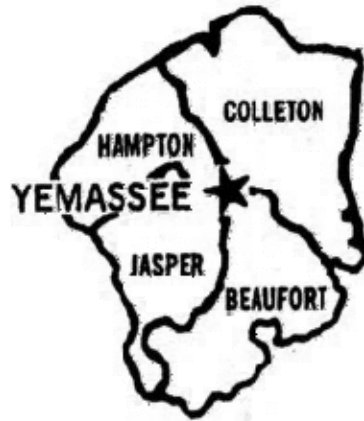
**Staff Recommendation:** Administration Staff recommend approval of the text amendment as presented and request Planning Commission recommend approval and forward the request to the Town Council for consideration.

### **Next Steps:**

Step	Date	Complete
<b>Step 1. Planning Commission Recommendation</b>	June 6, 2023	
<b>Step 2. Town Council 1<sup>st</sup> Reading</b>	June 13, 2023	
<b>Step 3. Town Council Public Hearing</b>	July 11, 2023	
<b>Step 4. Town Council 2<sup>nd</sup> Reading</b>	July 11, 2023	

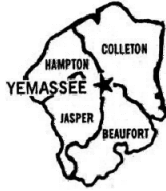
### **Attachments:**

- Existing Development Standards Ordinance
- Proposed Updated Development Standards Ordinance



# **DEVELOPMENT STANDARDS ORDINANCE**

**THE TOWN OF YEMASSEE, SOUTH CAROLINA**



**TOWN OF YEMASSEE  
DEVELOPMENT STANDARDS ORDINANCE**

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## ARTICLE I

### AUTHORITY AND ENACTMENT CLAUSE AND APPLICATION OF THE ORDINANCE

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; 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 a *Comprehensive Plan*; the Town Council of the Town of Yemassee does ordain and enact into law the following Articles and Sections.

#### Section 1.1 Jurisdiction

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

#### Section 1.2 Definition of Development

- 1.2.1 Except where the context otherwise requires, and in the absence of a more limiting provision, "development" means the performance of any building or mining operation; the making of any material change in the use of any structure or land; or the division of land into two (2) or more parcels.
- 1.2.2 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 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. A material increase 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 or 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 use which has been abandoned for one (1) year; and
- I. Construction of major electrical and telephone utility lines over three-fourths ( $\frac{3}{4}$ ) of a mile in length and involving tree removal, construction of any utility line substation, or construction of any utility line crossing wetlands.

1.2.3 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 product's, 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 of five (5) acres or more where no improvements are involved;



- G. 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;
  - H. 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;
  - I. Any subdivision, construction, changes, or improvements approved by the County or its delegated authorities prior to adoption of this Ordinance; (*See Section 2.3.2 and Section 2.3.3*)
  - J. 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;
  - K. The recordation of a plat of land or property for purposes other than the sale or transfer of title to land including:
    - 1. The creation or termination of mortgages, leases, easements, or liens;
    - 2. Lot line corrections on existing recorded properties;
    - 3. The creation, termination, or amendment of private covenants or restrictions on land;
    - 4. Property trades or swaps between immediately adjacent landowners not resulting in the creation of new parcels of record; and
    - 5. 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.
- 1.2.4 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.



- 1.2.5 “Material”, as contained herein, shall be construed to mean objective, substantive, tangible, or consequential.

### **Section 1.3 Exemptions and Repeal of Previous Ordinances**

- 1.3.1 The Beaufort and/or Hampton County Subdivision Regulations are hereby repealed.
- 1.3.2 Development Plans granted final plat approval under the provisions of any *Beaufort County Subdivision Regulations and/or any Hampton County Subdivision Regulations*, shall maintain that approval as platted and not be subject to the provisions of this Ordinance.
- 1.3.3 Development plats recorded prior to the effective date of the this Ordinance by the Town of Yemassee, shall be exempt from the provisions of this Ordinance as platted.
- 1.3.4 Development for which a valid application has been made for a Beaufort and/or Hampton County Building Permit, prior to the effective date of this Ordinance, and for which such permit is subsequently issued, shall be exempt from the requirements of this Ordinance as designed and permitted.
- 1.3.5 Development Plans declared “exempt” under the provisions of *Section 4.1* of the *Beaufort and/or Hampton County Subdivision Regulations* shall maintain that exemption and do not have to be re-filed for approval under the provisions of this Ordinance. Implementation of the various development tracts indicated on exempt Master Plans shall be submitted for approval under the provisions of this Ordinance.
- 1.3.6 Undesignated areas on any exempt Master Plans, plans, and plats governed by *Section 2.3* shall be considered as open space.
- 1.3.7 Administrative procedure for exempt Master Plans, plats, and plans shall be governed by *Section 2.3*. Such plans are exempt as filed or recorded and any changes in designated land use or increase in number of units or lots shall be submitted for approval.

### **Section 1.4 Non-conforming Development**

- 1.4.1 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 non-conforming 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; and
- E. Enlarged or altered in excess of 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.

- 1.4.2 Until such time that a Community Development /Town Administrator is employed all such functions and authority to be exercised by the Town Planning Commission.



## ARTICLE II

### ESTABLISHMENT OF DISTRICTS

#### Section 2.1 Description and Definition of Special Districts

For the purpose of this Ordinance, 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 fresh water marsh, bog, swamp, lake, pond, meadow, flat, or other area subject to tidal flow, whether or not 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:
    1. *Spartina alterniflora*;
    2. *Spartina patens*;
    3. *Juncus romerianus*; and
  - 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 determination.
- 2.1.1 Flood Hazard District: For the purpose of protecting future development from the effects of rising tidal waters associated with probable future hurricanes, the Flood Hazard District is established. It consists of that area designated on the *Official District 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.



## **Section 2.2 Establishment of the District Map**

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

An official copy of the *Town of Yemassee Official District Map* shall be filed in the office of the Mayor and/or Planning Commission. This map shall bear the seal of the Town of Yemassee under the following words: "This is to certify that this is the *Official District Map* referred to in *Article II* of the *Development Standards Ordinance* adopted by the Town of Yemassee.

## **Section 2.3 Interpretation of District Boundaries**

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.

- 2.3.1 Unless otherwise indicated, the District boundaries follow natural features such as marsh edges and stream banks.
- 2.3.2 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 District Map*. If no distance is given, such distance shall be determined by the use of the scale of said map.

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.

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 District Map*, shall be determined by the use of the scale on said map.



## ARTICLE III

### MINIMUM CONSTRUCTION STANDARDS

#### Section 3.1 Introduction

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

#### Section 3.2 Minimum Construction Standard Applying Throughout Jurisdiction

The standard prescribed in this Section shall apply to all building or development hereafter undertaken within Beaufort and/or Hampton County.

- 3.2.1 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 Official District 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:

- A. 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.

- 3.2.2 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.

### **Section 3.3 Minimum Construction Standards Applying to Special Districts**

#### 3.3.1 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 devices. 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.

- 3.3.2 Flood Hazard District: All requirements of the *Beaufort and/or Hampton County Building Codes* related to construction in flood hazard areas must be met.





## ARTICLE IV

### SITE DESIGN AND DEVELOPMENT STANDARDS

#### Section 4.1 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 Article VI, Section 6.2. 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 in order 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.

#### Section 4.2 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.

#### Section 4.3 Addressing and Lot Numbering

Proposed street names and numbering will be obtained through Beaufort and/or Hampton County Office of Emergency Management. 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.



**Section 4.4 Public Access**

- A. 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 times 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.
- B. 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:
1. Copies of recorded deeds, plats, and easements clearly documenting access to the development property; and
  2. 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:
1. 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
  2. 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 Community Development Director or 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.

**Section 4.5 Street, Sidewalk, Pathway, and Bikeway Standards**

**4.5.1 Layout of Circulation System**

- A. 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.
- B. 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 and aesthetically pleasing design.
- C. 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.
- D. 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 of land use, provided there is some physical separation from the edge of street pavement, such as curbs or green strips.
- E. 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.



- 4.5.2 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 and numbering shall be obtained through the Beaufort and/or Hampton County Office of Emergency Management;
  - F. 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;
  - G. Cross Access: Street access to adjoining property may be required by the Community Development Director, 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 in excess of 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;
  - H. The Community Development Director 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;

- I. No fence, wall, tree, terrace, building, sign, shrubbery, hedge, other planting, structure, or object capable of obstructing driver vision will be allowed at intersections;
- J. 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*;
- K. 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;
- L. 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 *Access and Roadside Management Standards*, but there is no requirement that the Town accepts title to any such streets; and
- M. All streets shall meet the standards set forth above, whether publicly owned and/or maintained or privately owned and/or maintained.

#### 4.5.3 Street Hierarchy

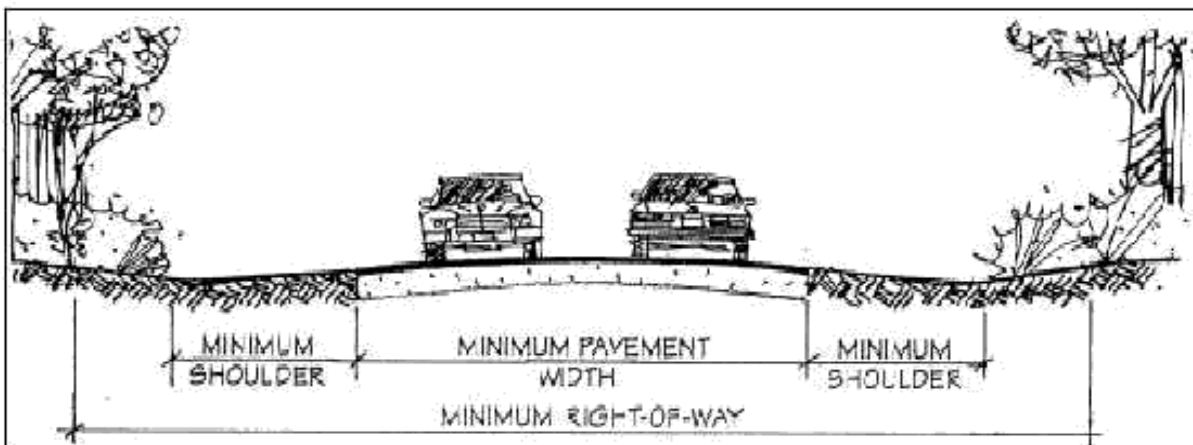
- A. Streets shall be classified in a street hierarchy system with design tailored to function.
- B. The street hierarchy shall be defined by road function and average daily traffic (ADT). Each street shall be classified and designed to meet or exceed the minimum standards for one (1) of the street types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



4.5.4 Design Standards by Street Type

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

Street Type	Maximum ADT	Minimum Pavement Width	Minimum Shoulder Width	Minimum Right-of-Way
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

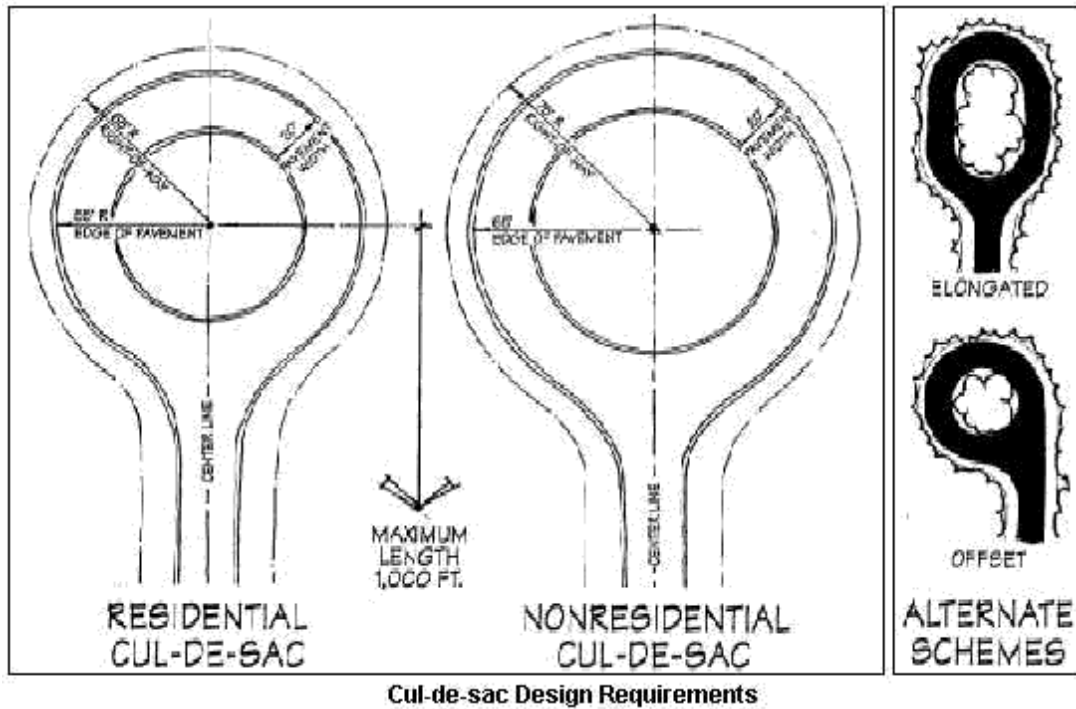


**Street Standards**



- B. Dead-End Streets: No dead-end streets shall be permitted, except those classified as a lane or cul-de-sac above.
  - C. 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 Community Development Director determines that such estimates are unrealistic, (s)he shall state why and require more realistic estimates.
- 4.5.5 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.
- 4.5.6 Cul-de-Sacs
- A. 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.
  - B. 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.
  - C. A cul-de-sac shall have a minimum width of twenty (20) feet of unobstructed pavement.
  - D. The maximum length of a cul-de-sac shall be one thousand (1,000) feet.





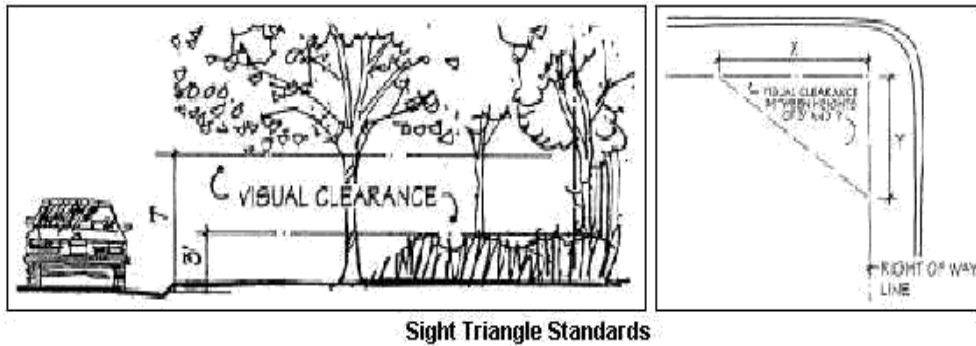
#### 4.5.7 Street Intersections

- A. **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.
- B. **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.
- C. **Grade:** Intersections shall be designed with a relatively flat grade wherever practical. Maximum grade within intersections shall be five (5) percent, but within collectors and lower order streets shall be three (3) percent.





D. Sight Triangles

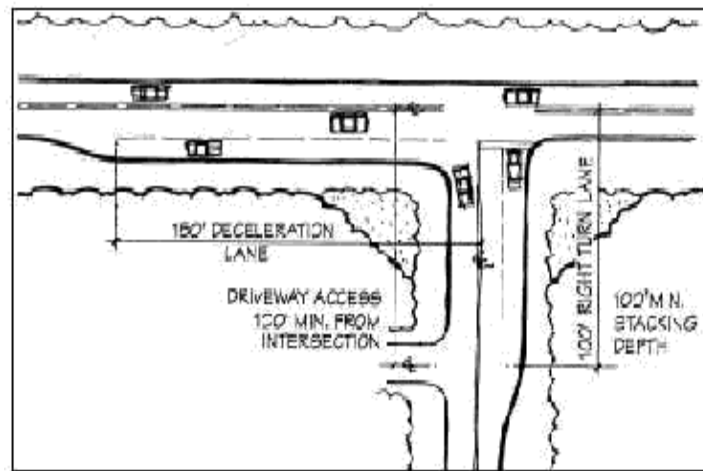


1. Sight triangle easements shall be required and shall include the area on each street corner that is bounded by the line which connects the sight or “connecting” points located on each of the right-of-way lines of the intersecting street.
2. No structure or plantings (at mature growth) that exceed 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.

Minimum Sign Distance (in feet)	Lane, Cul-de-sac, Local Access Street	Sub-Collector	Collector	Minor Arterial	Arterial
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 Community Development Director 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.



Deceleration Lane

- 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.

#### 4.5.8 Access to Streets

- A. A minimum distance of one thousand five hundred (1,500) feet shall be maintained between all access points along the Yemassee Highway Corridor Overlay District (HCOD) *See Zoning Ordinance*, including private driveways, roads, and public right-of-way. Spacing will be measured from the midpoint of each driveway. If the existence of jurisdictional wetlands precludes compliance with this provision, the Planning Commission shall have



discretion as to the placing of an alternative access point. However, no additional curb cuts on the subject parcel should result from having the alternative access point. This minimum distance applies with the following exceptions:

1. 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
  - B. 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.
  - C. 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.
  - D. Frontage Required: All multi-family and non-residential development shall have frontage on and access directly onto a street meeting the standards in *Section 4.5.5*.
  - E. 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 Community Development Director or Planning Commission, as appropriate, during the development review process.
- 4.5.9 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 Community Development Director. 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*.



4.5.10 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 Community Development Director in consideration of neighborhood character or special signage. The Town shall consider private street sign design.

4.5.11 Reserved

4.5.12 Reserved

4.5.13 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.

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

A. Shoulders, Side Slopes, and Ditches

- 1. 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.
- 2. Shoulders shall 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.



- B. 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.
- C. 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.

4.5.15 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 Community Development Director'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 in *Section 4.5.14* approved by the Town Engineer or the Community Development Director, shall be followed:

A. Definitions

1. 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.
2. 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.
3. 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.
4. Bicycle Path or Bike Path: See Pathway.



5. 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 may be a combination of any and all types of bikeways.
6. 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.
7. 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.
8. 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.

4.5.16 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.

- A. 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.
  1. 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 Engineer, or the Mayor's designee.
  2. Gradients of bike paths should generally not exceed a grade of five (5) percent, except for short distances.



- B. 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.
- C. 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 Community Development Director 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.
1. 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.
  2. 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 close proximity.
  3. 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.
  4. 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.

5. Requirements for sidewalks when required for new Planned Unit Development, major subdivisions, or Highway Corridor Overlay District (HCO) development are:
  - a. Arterial or Local Commercial Streets: Along the frontage of all properties abutting these streets;
  - b. Local Residential Streets: A connecting system of sidewalks on both side of each such street; and
  - c. 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.
6. 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:
  - a. In subdivisions or developments where the minimum lot size is one and one half (1½) acres (65,340 square feet). In such subdivision or development, a pedestrian pathway system is still required;
  - b. In subdivisions or developments which are physically isolated by water, marsh, saltwater wetlands, or freshwater wetlands from other subdivisions or developments; and/or
  - c. In affordable housing projects where an alternate pedestrian pathway system is approved by the Planning Commission based on public access and inner connecting.

#### D. Bicycle Facilities

1. A bikeway providing for travel in two (2) directions shall be provided, if feasible along roadways which the Planning Commission, Town Council or Mayor or his designee determines, subject to review and approval of





the South Carolina Department of Transportation and the Town of Yemassee.

2. Bicycle facilities may also be required if a bicycle route system is addressed within an adopted plan, such as the *Comprehensive Plan*.
3. Bicycle lanes shall be constructed of the same materials and specifications as the adjacent street.
4. Bicycle-safe drainage grates shall be used in the construction of streets with bicycle lanes.

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*.

## **Section 4.6 Off-Street Parking**

### 4.6.1 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 completely 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.
  - 1. Auditorium and Theater: 01 space for each spectator seat.
  - 2. Automobile Service: One (1) space for each vehicle stored or parked, plus one (1) space for each employee.
  - 3. Bank: One (1) space for each two hundred (200) square feet of gross floor space, plus one (1) space for each two (2) employees.
  - 4. Bus Terminal: One (1) space for each four (4) seats in the waiting room, plus one (1) space for each two (2) employees.
  - 5. Child Care Center: One (1) space for each adult attendant, plus two (2) off-street spaces for loading and unloading.
  - 6. Church: One (1) space for each six (6) seats in the main assembly room.
  - 7. Driving Range: One (1) space for each two (2) tees.
  - 8. 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.
  - 9. Fire Station: One (1) space for each employee and one (1) space for each three (3) volunteer personnel on a normal shift.
  - 10. Funeral Home: One (1) space for each four (4) seats in the chapel or parlor, plus one (1) space for each employee.



11. Golf Course: Four (4) spaces for each green, plus requirements for any other associated use, except in PUD.
12. Hospital: One (1) space for each 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.
13. Hotel/Motel: One (1) space for each room to be rented, plus one (1) additional parking space for each three (3) employees, plus requirements for any other use associated with the establishment.
14. 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. Number of spaces shown to be necessary and reasonable by data submitted by the developer, whichever is less.
15. 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.
16. 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 five (5) seats in the auditorium or gymnasium.
17. Mobile Home Park: Two (2) spaces for each mobile home.
18. Nursing Home: One (1) space for each five (5) beds intended for patient use, plus one (1) space for each shift employee.
19. 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.
20. Planned Shopping: Four (4) spaces for every one thousand (1,000) square feet of gross leasable floor area.



21. Public or Private Club: .02 spaces for each two hundred (200) square feet of gross floor space.
22. Public Utility: One (1) space for each employee.
23. Residential: One and one-half (1½) spaces per dwelling unit.
24. Restaurant: One (1) space for each three (3) seats, plus one (1) space for each two (2) employees.
25. Retail Business: Five (5) spaces for every one thousand (1,000) square feet of gross floor area, except as otherwise specified below.
26. 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.
27. Automobile Dealership: One (1) space per one thousand (1,000) vehicle square feet of gross floor area, plus one (1) space for each employee.
28. Feed and Seed: Two (2) spaces per one thousand (1,000) square feet of gross area, plus one (1) space for each employee.
29. Building Supply: Three (3) spaces per one thousand (1,000) square feet of gross floor area, plus one (1) space for each employee.
30. 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.
31. 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.
32. Stadium: One (1) space for each 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

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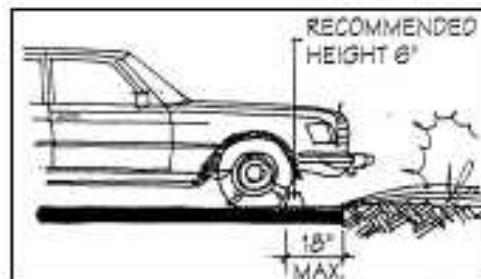


business activity's ability to benefit from the designated parking area. A waiver cannot be granted towards required on-site handicap parking spaces.

Section 4.6.2. Parking Area Design

- A. Access to parking facilities shall be designed so as not to obstruct free flow of traffic.
- B. There shall be adequate provision for ingress and egress to all parking spaces to insure ease of mobility, ample clearance, and safety of vehicles and pedestrians.
- C. In developments where vehicles may be expected to wait (including, but not limited to drive-through restaurants, banks, and gated parking facilities), adequate stacking space shall be required.
- D. The width of all driving aisles shall be in accordance with the requirements specified below unless a wider drive aisle is approved by the Community Development Director, or the Planning Commission to facilitate special vehicle requirements. Only one-way traffic shall be permitted in driving aisles serving parking spaces placed at an angle other than 90 degrees to the drive aisle unless the angle is placed so as to accommodate the direction of travel for each side of a two-way drive aisle.

Parking Angle	Minimum Driving Aisle Width
60 degrees	18 feet min. 22 feet max.
90 degrees	24 feet min. 30 feet max.
Driving Aisle without parking	20 feet min. 24 feet max.

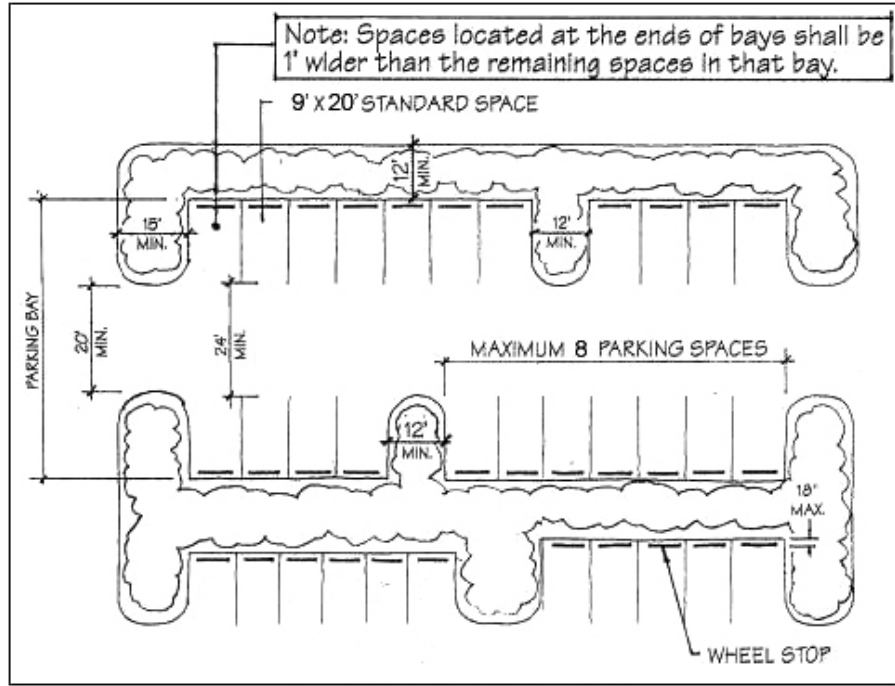


**Wheel Stop Detail**



- E. Wheel stops shall be provided in all parking facilities without curbing. The vehicle side of the wheel stop shall be no more than 18 inches from the end of the parking space. See illustration above.
- F. Where sidewalks occur in parking facilities, parked vehicles shall not overhang or extend over the sidewalk. In these parking facilities, wheel stops shall be provided even if the parking facility has curbing.
- G. Parking facilities shall contain appropriate plant material to minimize noise, glare, and other nuisances as well as to enhance the environment and ecology of the site and surrounding area. Existing trees and understory vegetation should be retained whenever possible, and supplemented with landscaping as appropriate.
- H. Each parking bay shall be separated from other parking bays by a median. Not more than eight (8) continuous parking spaces shall be allowed in a row of parking without separation by a median. All medians shall be at least twelve (12) feet wide unless specified otherwise. Shrubs and/or trees shall be installed in the median to provide for semi-continuous planting along the median. Shrubs shall be at least one (1) foot in height at installation and reasonably projected to grow at least two (2) feet in height within three (3) years. A median of at least fifteen (15) feet in width shall be provided at the ends of each parking bay. Each landscaped peninsula shall contain one (1) broad-leaved overstory tree with a minimum size of two and one half (2½) caliper inches at dbh and a minimum height of ten (10) feet. All medians/peninsulas shall contain appropriate plant material as identified in G. above. The Community Development Director or Planning Commission may allow modification of these provision in order to preserve trees and other native vegetation of for parking located under buildings.





**Parking Area Design Standards**

- I. All parking facility lighting shall conform to the standards noted in Section 5.15, Highway Corridor Overlay District, of the Town of Yemassee Zoning Ordinance.

**Section 4.7 Off-Street Loading**

**4.7.1 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



1. 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
2. Off-street loading areas shall be designed so that vehicles can maneuver for loading and unloading entirely within the property lines of the premises.

## **Section 4.8 Traffic Impact Analysis**

- 4.8.1 Purpose: It is the purpose of this Article to guide development in accordance with the existing and future needs of the Town of Yemassee and in order 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.
- 4.8.2 Intent: 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.
- 4.8.3 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.
- 4.8.4 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 Community Development Department of the Town Planning Commission in determining this alternative. Such trip generation study shall be undertaken by a qualified traffic-engineering firm (see Section 4.8.6.1), and is subject to a review and approval by the Town through the Town's development process. The Community Development Director 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.
    - 1. 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.
    - 2. Proof of the most recent principal land use of a site shall be the responsibility of the applicant and shall be submitted to the Community Development Department 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.
  - D. 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.
- 4.8.5 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 Section 4.8.4 above

#### 4.8.6 Traffic Impact Analysis Plan Requirements:

##### 4.8.6.1 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:
  - 1. 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;
  - 2. A site location map;
  - 3. 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
  - 4. 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 Community Development Director 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.

4.8.6.2 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 methodology meeting, that 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 Community Development Director shall determine, in consultation with the applicant's traffic engineer, the most appropriate trip generation rate. The Community Development Director 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 the *Transportation Research Board's 1997 Highway Capacity Manual Special Report 209* and/or last update thereof and utilize analyses/computer software which emulates these procedures and is acceptable to the Community Development Director.
- K. The TIA study area will include the following:
  - 1. 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;
  - 2. The first major intersection identified by the Community Development Director on either side of the Development's primary point of access;
  - 3. 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 Community Development Director there is a



potential for a significant impact to the intersections' level of service from site related traffic;

4. 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
  5. 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.
- L. The plan must include the results of an analysis of the operating conditions of critical intersections and/or all intersections identified in 4.8.6.2.J, relative to the quantitative criteria for different levels of service provided in the Highway Capacity Manual. The analysis shall reflect 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.
- M. 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.

4.8.6.3 Action on Traffic Impact Analysis Plan: Following review of the required traffic impact analysis plan, the Community Development Director 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.

4.8.6.4 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.

4.8.6.5 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.

4.8.6.6 Responsibility for Costs of Improvement; Reimbursement: The costs of implementation of an approved mitigation program shall be the responsibility of the applicant. If an applicant is required to provide an improvement that would otherwise be funded by Beaufort and/or Hampton County transportation impact fees, a transportation impact fee credit may be available from Beaufort and/or Hampton County as provided for under the Beaufort and/or Hampton County impact Fee Procedures Ordinance.

## Section 4.9 Lot Design

4.9.1 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; and

- F. For any subdivision of ten (10) or more lots, on ten (10) or more acres, or any institutional, industrial, or commercial development of ten (10) or more acres, designers who generate plats with computer-aided drafting procedures are requested to provide Beaufort and/or Hampton County with an electronic file copy to assist in maintenance of the County's Geographical Information Mapping System (GIS) used for Emergency 911, planning, engineering, and other activities.

#### **Section 4.10 Infrastructure and Services**

4.10.1 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 obligate 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:
  - 1. Power supply, normally electric;
  - 2. Potable water supply of sufficient quantity to satisfy domestic needs;
  - 3. Water supply of acceptable quality and sufficient quantity to satisfy commercial and industrial demand;
  - 4. Means for treatment and disposal of domestic sewage and other liquid waste;
  - 5. Means for collection and disposal of solid wastes except for single-family residential subdivisions;
  - 6. Vehicle access to existing streets or highways; and
  - 7. 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 a development shall be installed according to plans and specifications approved by the respective utility companies providing such 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, or other conditions unique to the development.

#### **Section 4.11 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.

#### **Section 4.12 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.





### **Section 4.13 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.

### **Section 4.14 Native Vegetation and Tree Protection Ordinance**

#### 4.14.1 Purpose and Intent

This ordinance is enacted to provide policies and procedures for the preservation, maintenance, replacement, and removal of native vegetation and trees on property within the Town of Yemassee.

To preserve and enhance the natural history and character of Yemassee, emphasis shall be placed on preserving natural plant communities which play a critical role in the following:

- Purifying air and water;
- Providing wildlife habitat;
- Managing the natural drainage of stormwater;
- Controlling sediment erosion;
- Protecting and enhancing property values;
- Promoting commerce and tourism;
- Conserving energy by providing ambient cooling; and
- Mitigating the effects of externalities such as noise and glare.

#### 4.14.2 Applicability

The provision of this Ordinance shall apply in all areas of the Town except those areas of the Town which are zoned as Single Family and General Residential; provided however this Ordinance shall apply to Single Family and General Residential Zoning districts to the extent parts of those districts are subject to the Olde Towne District and the Highway Corridor Overlay District.



#### 4.14.3 Prohibited Activities

No person, firm, organization, society, association or corporation, or any agent or representative thereof, shall directly or indirectly destroy or remove any tree, except as authorized under the provisions of this chapter.

#### 4.14.4 Site Design and Development Standards

For any proposed development, site planning and design shall be undertaken with the final placement of buildings, structures, roads, utilities, and other features minimizing the removal of existing trees. The following items shall be submitted with all applicable development plans:

1. A tree survey in accordance with Section 4.14.4.1 of this Ordinance;
2. A tree protection plan in accordance with Section 4.14.4.2 of this Ordinance; and
3. A mitigation plan in accordance with Section 4.14.4.3.A of this Ordinance.

##### 4.14.4.1 Tree Survey Requirements

Tree surveys shall be prepared and sealed by a registered land surveyor within two (2) years of the development plan submittal date. The survey shall be at the same scale as the development plan and include the following information within the area to be modified from its natural state and seventy-five (75) feet beyond in each direction or to the property lines, whichever is less:

1. The location of all hardwood trees and naturalized pines six (6") inches DBH and greater;
2. The location of the following trees four (4") inches DBH and greater: Red Bay, Loblolly Bay, Longleaf Pine, Bluff Oak, American Elm, American Beech, and Spruce Pine;
3. The species and DBH of all hardwood trees and naturalized pines;
4. The location of contour lines at one-foot intervals; and
5. The location of all waterways, wetlands, and buffers.  
In addition to the above information, the following shall be required:



6. For major residential subdivisions and commercial properties; the location of hardwood trees and naturalized pines twenty (20") inches and greater within the project area or proposed phase of construction.
7. In silviculture areas an aerial photograph of the property to include a boundary survey, the number of planted pines per acre, and the average size of planted pines per acre.

#### 4.14.4.2 Tree Protection Plan Requirements

The following shall be addressed on all site development plans:

1. Denotation of all trees 20" DBH and less proposed for removal with "X";
2. Denotation of all trees 20" DBH and greater proposed for removal with "X";
3. Denotation of all trees proposed for preservation in accordance with Section 4.14.3.3 of this Ordinance; and
4. Denotation and specifications of retaining walls and other structures required to preserve existing trees.

#### 4.14.4.3 Mitigation of Trees Approved for Removal

##### A. Mitigation Plan for Development Plans

1. Development plans shall include a mitigation plan for replacement of trees and vegetation approved for removal. A mitigation plan shall include the following:
  - a) The species, size, location, and number of trees proposed for removal;
  - b) The number of trees required for replacement, calculated as follows:
    - i. Existing hardwoods and naturalized pines: refer to Table 2, Indigenous Trees of Yemassee included in this ordinance, any trees identified in the Town of Yemassee Zoning Ordinance, or as determined by the Planning Commission and multiply the appropriate factor unit below by the total DBH of each species removed;

Table 1. Tree Unit Factors

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Category	Unit Factor
Large Trees - N	1
Large Trees	.5
Medium Trees - N	.75
Medium Trees	.25
Small Trees	.25
Palms and Cycads - N	.5

- ii. Silviculture areas: factor one tree per twenty-five (25) trees removed. The selection of species for replacement shall be Longleaf, Loblolly, Slash, Pond, and Spruce Pine where appropriate.
  - iii. A minimum of 900 Adjusted Caliper Inches (ACI) of trees shall remain per acre of pervious area.
  - c) The selection of replacement trees shall be based on similar species and in accordance with Section 14.15.3 Indigenous Trees of Yemassee, of the Town of Yemassee Landscape Ordinance or the Planning Commission; and
  - d) The size and location of replacement trees in accordance with Section 14.15.7 of the Town of Yemassee Landscape Ordinance or the Planning Commission.
2. In order to promote diversity, no more than fifteen (15%) percent of the replacement trees shall be of the same species;
  3. A tree survival and maintenance bond shall be executed on all landscaping in accordance with the Town of Yemassee Zoning Ordinance or as specified by the Planning Commission;
  4. Where the Community Development Director determines that a site can not sustainably support the required replacement, due to the size and shape and/or structures and/or other viable site constraints, a fee shall be paid to the Town of Yemassee Tree Fund. This fee shall be the actual and verified cost of the required tree replacement and shall be submitted prior to the issuance of a Certificate of Occupancy; and
  5. If a property owner has preserved extensive overstory trees and clusters of native trees and vegetation, and these trees and clusters are located throughout the property in such a manner as to provide



extensive shading within the built environment, relief of the above replacement standards may be granted by Planning Commission. An exhibit depicting the aforementioned shall be drafted by a registered landscape architect using software that calculates the canopy spread based on DBH and species of a tree.

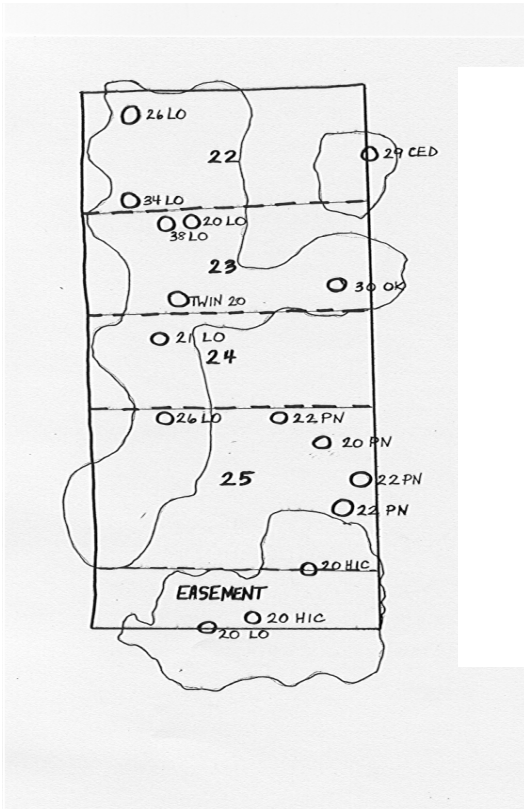


Diagram 1: Illustration of Extensive Shading

- A. Average Lot Size = 1/6 acre
- B. Limits of shading covers a one- third minimum area on each lot.
- C. Includes Understory Vegetation

B. Mitigation of Dead, Infested, Diseased, or Hazardous Trees

Trees located on any property listed below that are dead, infested, diseased, or hazardous and compromised by natural causes shall be replaced with one 2.5" caliper tree of the same species. The Community Development Director may alter the species removed if the property exhibits a number of similar healthy specimens. Any plantings shall be installed during the next appropriate planting season, September through June. Property owners facing a financial hardship with the provisions of this section may write a letter requesting assistance from the Town of Yemassee. The Town Manager, or the Mayor's designee shall review each situation and make a determination. Funds to support applicable cases shall be allocated from the Tree Fund.



1. Non-residential properties and/or any property with a non-residential element;
2. Any common areas within residential subdivisions;
3. Any properties within the Highway Corridor Overlay District as defined in the Town of Yemassee Zoning Ordinance;
4. Any properties within the Historic Preservation Overlay District as defined in the Town of Yemassee Zoning Ordinance; and
5. Any properties within the River Protection Overlay District as defined in the Town of Yemassee Zoning Ordinance.

#### 4.14.5 Site Design Elements

The following elements present a hierarchy to assist in the design of site plans:

1. Should a site contain a Historic Tree(s), the highest site design priority shall be implemented to preserve the historic tree(s);
2. For those properties not containing a Historic Tree(s), site design priority shall be given to the preservation of Grand Trees and clusters or groupings of smaller native trees (20" DBH and below) and existing vegetation. The removal of a Grand Tree is only permitted when, upon the determination of the Community Development Director, Historic Preservation Commission, and/or Planning Commission, the property owner provides proof in writing that all design alternatives have been explored and the removal cannot be avoided;
3. At the time of post development, all sites must contain a sufficient number of trees to insure a minimum of thirty (30) existing trees per disturbed acre or fifteen (15) existing trees ten (10") inches DBH and greater, per disturbed acre; and
4. Acknowledgment shall be given for clustering of trees and native vegetation when the locations of such provide shading throughout a property in accordance with Section 4.14.4.3.A.3 of this Ordinance.

#### 4.14.6 Establishing Tree Protection During Construction

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The following standards shall be stated on all approved development plans and shall apply to trees, natural areas, and/or buffers proposed for preservation on a construction site.

A. Tree and Root Protection Zone

To protect the critical root zones, a Tree Protection Area (TPA) shall be established around each tree or group of trees to be retained, described as follows:

1. The TPA shall not include less than the total area beneath the tree canopy as defined by the drip line of the tree or group of trees collectively;
2. Project site utility and grading plans shall avoid disturbance in the TPA. Trenching shall not be permitted within the TPA, unless prior approval is received from the Community Development Director;
3. Construction site activities, including but not limited to parking, materials storage, concrete washout, and/or burnhole placement, shall not be allowed within the TPA;
4. Root disturbance due to cuts or fill shall not be allowed within the TPA. All exposed roots one (1) inch and greater in diameter at the edge of the TPA shall be pruned with a clean cut flush to the soil grade;
5. Soil compaction shall not be allowed within TPA. Erosion and sedimentation control measures shall be installed in a manner designed to prevent the accumulation of sediment within the TPA; and
6. In the event a tree is injured during construction activity, the wound shall be cut back to the bark leaving a smooth edge around the wound. If the tree receives a lethal injury, then a fine and replacement shall be required.

B. Protective Barriers

Protection barriers shall be installed as shown on the plans or otherwise completely surrounding the area to be protected as follows:

1. All protection barriers shall be installed and inspected by the Community Development Director prior to the land disturbance and construction process. The protective barrier shall not be removed until final landscaping is installed; and



2. Protection fencing shall consist of chain link, orange laminated plastic, wooden post and two-rail fencing, or other equivalent, visible restraining material.

C. Signage

Signs shall be posted that state “preservation area” in addition to the required protection fencing. Both English and Spanish translations shall be present on each sign. The Community Development Director shall issue an appropriate number of signs with the development permit. Signs requesting subcontractor cooperation and compliance with these protection standards are recommended for site entrances.

D. Pruning

Pruning of tree limbs to provide clearance for equipment and materials or for any other reason shall be done in accordance with the latest *International Society of Arboriculture Standards* and in accordance with the standards provided within.

E. Encroachment

If encroachment into a protection area occurs which causes irreparable damage to one or more trees, based on the assessment of a certified arborist the damaged tree(s) shall be replaced according to the violation table included in this ordinance, Section 4.14.10 Violations and Penalties.

#### 4.14.7 Tree Maintenance for Public Protected Trees

A. Pruning and Trimming

All trees designated for trimming shall be trimmed in accordance with the *International Society of Arboriculture Standards* and the following standards:

1. Trees trimmed for clearance from utility lines may be trimmed in such a manner as to provide clearance from lines for a designated period of time or cycle, not to exceed two (2) years. In all cases where conditions permit, drop crotch or side trimming methods shall be used to obtain necessary clearance. Topping is prohibited. The individual or business trimming the tree is responsible for the disposal of wood residue and trimmed parts of the tree to include chips, logs, and limbs;
2. Whenever trimming harms the visual shape of the tree, additional trimming shall be performed to achieve satisfactory shape and appearance. Where possible, all cuts shall be flush with the trunk of the tree, in order to eliminate





excessive sprouts and unsightly stubs. All cuts shall be made in a manner that prevents rips to the bark; and

3. Thinning and pruning of a mature tree that exceeds more than thirty (30) percent of the leaf surface, on both the lateral branch and the overall foliage that is pruned within a growing season, is prohibited. Limbing up shall be allowed to provide views of scenic resources.

#### 4.14.8 Silviculture and Selective Thinning

Only properties twenty (20) acres and larger may conduct silviculture and selective thinning of Loblolly or Slash Pine. This activity shall comply with the following:

1. An application for a Silviculture Permit shall be submitted to the Town. The application shall include a plan signed by a Registered Forester and include the following:
  - a. A boundary survey of the property indicating the area to be harvested;
  - b. The size, number, and species of existing trees per acre; and
  - c. Tree protection and silt fencing devices for preservation of hardwoods and buffer areas in accordance with Section 4.14.5 of this Ordinance;
2. The silviculture activity shall be in compliance with the latest South Carolina Best Management Practices Manual for Forestry;
3. All sites shall retain a sufficient number of trees to insure a minimum of thirty (30) existing trees per harvested acre or fifteen (15) existing trees ten (10") inches DBH and greater, per harvested acre; and
4. No development is to take place on a parcel that has been clear-cut within two (2) years of cutting, unless the property owner has completed a replanting plan in compliance with this Section, 4.14.8.3.



#### 4.14.9 Wildlife Management

For properties where forestry management practices are utilized for wildlife enhancement and creation of unique, rare habitat to attract endangered species, the owner may request relief from Section 4.14.8. Relief shall be granted on a case-by-case basis when documentation such as a South Carolina DNR and/or US Fish and Wildlife endorsed wildlife management plan is submitted to the Community Development Department.

#### 4.14.10 Tree Removal Permits

- A. Where applicable, a Town tree removal permit shall be issued to remove any tree six (6") inches DBH and greater, and/or any of the following four (4") inches DBH and greater: Red Bay, Loblolly Bay, Longleaf Pine, Pond Pine, Pond Cypress, Bald Cypress, Basswood, Red Mulberry, Beech, Ironwood, Hop Hornbeam, Tulip Poplar, Swamp Cottonwood, Swamp Chestnut, American Elm, Spruce Pine, Swamp Tupelo, Ogeechee Lime, Hawthorn, Devilwood;
- B. Tree removal permit applications shall be submitted to the Community Development Department, or the Mayor, or his designee, no less than two business days prior to the work to be performed;
- C. Permits expire thirty (30) days after date of issuance and shall be null and void if its terms are violated;
- D. If replacement trees are required according to the conditions in this Ordinance, the property owner shall have ninety (90) calendar days or until the next suitable planting season, September thru May, to install the appropriate specimen;
- E. For dead, diseased, infested, or hazardous trees, written justification signed by a certified arborist may be required. The additional justification shall be required upon determination by the Community Development Director; and



4.14.10 Natural Emergency

In case of emergencies the requirements for a Tree Removal Permit shall be waived so that the requirements of this chapter would in no way hinder private or public work to recover from natural hazards or disasters and restore function to property within the Town of Yemassee.

4.14.11 Violations and Penalties

Property in violation of this Ordinance shall be subject to a stop work order and/or fines and penalties until such time as the Town determines remedial actions have been satisfied as follows:

- A. Where trees have been removed in violation of this Ordinance, the Town shall require mitigation in one or more options in accordance with Table 2. Tree Replacement and Fines for Violations:
1. Plant replacement trees on site; and/or
  2. Plant replacement trees on Town Mitigation Sites; and/or
  3. Pay a fine to the Town of Yemassee which shall be allocated to the Tree Fund.

**Table 2  
TREE REPLACEMENT AND FINES FOR VIOLATIONS**

Diameter of Tree Removed (DBH)	Number of Replacement	Caliper of Replacement	Fine
4 through 6	Two for One	4"	Current nursery market value for required replacement plus associated costs of installation and maintenance.
7 through 12	Three for One	6"	Same as Above
13 through 20	Four for One	8"	Same as Above
21 inches or greater	Four for One	8"	Same as Above



- B. No more than fifteen (15%) percent of any one species shall be permitted for replacement trees. Species must be indigenous or native and comply with the Town Landscape Ordinance.

## Section 4.15 Landscape Ordinance

### 4.15.1 Purpose and Intent.

- To preserve and protect the local, native vegetation in order to maintain Yemassee's Lowcountry character.
- To acknowledge that landscaped areas of Yemassee provide much needed shade and oxygen for the local residents.
- To assert that the existence of landscaping enhances property values in the community.
- To implement landscape design plans which encourage natural vegetation areas, tree preservation, efficient irrigation, soil health, and proper plant selection.
- 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.
- To acknowledge that regional wildlife will thrive as a result of a properly maintained, native ecosystem.
- To provide critical habitat with designated natural and safe transportation corridors.
- To encourage efficient usage of water with native landscaping and effectively maintaining irrigation systems vital to the reduction of landscaping and maintenance costs of residential and commercial properties.
- 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.

### 4.15.2 Applicability

The provisions of this ordinance shall apply in all areas of the Town except those areas of the Town which are zoned as Single Family and General Residential.



#### 4.15.3 Landscape Plan Requirements

The following shall be submitted with all applicable development plans.

##### A. Landscape Plan Elements.

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:

- 1) An engineering scale and north arrow.
- 2) The legal description and address of the property.
- 3) The property lines and buffers.
- 4) All existing and proposed site features, such as structures, paved areas, streets, stormwater infrastructure management, and utility easements.
- 5) Existing soil characteristics and classifications.
- 6) 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.
- 7) Irrigation plan in accordance with Section 4.15.4, Water and Irrigation Systems.

##### B. Bonding

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.

##### C. Vehicular Use Areas.

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.



D. Stormwater Retention and Detention Areas.

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.

E. Buffers.

1) Land Use Buffers.

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.

2) Riparian Buffers.

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

F. Urban Environments.

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.

4.15.4 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:
  - 1. South Carolina Coast A Syst, published by the SC Grant Consortium and Clemson Extension Office;
  - 2. 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.

#### 4.15.5 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. Timers shall be set to begin irrigating after 12:00 midnight and end irrigating before 6:00 AM.

#### 4.15.6 Tree and Plant Specifications

All plant material shall be maintained in good condition at all times. All plantings 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 in order 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.

#### 4.15.7 Tree and Plant Installation

- A. All planting installations shall comply with the following:
  - 1. The diameter of the planting hole shall be a minimum of two (2) times the diameter of the root ball.
  - 2. The planting hole sidewalls shall be scored or roughened to eliminate the smooth, slick surface caused by the shovel or auger.
  - 3. 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.
  - 4. 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).
  - 5. Any tree planted with the top of the root ball below natural ground level shall be replanted to the correct elevation.
  - 6. The soil used to backfill around the root ball shall be uncompacted, native soil free of rocks, trash, or any construction debris.





7. 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.

**B. Mulch Requirements**

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.

**4.15.8 Residential Developments**

In order for new development subdivisions to meet the minimum tree cover required within the Section 4.14.4 of 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.

**4.15.9 Commercial/Mixed Use Developments**

Side and rear vegetative areas and buffers shall remain undisturbed unless supplemental plantings are required in accordance with section 4.15.2.D: Landscape Plan Requirements Buffers. Waivers from this section shall be discouraged.



**Table 1: Appropriate Plants for Stormwater Ponds**

<i>Common</i>	<i>Scientific</i>
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	<i>Vallisneria sp</i>
Pondweed	<i>Sagittaria stagnorum</i>
American Lotus	<i>Nelumbo lutea</i>
Pickerelweed	<i>Pontederia cordata</i>
Swamp Lily	<i>Crinum americanum</i>
Bald Cypress	<i>Taxodium distichum, var. distichum</i>
Pond Cypress	<i>Taxodium distichum, var. imbricarium</i>

**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'.)

<b>Genus and Common Name</b>		
<i>Acer barbatum</i> , Southern Sugar Maple	N	U
<i>Acer negundo</i> , Box elder	N	
<i>Acer rubrum</i> , Red Maple	N	U
<i>Betula nigra</i> , River Birch	N	U
<i>Carya aquatica</i> , Water hickory	N	
<i>Carya cordiformis</i> , Bitternut Hickory	N	
<i>Carya glabra</i> , Pignut hickory	N	U
<i>Carya illinoensis</i> , Pecan		
<i>Carya myristiciformis</i> , Nutmeg hickory	N	U
<i>Carya ovata</i> , Shagbark Hickory	N	U
<i>Carya pallida</i> , Sand hickory		
<i>Carya tomentosa</i> , Mockernut hickory	N	
<i>Celtis occidentalis</i> , Hackberry		U



<i>Celtis laevigata</i> , Sugarberry	N	
<i>Fagus grandifolia</i> , American beech		U
<i>Ginkgo biloba</i> , Maidenhair tree		
<i>Gleditsia triacanthos</i> , Honey locust		U
<i>Juglans nigra</i> , Black walnut		
<i>Juniperus virginiana</i> , Red cedar	N	
<i>Liquidambar styraciflua</i> 'Rotundiloba', Fruitless or roundleaf sweetgum		U
<i>Liquidambar styraciflua</i> , Sweetgum	N	U
<i>Liriodendron tulipifera</i> , Tulip tree	N	U
<i>Magnolia ashei</i> , Ash magnolia		
<i>Magnolia grandiflora</i> , Southern magnolia	N	U
<i>Morus rubra</i> , Red mulberry		
<i>Nyssa 'biflora'</i> , Swamp black gum	N	
<i>Nyssa aquatica</i> , Water tupelo	N	
<i>Nyssa ogeche</i> , Ogeechee Lime		
<i>Nyssa sylvatica</i> , Black Gum or Black Tupelo	N	U
<i>Pinus echinata</i> , Shortleaf pine	N	
<i>Pinus elliottii</i> , Slash pine	N	
<i>Pinus glabra</i> , Spruce pine	N	U
<i>Pinus palustris</i> , Longleaf pine	N	U
<i>Pinus serotina</i> , Pond pine	N	
<i>Pinus taeda</i> , Loblolly pine	N	U
<i>Platanus occidentalis</i> , American Sycamore	N	U
<i>Populus alba</i> , White poplar		
<i>Prunus serotina</i> , Black Cherry		
<i>Quercus acutissima</i> , Sawtooth oak		
<i>Quercus alba</i> , White oak	N	U
<i>Quercus coccinea</i> , Scarlet oak	N	U
<i>Quercus falcata</i> , Southern red oak	N	U
<i>Quercus glauca</i> , Ringcupped oak		U
<i>Quercus incana</i> , Bluejack oak	N	
<i>Quercus laurifolia</i> , Laurel oak	N	U
<i>Quercus lyrata</i> , Overcup oak	N	U
<i>Quercus marilandica</i> , Blackjack oak	N	
<i>Quercus michauxii</i> , Swamp chestnut oak	N	U
<i>Quercus nigra</i> , Water oak	N	
<i>Quercus phellos</i> , Willow Oak	N	U
<i>Quercus shumardii</i> , Shumard's red oak	N	U
<i>Quercus stellata</i> , Post oak	N	
<i>Quercus velutina</i> , Black oak	N	



<i>Quercus virginiana</i> , Live oak	N	U
<i>Robina pseudoacacia</i> , Black locust	N	
<i>Taxodium ascendens</i> , Pond cypress	N	U
<i>Taxodium distichum</i> , Bald cypress	N	U
<i>Tilia caroliniana</i> , Carolina basswood		
<i>Ulmus alata</i> , Winged elm	N	
<i>Ulmus americana</i> , American elm	N	U
<i>Ulmus rubra</i> , Slippery elm	N	

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

<b>Genus and Common Name</b>		
<i>Carpinus caroliniana</i> , American hornbeam	N	U
<i>Cercis canadensis</i> , Eastern redbud	N	U
<i>Cladrastis kentukea</i> , American Yellowwood	N	U
<i>Fraxinus pennsylvanica</i> , Green ash	N	U
<i>Gordonia lasianthus</i> , Loblolly bay	N	U
<i>Halesia carolina</i> , Carolina silverbell	N	U
<i>Ilex attenuata</i> 'East Palatka', East Palatka holly		U
<i>Ilex attenuata</i> 'Fosteri', Foster holly		U
<i>Ilex attenuata</i> 'Savannah', Savannah Holly		U
<i>Ilex opaca</i> , American Holly	N	U
<i>Magnolia virginiana</i> , Sweet bay magnolia	N	U
<i>Ostrya virginiana</i> , Eastern hophornbeam	N	U
<i>Prunus caroliniana</i> , Carolina cherry laurel	N	U
<i>Sassafras albidum</i> , Sassafras	N	U
<i>Acer Oliveranum</i> , Olive Maple		
<i>Amelanchier arborea</i> , Downy Serviceberry	N	
<i>Amelanchier Canadensis</i> , Shadblow serviceberry	N	
<i>Broussonetia papyrifera</i> , Paper mulberry		
<i>Bumelia lycioides</i> , Buckthorn bumelia	N	
<i>Bumelia tenax</i> , Tough bumelia	N	
<i>Carpinus caroliniana</i> , Ironwood		
<i>Castanea pumila</i> , Chinquapin	N	
<i>Catalpa bignonioides</i> , Common catalpa	N	
<i>Davidia involucrate</i> , Dove Tree		
<i>Diospyros virginiana</i> , Persimmon	N	
<i>Ficus carica</i> , Sweet fig		
<i>Fraxinus caroliniana</i> , Carolina ash	N	
<i>Fraxinus profunda</i> , Pumpkin ash	N	
<i>Gleditsia aquatica</i> , Water locust	N	



<i>Halesia diptera</i> , Two-winged silverbell	N	
<i>Ilex attenuata</i> 'Hume', Hume Holly		
<i>Ilex latifolia</i> , Lusterleaf Holly		
<i>Juniperus silicicola</i> , Southern Red Cedar	N	U
<i>Maclura pomifera</i> , Osage Orange		
<i>Magnolia pyramidata</i> , Pyramid magnolia		
<i>Osmanthus americanus</i> , Devil wood	N	
<i>Parkinsonia aculeate</i> , Jerusalem Thorn		
<i>Persea borbonia</i> , Red bay	N	
<i>Populus deltoides</i> , Eastern cottonwood	N	
<i>Populus heterophylla</i> , Swamp cottonwood	N	
<i>Pyrus communis</i> , Common pear		
<i>Salix babylonica</i> , Weeping willow		
<i>Salix nigra</i> , Black willow	N	U

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

<b>Genus and Common Name</b>		
<i>Acer griseum</i> , Paperbark maple		
<i>Aesculus pavia</i> , Red buckeye	N	U
<i>Alnus serrulata</i> , Common alder	N	
<i>Aralia spinosa</i> , Devil's walking stick	N	
<i>Arbutus unedo</i> , Strawberry tree		
<i>Asimina triloba</i> , Pawpaw	N	
<i>Bumelia lanuginosa</i> , Gum bumelia	N	
<i>Carya floridana</i> , Scrub hickory	N	
<i>Celtis tenuifolia</i> , Hackberry	N	U
<i>Chionanthus virginicus</i> , Fringetree	N	U
<i>Cliftonia monophylls</i> , Buckwheat tree	N	
<i>Cornus alternifolia</i> , Dogwood	N	U
<i>Cornus florida</i> , Dogwood	N	U
<i>Cornus foemina</i> , Stiff dogwood	N	
<i>Crataegus aestivalis</i> , May haw	N	
<i>Crataegus marshallii</i> , Parsley hawthorn	N	
<i>Crataegus viridis</i> , Green hawthorn	N	
<i>Cudrania tricuspidata</i> , Cudrania		
<i>Cyrilla racemiflora</i> , Swamp cyrilla	N	
<i>Eriobotrya japonica</i> , Loquat	N	U
<i>Erythrina herbacea</i> , Eastern coralbean		
<i>Eucalyptus polyanthemos</i> , Silver dollar tree		
<i>Forestiera acuminata</i> , Swamp privet	N	



<i>Franklinia altamaha</i> , Franklinia	N	
<i>Hamamelis virginiana</i> , Witch hazel	N	
<i>Ilex cassine</i> , Dahoon holly	N	
<i>Ilex decidua</i> , Possumhaw	N	
<i>Ilex myrtifolia</i> , Myrtle-leaf holly	N	
<i>Ilex pernyi</i> , Perny holly	N	
<i>Ilex vomitoria</i> 'Pendula', Weeping holly	N	U
<i>Ilex vomitoria</i> , Yaupon holly	N	U
<i>Juniperus virginiana</i> , Red cedar		U
<i>Koelreuteria bipinnata</i> , Goldenraintree		U
<i>Lagerstroemia indica faurei</i> , Cherokee, Muskogee, Natchez crape myrtle		U
<i>Lagerstroemia indica</i> , Crape myrtle		U
<i>Crataegus spathulata</i> , Littlehip hawthorn		
<i>Malus angustifolia</i> , Southern crabapple		
<i>Malus prunifolia</i> 'Callaway', Callaway crabapple		
<i>Morus alba</i> , White mulberry		
<i>Myrica cerifera</i> , Wax myrtle	N	U
<i>Osmanthus fortunei</i> , Fortune's Tea olive		
<i>Osmanthus fragrans</i> , Fragrant Tea Olive		
<i>Osmanthus heterophyllus</i> , Hollyleaf osmanthus		
<i>Oxydendrum arboreum</i> , Sourwood	N	U
<i>Pinckneya bracteata</i> , Pinckneya, feverbark	N	
<i>Planera aquatica</i> , Planetree	N	
<i>Prunus angustifolia</i> , Chicksaw plum	N	
<i>Prunus cerasifera</i> 'Atropurpurea', Purple-leafed plum		
<i>Prunus cerasifera</i> 'Newport', Cherry plum		
<i>Prunus granatum</i> , Hog plum	N	
<i>Prunus mume</i> , Flowering apricot		
<i>Prunus persica</i> , Flowering peach		
<i>Prunus umbellata</i> , Flatwoods plum		
<i>Punica granatum</i> , Pomegranate		
<i>Quercus laevis</i> , Turkey oak	N	U
<i>Quercus myrtifolia</i> , Myrtle oak	N	
<i>Quercus virginiana</i> 'Maritima', Sand live oak	N	
<i>Rhamnus carolinianus</i> , Buckthorn	N	
<i>Rhus copallina</i> , Shiney or winged sumac	N	
<i>Salix caroliniana</i> , Coastal plain willow	N	
<i>Sapindus marginatus</i> , Soapberry	N	
Southern plum		



<i>Stewartia malacodendron</i> , Silky stewartia	N	
<i>Styrax americanus</i> , American snowbell	N	
<i>Symplocos tinctoria</i> , Horsesugar sweetleaf	N	
<i>Vaccinium arboreum</i> , Sparkleberry	N	U
<i>Vitex agnus-castus</i> , Lilic chastetree		U
<i>Zanthoxylum clava-herculis</i> , Hercules club	N	

**Palms and Cycad**

<b>Genus and Common Name</b>		
<i>Cycas revolute</i> , Sago cycas		
<i>Rapidophyllum histrix</i> , Needle palm	N	U
<i>Sabal etonia</i> , Scrub palmetto	N	
<i>Sabal minor</i> , Dwarf palmetto	N	
<i>Sabal palmetto</i> , Cabbage palmetto	N	U
<i>Serenoa repens</i> , Saw palmetto	N	U
<i>Zamia pumila</i> , 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.

<i>Albizia julibrissin</i>	Mimosa tree
<i>Ardisia crenata</i>	Coral adrisia
<i>Bahia grass</i>	
<i>Cinnamomum camphora</i>	Camphor tree
<i>Colocasia esculenta</i>	Wild taro
<i>Dioscorea alata</i>	Winged yam
<i>Dioscorea bublifera</i>	Air-potato
<i>Eichhornia crassipes</i>	Water-hyacinth
<i>Elaeagnus pungens</i>	Thorny elaeagnus
<i>Firmiana simplex</i>	Parasol tree
<i>Hedera helix</i>	English ivy
<i>Hydrilla verticillata</i>	Hydrilla
<i>Hygrophila polysperma</i>	Green hygro
<i>Imperata cylindrical</i>	Cogon grass
<i>Lantana camara</i>	Lantana, Shrub verbena
<i>Ligustrum lucidum</i>	Glossy privet
<i>Ligustrum sinense</i>	Chinese privet, Hedge privet
<i>Ligustrum japonica</i>	
<i>Lonicera japonica</i>	Japanese honeysuckle



<i>Lygodium microphyllum</i>	Old World climbing fern
<i>Melia azedarach</i>	Chinaberry
<i>Nandina domestica</i>	Nandina, Heavenly bamboo
<i>Nephrolepis cordifolia</i>	Sword fern
<i>Paederia foetida</i>	Skunk vine
<i>Panicum repens</i>	Torpedo grass
<i>Pistia stratiotes</i>	Waterlettuce
<i>Pueraria Montana</i>	Kudzu
<i>Ruellia brittoniana</i>	Mexican petunia
<i>Sapium sebiferum</i>	Chinese tallow, Popcorn tree
<i>Solanum viarum</i>	Tropical soda apple
<i>Tradescantia fluminensis</i>	White flowered wandering jew
<i>Vinca major</i>	
<i>Wisteria sinensis</i>	

**Section 4.16 Site Density**

Site design and density standards prescribed herein, shall apply to all development activity. For purposes of this Section, density is expressed in terms of dwelling units per gross acre of land. The acreage established upon which density is based must be under deed to the developer.

A. Setbacks

1. For purposes of determining required setbacks, all development is classified as follows:
  - a. Light Residential (LR): One (1) to four (4) du/acre;
  - b. Moderate Residential (MR): Five (5) to eight (8) du/acre;
  - c. Intense Residential (IR): Nine (9) to Fifteen (15) du/acre;
  - d. High Intense Residential (HIR): Sixteen (16) du/acre and greater;
  - e. Commercial/Industrial (C/I): Any establishment included in the buying, selling, or manufacturing of goods or services, except as provided for under institutional development; and





- f. Institutional (INST): Includes schools, churches, medical, rehabilitative, correctional, and/or charitable shelters or other public buildings or grounds.
2. Required setbacks are determined by relationship of proposed development to existing development on contiguous property. Adjacent vacant property shall be classified as Light Residential, except where preliminary approved or final approved plans indicate another classification, or where the County considers that the development of the surrounding area is such to warrant lesser setback distances applying to commercial development. For each habitable story over two (2), one (1) setback is computed by adding base figure as shown in chart to the initial setback.

**Table 1: Feet of Setback for one (1) or two (2) habitable stories**

Proposed Use	Existing Adjacent Use					
	LR	MR	IR	HIR	CI	INST
LR	10	10	15	15	20	15
MR	10	10	10	15	20	15
IR	20	15	15	10	20	20
HIR/Hotel	20	20	15	10	20	20
CI	30	30	30	30	10	30
INST	20	25	25	30	30	20

3. The required setback shall be measured inward from the property line to the first vertical wall, excluding fences, lampposts, and the like. Exception to this standard is made for any recreational amenity ancillary to the approved project. Such recreational amenities may be constructed in the non-buffer portion of the setback area.
4. The setback requirements of this Section shall not apply to the separation of patio homes within a specific patio home development. However, in no case shall the separation between such patio homes be less than three (3) feet from the property line of the adjacent lots.
5. When road rights-of-way and easements, or dedicated recreation or open space exists between the property lines of existing and proposed land uses, the setback for the proposed use shall be measured from the property line of the existing use. However, in no case shall side, rear, and front yard setbacks of the proposed use be less than ten (10) feet measured from its property line, except for patio lot sidelines. Such rights-of-way,



easements, or dedicated open space shall be construed as being a part of the required setback.

6. Adjacent landowners may choose to waive the required setbacks where common party wall development is desired by doing the following:
  - a. Filing with the Town Administrator a statement of mutual agreement prior to Development Plan approval for one (1) or both tracts; and
  - b. Recording the agreement as a Property Deed Covenant in the deed of affected properties prior to Development Plan approval for one (1) or both tracts.

**Section 4.17 Buffers**

Buffer Requirements

- A. To provide protection for potential incompatibility between neighboring land uses of different type and/or intensity, the following buffer requirements shall apply to the setback areas prescribed in *Section 4.15*.

Table 2: Percentage of Table 1 Setback Standards

Proposed Use	Existing Adjacent Use					
	LR	MR	IR	HIR	CI	INST
LR	0	0	0	0	0	0
MR	50	50	50	50	50	50
IR	60	50	50	50	50	50
HIR/Hotel	70	50	50	50	50	50
CI	80	50	50	50	50	50
INST	50	50	50	50	50	50

- B. Buffer standards are computed as a percentage of required setbacks established in *Section 4.15* and measured inward from the property line of the proposed use.
- C. Buffer areas must be left undisturbed, except that underbrush may be cleared and the area landscaped. Nothing herein shall be construed as preventing removal of junk, debris, or abandoned structures, fences and the like from the buffer area in the interest of aesthetic improvement.



- D. In the absence of adequate natural vegetation to effect the buffer required herein, the Developer shall be required to plant trees, bushes, or shrubs for a minimum depth of fifty (50) percent of the setback from Table 1 or ten (10) feet, whichever is greater, inward from the development property line to achieve the required buffer. The type, height, and density of planted vegetation shall be approved by the Town.
- E. When roads, dedicated or covenanted open space, or passive recreation areas exist between the property lines of existing and proposed land uses, no buffer area shall be required.
- F. In the case of Planned Unit Developments, the specific requirements for setbacks and buffering shall apply to the perimeter of the PUD only, and does not apply to individual development sites or tracts within the overall PUD consistent with the intent and spirit of these provisions.
- G. The balance of the setback area required in *Section 4.15*, not reserved as buffer area, may be utilized in the site development for roads, parking, drainage facilities, and recreational amenities ancillary to the development.
- H. Electrical, telephone, gas, water supply, sewage disposal, and other utilities may be constructed in the required buffer area, and after installation of such services, to meet the requirements of this Section, the Developer shall be required to restore the buffer area as approved by the Town.

#### **Section 4.18 Open Space Standards**

##### Open Space Requirements

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

- D. 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

- E. 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 (2½) and applying the resultant residential density requirement.



#### **Section 4.19 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.

#### **Section 4.20 Hazards Nuisances**

The following uses of land, buildings, and structures within the Town are deemed to constitute special nuisances which would endanger the health, safety, and welfare of residents and property owners in the Town and shall only be permitted in accordance with the provisions of this Ordinance:

- A. Other than normal, acceptable businesses which have a history of safety and regulation; such uses which create a risk of fire, explosion, noise, radiation, injury, damage, or other physical detriment to any person, structure, or plant growth beyond the boundaries of the premises on which such use is located;
- B. Racing tracks for automobiles, motorcycles, grand prix midget racers, go-carts, and similar activities;
- C. Commercial amusement parks, ferris wheels, roller coasters, water slides, carnival rides, and carnival-like activities, except those non-profit organizations, agricultural or institutional fairs, displays, and games in place and operated at special times of the year for thirty (30) days or less;
- D. Commercial wild animal parks, alligator farms, and other animal displays and use activities requiring admission for entry; provided, however, that this provision shall not apply to a marine ecology center, aquarium, animal protection shelter, kennels, dog or horse training facilities, boarding and riding stables, or similar educational facilities, provided they do not create a nuisance beyond the property boundary;



- E. Businesses such as junkyards, salvage material yards, open storage yards, supplies and equipment in disarray, solid waste landfill areas, depositories for nuclear waste, chemicals, or other industrial or agricultural wastes;
- F. Any use causing or resulting in the emission of toxic or corrosive gases, radiation, interference with television or radio reception, or other physical or electronic disturbance perceptible beyond the boundaries of the premises on which such use is conducted;
- G. Any light or source illumination, either interior or exterior, that casts disturbing rays or creates glare so as to constitute a nuisance to nearby residences or creates a hazard by impairing vehicular driver vision;
- H. Such special nuisances as defined above, which result in the production or discharge of smoke or other air contaminants as dark or darker in shade than as designated as Number two (2) on the latest edition *Ringlemann Chart* as published by the United States Bureau of Mines for a period or periods aggregating more than three (3) minutes in any one (1) hour;
- I. Such special nuisances as defined above, which result in the production or discharge or offensive odors exceeding the standards established in the latest edition of the Manufacturing Chemists Associates, *Air Pollution Abatement Manual* or related federal and/or state guidelines; and
- J. Such special nuisances as defined above, which result in the production of noise levels in excess of sixty (60) (dba) measured at the property line.

#### **Section 4.21 Special Nuisances**

##### Special Nuisance Standards

- A. All land uses and land use activities outlined in *Section 4.20.1.A through Sections 4.20.1.J*, shall be screened from view from any public highway, street or road, adjacent, existing, and approved residential uses and institutional uses, such as churches, schools, cemeteries, and libraries. Required screening and buffering may be accomplished with natural and/or landscaped plantings or combination thereof, including berms, walls, or fencing that effectively prevent from view the nuisance. Approved residential uses as described herein, shall mean those residential uses shown on plans on file in the offices of the Beaufort and/or Hampton County Development Administrator or the Town Planning Commission having either preliminary



(including Master Plan approval) or final plan approval under the provisions of this Ordinance.

- B. The Applicant shall demonstrate, through design and the use of plantings, walls, buffers, setbacks and the like, compliance with radiation, light, smoke, odor, and noise provisions as established in this Ordinance.
- C. Exception to the smoke, odor, and noise standards prescribed, is hereby made for certain temporary activities, such as construction, land clearing, special events, and the like, where owing to the nature of such activity, temporary nuisance is unavoidable.
- D. Exception to the noise level prescribed herein is hereby made for publicly owned airfields and landing strips.

#### **Section 4.22 Fire Safety Standards**

The Fire Safety Standards prescribed herein shall apply to all development activity.

- A. 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.
- B. The local Fire Official shall inspect the completed development site for compliance with the approved plans and submit his/her findings to the Town administration prior to issuance of a Certificate of Zoning Compliance.
- C. 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/Yemassee Fire District.



- D. 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 situation, 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.
- E. 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.

#### **Section 4.23 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.

- 4.23.1 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:
1. Water supply systems will be constructed to preclude infiltration by flood waters;
  2. Waste water disposal systems, including septic tanks, will be constructed to preclude infiltration by flood waters; and
  3. Types and construction of fill materials used for building foundations are such so as to minimize settlement, slope erosion, siltation, and facilitates drainage of potential surrounding flood waters.
- C. 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:
1. 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*;
  2. 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
  3. 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

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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.

#### 4.24 Flood Damage Prevention Ordinance

##### 4.24.1 Statutory Authorization, Findings of Fact, Purpose and Objectives

###### A. Statutory Authorization

The Legislature of the State of South Carolina has in South Carolina Code of Laws, (1976), as amended delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town Council of the Town of Yemassee, South Carolina, does ordain as follows:

###### B. Findings of Fact

- (1) The flood hazard areas of Yemassee, South Carolina are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (2) These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

###### C. Statement of Purpose

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

- (1) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;



- (2) restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in increases in flood heights, velocities, or erosion;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) control filling, grading, dredging and other development which may increase flood damage or erosion, and;
- (5) prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

D. Objectives

The objectives of this ordinance are:

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) to help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and;
- (7) to insure that potential home buyers are notified that property is in a flood area.

E. Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.



**“Addition” (to an existing building)** means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by an independent perimeter load-bearing wall shall be considered “new constructions”.

**“Appeal”** means a request for a review of the Yemassee Board of Appeals (“DRB”) interpretation of any provision of this ordinance or a request for a variance.

**“Area of special flood hazard”** is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

**“Base flood”** means the flood having a one percent chance of being equaled or exceeded in any given year.

**“Basement”** means that portion of a building having its floor sub grade (below ground level) on all sides.

**“Building”** means any structure built for support, shelter, or enclosure for any occupancy or storage.

**“Development”** means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, and permanent storage of materials or equipment.

**“Elevated building”** means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers or shear walls.

**“Existing Construction”** Any structure for which the “start of construction” commenced before the effective date of the first floodplain management code or ordinance based upon specific technical base flood elevation data which establishes the area of special flood hazard..

**“Existing manufactured home park or subdivision”** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before (a specific date, i.e., the effective date of the first floodplain management regulations adopted by a community).

**“Expansion to an existing manufactured home park or subdivision”** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.



**“Flood” or “flooding”** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a.) the overflow of inland or tidal waters; or
- (b.) the unusual and rapid accumulation or runoff of surface waters from any source,

**“Flood Hazard Boundary Map (FHBM)”** means an official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as Zone A.

**“Flood Insurance Rate Map (FIRM)”** means an official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

**“Flood Insurance Study”** the official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

**“Floodplain”** means any land area susceptible to flooding.

**“Functionally dependent facility”** means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as docking or port facility necessary for cargo loading, shipbuilding, or ship repair. The term does not include storage, manufacture, sales, or service facilities.

**“Highest adjacent grade”** means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

**“Historic Structure”** means any structure that is;

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior (see note at end); or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (see note at end)



- a. By an approved state program as determined by the Secretary of the Interior,  
or
- b. Directly by the Secretary of the Interior in states without approved programs.

**“Lowest floor”** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the provisions of this code.

**“Manufactured home”** means a building, transportable in one or more sections built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

**“Mean Sea Level”** means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with national Geodetic Vertical Datum (NGVD).

**“National Geodetic Vertical Datum (NGVD)”** as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

**“New construction”** means any structure for which the “start of construction” commenced after (a specific date, i.e., the effective date of the first floodplain management code or ordinance based upon specific technical base flood elevation data which establishes the area of special flood hazard, i.e. first FIRM). The term also includes any subsequent improvements to such a structure.

**“New manufactured home park or subdivision”** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after (a specific date, i.e., the effective date of the first floodplain management regulations adopted by a community).

**“Recreational vehicle”** means a vehicle which is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection;
- c. Designed to be self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.



**“Start of construction”** means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (NOTE: accessory structures are NOT exempt from any ordinance requirements) For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**“Structure”** means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

**“Substantial damage”** means damage of any origin sustained by a structure whereby the cost of restoring the structure to it before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**“Substantial improvement”** means any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a five (5) year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure prior to the improvement. The market value of the building should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affected the external dimensions of the building. The term does not, however, include the improvement of a building required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, which have been pre-identified by the Code Enforcement Official and not solely triggered by an improvement or repair project.

**“Substantially improved existing manufactured home parks or subdivisions”** is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads before the repair, reconstruction or improvement commenced.



**“Variance”** is a grant of relief from the requirements of this ordinance which permits construction in manner otherwise prohibited by this ordinance.

4.24.2. General Provisions

- (1) This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the Town of Yemassee.
- (2) This ordinance shall be applicable to all newly annexed lands and as part of the annexation process, if needed, additional Flood Insurance Rate Map (FIRM) panels shall be adopted to provide complete coverage.

A. Basis for area of Special Flood Hazard

The areas of special flood hazard identified by the Federal Insurance Administration in its Flood Insurance Study (FIS), dated December 18, 1986, with accompanying maps and other supporting data, and any revisions thereto, are adopted by reference and declared a part of this ordinance. For those land areas, acquired by the Town through annexation, the current effective FIS and maps for unincorporated Beaufort and Hampton County are hereby adopted by reference.

B. Establishment of Development Permit

A Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development (see definition) activities.

C. Compliance

No structure or land shall hereafter be located, extended, concerted or altered without full compliance with the terms of this ordinance and other applicable regulations.

D. Abrogation and Greater Restrictions

This ordinance is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. Interpretation

In the interpretation and application of this ordinance all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under state statutes.

F. Warning and Disclaimer of Liability





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

G. Penalties for Violation

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than thirty (30) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Yemassee from taking such other lawful actions as is necessary to prevent or remedy any violation.

4.24.3. Administration

A. Designation of Yemassee Development Review Board ("DRB")

The DRB is hereby appointed to administer and implement the provisions of this ordinance provided however until all such authority shall be exercised by the YPC; provided further that the YPC shall have the right to designate one person to act as the Administrator.

B. Permit Procedures

Application for a Development Permit shall be made to the DRB on forms furnished by it prior to any development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- (1) Application Stage.



- (a) Elevation in relation to mean sea level of the lowest floor (including basement) of all proposed structures;
  - (b) Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;
  - (c) Certificate from a registered professional engineer or architect that any non-residential flood-proofed structure will meet the flood-proofing criteria in Article 5, Section B (2) and Section D (2);
  - (d) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development, and;
- (2) Construction Stage:

For all new construction and substantial improvements, provide a regulatory floor elevation or flood-proofing certification after the lowest floor/flood-proofing is completed. Upon placement of the lowest floor, or for non-residential structures, after flood-proofing, whichever is applicable, it shall be the duty of the permit holder to submit to the Planning Commission a certification of the elevation of the lowest floor, or flood-proofed elevation, whichever is applicable, as built, in relation to mean sea level. Lowest floor certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for a non-residential structure, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk.

The DRB shall review the above referenced elevation certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit certification or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

### C Duties and Responsibilities of the Administrator

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

- (1) Review all development permits to assure that the permit requirements of this ordinance have been satisfied;
- (2) Verify and record the actual elevation, in relation to mean sea level, of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Article 4, Section B(2).



- (3) Verify and record the actual elevation, in relation to mean sea level, to which new or substantially improved structures have been flood-proofed, in accordance with Article 4, Section B (2).
- (4) When flood-proofing is utilized for a structure, the DRB shall obtain design certification from a registered professional engineer or architect, in accordance with Article 5(B) (2).
- (5) When Base Flood Elevation data or floodway data have not been provided in accordance with Article 3, Section B, then the DRB shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of Article 5.
- (6) Notify adjacent communities and the South Carolina Water Resources Commission prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (7) For any altered or relocated portion of any watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency indicating changes. Assure flood carrying capacity of any altered or relocated watercourse is maintained.
- (8) Where interpretation is needed as to the exact location of boundaries of the areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the DRB shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- (9) Advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file.
- (10) All records pertaining to the provisions of this ordinance shall be maintained in the office of the DRB and shall be open for public inspection.

4.24.4. Provisions for Flood Hazard Reduction

A. General Standards

In all areas of special flood hazard the following provisions are required:



- (1) New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;
- (3) New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;
- (4) All heating and air conditioning equipment and components, all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (5) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding, and;
- (9) Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this ordinance, shall be undertaken only if the non-conformity is not furthered, extended or replaced.

### B. Specific Standards

In all areas of special Flood Hazard where base flood elevation data have been provided, as set forth in Article 3, Section B, or Article 4, Section C (5), the following provisions are required:

- (1) Residential Construction. New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter



- (2) Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured home) shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation. Structures located in AE or AH zones, may be flood proofed in lieu of elevation provided that all areas of the structure below one (1) foot above the base flood elevation, together with attendant utility and sanitary facilities, are designed to be water tight, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and in Article 4, Section C (4).
- (3) Elevated Buildings. New construction or substantial improvements of existing structures that include any fully enclosed area located below the base flood elevation which is formed by foundation and other exterior walls shall be designed so as to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwaters.
- (a) Designed for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
- i. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
  - ii The bottom of all openings shall be no higher than one foot above grade; and,
  - iii Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions.
- (b) So as not to violate the lowest floor criteria of this ordinance, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area, and
- (c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
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(4) Standards for Manufactured Homes and Recreational Vehicles.

- (a) All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in new or substantially improved manufactured home parks or subdivisions, must have the lowest floor including basement, elevated no lower than one (1) foot above base flood elevation.
- (b) All manufactured homes placed or substantially improved in an existing manufactured home is elevated no lower than one (1) foot above the level of the base flood elevation, or
  - (i) The lowest floor of the manufactured home is elevated no lower than one (1) foot above the level of the base flood elevation, or
  - (ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, and no less than 36 inches in height above grade.
  - (iii) The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.
  - (iv) On a site in an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood, any manufactured home placed or substantially improved on that site must meet the
  - (v) standards of Article 5, Section B (4) (b) (i) and (iii) above.
- (c) All recreational vehicles placed on sites must either:
  - (i) Be fully licensed and ready for highway use, or
  - (ii) The recreational vehicle must meet all the requirements for “new construction”, including anchoring and elevation requirements of Article 5, Section B (4) (a) and 5 (B) (4) (b) (iii), above.

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

C. Standards for Streams without Established Base Flood Elevation and/or Floodways

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Located within the areas of special flood hazard established in Article 3, Section B, where streams exist but where no base flood data have been provided (A-Zones) or where base flood data have been provided without floodways, the following provisions apply:

- (1) When base flood elevation data or floodway data have not been provided in accordance with Article 3, Section B, then the DRB shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of Article 5. If data are not available from outside sources, then the following provisions (2&3) shall apply:
- (2) No encroachments, including fill material or structures, shall be located within a distance of the stream bank equal to one (1) times the width of the stream at the top of the bank or twenty feet each side from the top of the bank, whichever is greater, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (3) In Special Flood Hazard Areas without Base Flood Elevation Date, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than (3) feet above the highest adjacent grade at the building site. The DRB shall record the lowest floor elevation level and the record shall become a permanent part of the permit file.

D. Standards for Subdivision Proposals

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;



- (4) Base flood elevation data shall be provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions, greater than fifty (50) lots or five (5) acres, whichever is less.

#### 4.24.5. Variance Procedures

- (A) The Yemassee Zoning Board of Appeals as established by Yemassee Town Council shall hear and decide any appeals or requests for variances from the requirements of the ordinance.
- (B) The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the DRB in the enforcement or administration of this ordinance.
- (C) Any person aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the court of Common Pleas, as provided in South Carolina Code of Laws, (1976), as amended.
- (D) Variances may be issued for the repair or rehabilitation of “historic structures” upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continue designation as an “historic structure” and the variance is the minimum to preserve the historic character and design of the structure.
- (E) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Article are met, no reasonable alternative solution exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
- (F) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (G) In reviewing such requests, the Yemassee Zoning board of Appeals shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this ordinance.
- (H) Conditions for Variances:

- (1) A variance shall only be issued when there is
  - (i) a finding of good and sufficient cause,





- (ii) a determination that failure to grant the variance would result in exceptional hardship, and;
  - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of an historic structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building;
  - (2) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
  - (3) The Yemassee Zoning Board of Appeals shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
  - (I) Upon consideration of the factors listed above and the purposes of this ordinance, the Yemassee Zoning board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

#### 4.24.6 Severability

If any section, clause, sentence, or phase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of the Ordinance.

#### 4.24.7 Historic Structures

State and local inventories of historic structures and historic districts in the State of South Carolina are generally compilations of inventories prepared by various individuals and groups. The inventories include many structures and districts which have been determined to be "Historic" as defined by criteria of the U.S. Department of the Interior (DOI) National Park

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Service. These structures are individually listed on the Register of Historic Places, or individually listed as contributing structures to a registered historic district, or preliminarily determined by the DOI as meeting the criteria above. These structures meet the historic structure criteria of the National Flood Insurance Program

Some structures and districts listed on State or local inventories MAY NOT be "Historic" as cited above, but have been included on the inventories because it was believed that the structures of districts have the **potential** for meeting the "Historic" criteria of the DOI. In order for these structures to meet NFIP historic structure criteria, it must be demonstrated that the structure has been **individually determined** by the South Carolina Department of Archives and History, and that the structure or district meets DOI historic structure criteria.



## ARTICLE V

### SUBDIVISION REGULATIONS

#### Section 5.1 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 in order 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 Community Development Director.

- 1.1.1 **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 Section. Town adoption of neighborhood plans or Planned Unit Developments (PUD) may result in neighborhood or PUD standards supplementing or replacing these standards.

#### Section 5.2 Subdivision Review

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

- 5.2.1 **Authority:** The Planning Commission may review, make recommendations on, and delegate ultimate approval authority of all major subdivisions to the Town Council.



5.2.2 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:

- A. Application Form and Fee: An application form as published by the Community Development 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 appropriate subdivision review fee;
- B. 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 Community Development 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;
- C. 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 Community Development Department. Plans must be prepared by a Registered Surveyor, showing:
  - 1. Date (including any revision dates), proposed subdivision name and location, name of owner, north arrow, graphic scale, and reference meridian;
  - 2. 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:
    - a. Town limit lines (if any);



- b. Property lines;
  - c. Right-of-way easements;
  - d. Streets;
  - e. Utility transmission lines;
  - f. Storm sewers;
  - g. Ditches and culverts;
  - h. Water bodies;
  - i. Sanitary sewers;
  - j. Water mains;
  - k. Bridges;
  - l. Buildings;
  - m. Bulkheads and bulkhead fines;
  - n. Fuel storage tanks;
  - o. Names and locations of adjoining developments and streets;
  - p. Names of abutting property owners;
  - q. Zoning classifications of abutting properties;
  - r. Tract boundaries and total acreage in tract;
- 3. The proposed name of the subdivision;
  - 4. 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;
  - 5. 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;

6. 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;
7. 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;
8. Each block shall be numbered, and the lots within each block shall be numbered consecutively;
9. Notation of specific reference plats, if applicable;
10. Computed acreage of each lot created by the subdivision;
11. Minimum building setback or buffer lines as required by the *Development Standards Ordinance* or *Town of Yemassee Zoning Ordinance*;
12. Certification by a South Carolina professional Land Surveyor as to the accuracy of the details of the plat, with seal and signature affixed;
13. Notation of the one hundred year storm flood elevation MSL and Flood Disclosure Statement (if in FEMA Zone A or V);
14. Surveyed delineation as appropriate of any wetland area within or contiguous to the subdivision;
15. 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 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;

- d. 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;
  - e. 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;
  - f. Soil Survey based on most recent Soil Survey of Beaufort and Hampton Counties, USDA;
- 16. Proposed lot layout, street design, and street right-of-way widths;
  - 17. Proposed street names;
  - 18. Proposed drainage system layouts;
  - 19. Proposed water system layout, except where individual wells are proposed;
  - 20. Proposed sewer system layout, except where individual septic tanks are proposed;
  - 21. Proposed open space areas;
  - 22. Where applicable, surveyed line delineating the extent of any special district boundary on the development property;
  - 23. Topographic survey, including flood prone delineations. The most recent topographic survey and USGA flood prone mapping may be utilized;
  - 24. Tree survey (*See Section 4.14*)
  - 25. Other affected agencies preliminary comments or approvals on elements of the proposed subdivision over which such agencies have approval or permitting authority;



26. Letters of capability and intent to serve community water supply and sewage disposal (where applicable from the affected agency or entity);
  27. 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;
  28. 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;
- D. Certification of Owner's Consent: Certification that the owner of the land has given consent to the proposed subdivision;
- E. 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;
- F. 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:
1. 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;
  2. 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; and





- G. 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.
- 5.2.3 Minor Subdivision Submission Requirements: A minor subdivision plat shall be submitted with each of the items set forth in *Section 5.2.4, Major Subdivisions*, with the exception of the following:
- A. Open Space Standards in *Section 5.6: 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; and*
  - B. *Sidewalk and Pathway Standards in Section 4.5, Development Standards Ordinance, unless the property is a new Planned Unit Development or within the Highway Corridor Overlay District.*

#### Maximum Review Period for Plat or Plan

- A. 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 6-29-1150 of the Code of Laws of South Carolina.*
  - B. A letter of approval or authorization to proceed shall be sent by the Community Development Director 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.
  - C. The sixty (60) day time period may be extended by mutual agreement between the Town and the Applicant.
- 5.2.4 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 Community Development Director shall so 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.



5.2.5 Appeals

- A. Minor Subdivisions: Appeals of administrative decisions on minor subdivisions, made by the Community Development Director, 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 Community Development Director, 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 Community Development Director, shall be made to the South Carolina Circuit Court.

5.2.6 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.

**Section 5.3 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.

5.3.1 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 Community Development Director, or the Mayor's designee 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 Community Development Director 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.

### 5.3.2 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.

## Section 5.4 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.



#### 5.4.1 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 *Section 5.6*.
- E. Street, sidewalk, and pathways shall be planned in accordance with *Article IV, Section 4.5*.
- 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

- 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 Community Development Director 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 *Section 4.4.B and C*.

#### 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 Community Development Director.
- 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 in 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 alternate 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 Beaufort and/or Hampton County Office of Emergency Management. 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. Addresses shall be indicated in parentheses on each lot on one (1) separate, eleven (11) inch by seventeen (17) inch reduced copy of the final plat submitted to the Community Development Department. Addresses will be obtained by the Beaufort and/or Hampton County Office of Emergency Management.
  - 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.
- 5.4.2 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.



## Section 5.5 Development Sureties

### Applicability

- A. Development sureties as set forth herein shall be required for:
  - 1. Any development for which a Temporary Certificate of Compliance is being issued pursuant to *Section 5.3.4*; and
  - 2. 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.
- B. 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 Surety

- C. The following types of development sureties may be accepted by the Town:
  - 1. Cash;
  - 2. A bank certified check payable to “Town of Yemassee”;
  - 3. An irrevocable letter of credit naming the Town of Yemassee as beneficiary; and
  - 4. A performance bond by a surety firm, approved by the Town Attorney, naming the Town of Yemassee as beneficiary.
- A. 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.



- 5.5.1 Acceptance of Surety: Prior to the Town's acceptance of any such development surety, the Applicant shall submit to the Community Development Director 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

- A. 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.
- B. 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

- A. Subsequent to final on-site inspection and issuance of a final Certificate of Compliance by the Community Development 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.
- B. 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:





1. Prior to a request for a drawdown or markdown, the Applicant shall submit, to the Community Development Director, 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;
2. The Community Development 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;
3. 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;
4. 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
5. 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 completely 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, subsequent to 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.



- A. In the case of a cash or certified check surety, take possession of the full amount or remaining balance of such surety.
- B. 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.

## Section 5.6 Open Space Standards

### 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 Community Development Director. 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

1. 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 insure 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 Community Development Director, and funded in a manner adequate to maintain it.
2. **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 Community Development Director 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 Community Development Director, or the Mayor's designee shall determine whether the land to be conveyed is appropriate for use as common recreational open space for the public or residents of the residential development. Among the factors to be considered by the Community Development Director in making such determination, shall be the accessibility of the land to be conveyed and, whether the size and physical characteristics are appropriate.
3. 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.

#### 5.6.1 Ownership and Maintenance

- A. 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:
1. Dedication of common open space to an appropriate public agency, if there is a public agency willing to accept the dedication;
  2. Common ownership of the open space by a Property Owner's or Homeowner's Association or a similar entity approved by the Community Development Director, which assumes full responsibility for its maintenance; and/or
  3. Deed-restricted private ownership, which shall prevent development and/or subsequent subdivision of the common open-space land and provide for the maintenance responsibility.
- B. 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 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 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 VI

### DEVELOPMENT PERMITS

#### Section 6.1 Permits Required

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

#### Section 6.2 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. 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 fish ponds where no materials are removed from the property);
- D. Home occupations confined within a residential structure;
- E. All farm and farm related structures (*See Section 10.2.29, Article X, Definitions*);  
and
- F. Any structure or use expressly approved as integral to a development permitted in accordance with the provisions of this Article.





### **Section 6.3 Approval of Development**

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

### **Section 6.4 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.

- 6.4.1 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, not withstanding 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;
  - B. The Development Plan complies as a whole, 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 area 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
  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.



**Section 6.5 Variances**

See the *Town of Yemassee Zoning Ordinance, Article VII.*

**Section 6.6 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.

**Section 6.7 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.

- 6.7.1 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 for in *Section 6.8* of this Ordinance.
- 6.7.2 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.

**Section 6.8 Expiration of Development Permit**

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.



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

**Section 6.9 Revocation of Development Permit**

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 particular permitted development, or which is not in compliance with the provisions of this Ordinance.

- 6.9.1 Revocation of a Development Permit immediately ceases all authorized construction, work, or sales associated with the development activity.
- 6.9.2 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.

**Section 6.10 Public Dedication of Improvements**

A Developer may, at his option, choose to dedicate, for permanent public ownership and maintenance, road, drainage, water and sewer systems within developments involving the sale of lots, units, or building sites to consumers.

- 6.10.1 Upon the filing of any plan, all intended offers of public dedication must be formally expressed in writing, setting forth clearly the improvements to be dedicated and government body or agency to which dedication is to be made. The Development Administrator will forward such notices of intent to the appropriate agency for which dedication is intended and advise the Applicant of persons to contact regarding required specifications and conditions to be met prior to formal acceptance.
- 6.10.2 With the filing of a final plan application, the Developer shall submit final plans and design specifications required by agencies to which dedication is intended, and receive final design approval from such agencies.
- 6.10.3 Following final plan approval by the Development Review Committee, construction of required improvements may commence and upon completion of construction, the Developer shall contact the agencies to which dedication is intended for final inspection prior to acceptance.



- 6.10.4 Upon certification for acceptance by the appropriate agency official, the Developer shall prepare necessary plats, easements, or deeds, as required, and obtain final acceptance by the Town Council of the dedicated improvement.
- 6.10.5 In the event of non-acceptance of the completed improvement for public ownership and maintenance, the Developer shall submit and obtain approval of an alternate method of ownership and maintenance of improvements.
- 6.10.6 No lot, unit, or building site may be sold until offers of public dedication have been formally accepted or alternate methods of ownership and maintenance of required improvements have been approved and legally established except that the Developer may, at his option, post a maintenance bond with the Town, in an amount sufficient to maintain the improvements as determined by the Town Administrator.

With the posting of such bond, the Developer may record appropriate plats and sell platted lots, units, or building sites while completing the process of public dedication or establishment of alternate methods of ownership and maintenance of required improvements.

#### Section 6.11 Private Roadways

The Town of Yemassee does not accept title to roads within a subdivision for maintenance and upkeep. Any deviations from this policy must be done by the Town Council by Ordinance.



## ARTICLE VII

### ADMINISTRATION, APPEAL, COMPLAINTS, AND REMEDIES

#### Section 7.1 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.

#### Section 7.2 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 Mayor and the Planning Commission as described in this Ordinance until such time or a Town Administrator or Community Development Director is employed. 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.

#### Section 7.3 Approvals

The Yemassee Planning Commission hereby delegates all permitting responsibilities to the Building Inspector or other designee.



## Section 7.4 Permit Applications

**Pre-application Conference:** 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 cost 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 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 (1½) 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 Town Administration and erected on the development property readily visible from the most traveled thoroughfare adjacent to the property. 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 as specified in *Section 5.2.1; 4.24; and 4.14;*
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 land owners 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;
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 of *Section 7.4.2* (s)he 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 Development Review Committee 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 date of such approval.
- 7.4.1 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 *Section 7.4.6*.

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 (10) 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 take action 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.

#### **Section 7.5 Documentation of Rulings**

Any ruling made by the Development Review Committee under the provision of this Ordinance, shall be issued in 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.

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**Section 7.6 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.

**Section 7.7 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 conduct of 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 under *Section 7.7.3*;
- 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.

7.7.2 The Town Administrator shall make a record of the hearing.

**Section 7.8 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.

- 7.8.1 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.
- 7.8.2 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.
- 7.8.3 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 complaint, 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.
- 7.8.4 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.
- 7.8.5 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 VIII

### AMENDMENTS

#### Section 8.1 Introduction

This Ordinance, including the *Official District Map*, may be amended from time to time by the Town Council in accordance with the provisions of this Article.

#### Section 8.2 Review by Planning Commission

Under the General Statutes of *South Carolina Code Section 6-29-330*, the Planning Commission is charged with 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.

#### Section 8.3 Public Hearing Required

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



## ARTICLE IX

### LEGAL STATUS PROVISIONS

#### **Section 9.1 Conflict with Other Laws**

Whenever the provisions of this Ordinance impose more restrictive standards than are required under other statutes, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this Ordinance, the provisions of such statute shall govern.

#### **Section 9.2 Validity**

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof, which is not specifically declared to be invalid or unconstitutional.

#### **Section 9.3 Repeal of Conflicting Ordinances**

All Ordinances and parts of Ordinances in conflict herewith are repealed to the extent necessary to give this Ordinance full force and effect.

#### **Section 9.4 Effective Date**

This Ordinance shall take effect and be in force from and after the date of its adoption by the Town Council.



## ARTICLE X

### DEFINITION OF TERMS

#### Section 10.1 Interpretation of Certain Terms or Words

Except as specifically defined herein, all words in this Ordinance have the customary dictionary definitions. For the purpose of this Ordinance, certain words or terms used herein are defined as follows:

Where the ordinance contains the phrase "Beaufort and/or Hampton" Counties the county where the structure is located will apply to its construction, in addition to this ordinance and all other Town of Yemassee laws.

The Mayor may appoint a designee where a position, board, title, or staff member is not currently staffed or does not currently exist in the Town of Yemassee.

Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.

- 10.1.1 The word "shall" is always mandatory.
- 10.1.2 The word "may" is permissive.
- 10.1.3 The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.
- 10.1.4 The word "Planning Commission" refers to the Town of Yemassee Planning Commission.
- 10.1.5 The words "used" or "occupied", as applied to any land or building shall be construed to include the words intended, arranged, designed to be used, or occupied.
- 10.1.6 The word "Map", "District Map", or "Official District Map" shall mean the *Town of Yemassee Official District Map*.
- 10.1.7 The word "Development Administrator" refers to the person designated by the Town of Yemassee to enforce this Ordinance and until such position is filled the Mayor or his designee shall fulfill such duties.



**Section 10.2 Definitions**

- 10.2.1 Access: The right and/or ability of pedestrians and vehicles to enter and leave property.
- 10.2.2 Accessory Dwelling Unit/Dependency Unit: A second dwelling unit, either added to or in a single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility. The accessory dwelling unit can also be located on the second floor of a retail or office building. The maximum size for an accessory dwelling unit/dependency unit is eight hundred (800) square feet.
- 10.2.3 Buffers: A piece of land of specific width, free from man-made structures (including driveways and parking areas), permanently set aside by the owner and his assignees, and planted in trees and/or shrubs of density sufficient to provide contiguous properties with a measure of privacy. Sufficient density may be achieved by, but is not limited to, the planting of such shrubs as Ligustrum, Red-Tip, or Cherry Laurel at intervals of three (3) feet on center. These may be used in combination with structures (walls, fences, screens, etc.), which serve to minimize or eliminate conflicts between contiguous uses of land.
- 10.2.4 Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure for any person, process, equipment, or goods.
- 10.2.5 Building Alteration: Any change in the supporting members of a building (such as bearing walls, columns, or girders), addition or reduction to a building, change in use, increase in use intensity, or relocation of a building from one (1) location or position to another.
- 10.2.6 Building, Principle: A building in which the principle use of the lot is conducted.
- 10.2.7 Canal: Those main drainage canals and additions thereto throughout Beaufort and/or Hampton County and studied in the *Feasibility Study of Requirements for Main Drainage Canals*.
- 10.2.8 Coastal High Hazard Areas/Velocity Areas: A flood hazard area subject to high velocity waters.
- 10.2.9 Coefficient of Runoff: A number used as a multiple in measuring change in stormwater runoff.



- 10.2.10 Density: The number of dwelling units per acre of land, developed or used, for residential purposes expressed in units per gross acre.
- 10.2.11 Detention: The collection and storage of surface water for subsequent controlled discharge at a rate that is less than the rate of inflow.
- 10.2.12 Development: Except where the context otherwise requires, and in the absence of a more limiting provision, “development” means the performance of any building or mining operation, the making of any material change in the use of any structure or land, or the division of land into two (2) or more parcels, lots, building sites, or building units. (See Section 1.2.4 of the this Ordinance)
- 10.2.13 Development, Industrial: Development for the purpose of converting natural resources into marketable products, the assembly of parts into wholly or partially finished products, the physical or chemical processing of materials, the extraction of minerals and other substances, and other activities normally considered industrial in nature.
- 10.2.14 Development, Institutional: Development involving quasi-public, eleemosynary, religious, philanthropic, or other activity undertaken for the purpose of providing for the social, cultural, educational, or physical betterment of the community.
- 10.2.15 Development, Non-Conforming: Existing development not in conformance with one (1) or more provisions of this Ordinance.
- 10.2.16 Development, Office: Development providing space and facilities for the conduct of business, administrative, professional activities, or services not involving the movement, storage, or sale of goods on the premises.
- 10.2.17 Development, Residential: Provision of the structures and facilities to permanently house the population.
- 10.2.18 Development, Retail Commercial: Structures and activity involving the sale of goods on the premises to the public.
- 10.2.19 Development, Transportation: Structures and facilities for the movement and distribution of goods and people.
- 10.2.20 Development, Warehousing: Structure, facilities, and activities for the sole purpose of storing goods.



- 10.2.21 Development, Wholesale: Structures and activities involving the sale of goods primarily to the retailer.
- 10.2.22 Drainage Basin: A drainage area or watershed contributing to the flow of water into a receiving body of water.
- 10.2.23 Drainage Facility: Any component of the drainage system.
- 10.2.24 Dwelling Unit: A single unit providing complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- 10.2.25 Easement: An interest in land of another that entitles the holder to a specified limited use.
- 10.2.26 Existing Grade: The existing or natural slope of land expressed in terms of vertical drop per horizontal distance of land.
- 10.2.27 Family: One (1) or more persons living together as a single housekeeping unit in a dwelling unit.
- 10.2.28 Family, Immediate: A property owner's heirs at law, who would succeed to his/her estate or inheritance, under the *South Carolina Statute of Descent and Distribution*.
- 10.2.29 Farm: Any tract or real property which is principally used to raise, harvest or store crops, feed, breed or manage livestock, or to produce plants, trees, fowl or other animals, including agriculture operations useful to man, including the preparation of the products raised thereon, for man's use and disposed of by marketing or other means, including agriculture.
- 10.2.30 Finished Grade: The resultant slope of land following alteration as part of a development activity expressed in terms of vertical drop per horizontal distance of land, streets, embankments, etc.
- 10.2.31 Flood: A general and temporary condition of partial or complete inundation or normally dry land areas from the overflow of inland or tidal waters.
- 10.2.32 Flood Hazard District: That area assigned by the Federal Flood Insurance Administration of *Official Flood Hazard Area Maps*, subject to a one (1) percent or greater chance of flooding in any given year.



- 10.2.33 Grade: The slope expressed in terms of vertical drop per horizontal distance of land, streets, embankment, etc.
- 10.2.34 Gross Acre: All land under title or ownership and recorded with the property deed.
- 10.2.35 Gross Floor Space: Computed as the footprint of the space times the number of floors.
- 10.2.36 Habitable Space (Room): Habitable space is space in a structure for living, sleeping, eating, or cooking. Maintenance or utility space, parking garages, and similar areas are not considered as habitable space.
- 10.2.37 Home Occupation: Any use of principal and accessory buildings clearly incidental to their uses for dwelling purposes and conducted for compensation by a resident hereof within a residential area.
- 10.2.38 Impervious Surface: A surface, which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes, but is not limited to, surfaces such as compacted clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, patios, swimming pool decks, and other similar structures.
- 10.2.39 Improvement: The construction of buildings and the establishment of basic services and amenities associated with the development activity including, but not limited to, streets and sidewalks, parking areas, water and sewer systems, drainage system, property markers and monuments, and recreation facilities, (i.e., lakes, swimming pools, tennis courts, golf courses, riding stables, club houses, cabanas, marinas, docks and the like).
- 10.2.40 Inverted Crown: A road or street cross where the center of the road or street profile is lower than the edges of the profile to allow for stormwater to drain toward the center of the road or street for removal through a stormwater drainage system.
- 10.2.41 Lined Channels: The use of plastics, concrete, stone, asphalt, or similar material to define a drainage channel.
- 10.2.42 Littoral Vegetation: Vegetation found off, or along a shore of surface water.
- 10.2.43 Loading Space, Off-Street: Space logically and conveniently located for pickups and deliveries, off public rights-of-way, scaled to delivery vehicles expected to be used and accessible to such vehicles.
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- 10.2.44 Local Fire Official: The duly appointed or employed Fire Chief of a County, Municipal, Public Service District, Special Tax District, Fire Protection Service Agency, or department of other designated individual.
- 10.2.45 Lot: A small developed or undeveloped tract or parcel of land suitable for building purposes and legally transferable as a single unit of land.
- 10.2.46 Lot of Record: A separate lot, parcel, piece, or tract of land that existed and was described and defined as part of the public record prior to adoption of the Ordinance on September 11, 1978.
- 10.2.47 Material: As contained herein, shall be construed to mean objective, substantive, tangible, and consequential.
- 10.2.48 Mining: The act or process of digging, excavating, or tunneling for the purpose of removing some natural material for sale or trade.
- 10.2.49 On-Site: On or within the area contained in the Development Permit Application, or within other areas which, pursuant to this Ordinance, may be included in defining the site's said referenced purpose.
- 10.2.50 One Hundred (100) Year Flood: Means the flood or level of floodwater measured from mean sea level that has a one (1) percent chance of being equaled or exceeded in any given year.
- 10.2.51 Open Space: Land area not covered by buildings, parking areas, or other accessory structures. Open space does not include utility easements, street rights-of-way, drain ditches, and the like.
- 10.2.52 Owner: An owner of property, or the authorized agent of an owner.
- 10.2.53 Parking Lot: Any public or private open area used for the express purpose of parking automobiles and other vehicles.
- 10.2.54 Parking Space, Off-Street: The Storage space for one (1) automobile of not less than nine (9) feet by twenty (20) feet, plus the necessary access space, and located outside the dedicated street right-of-way, other than handicapped spaces.
- 10.2.55 Peak Flow (For Runoff): At the time of greatest runoff concentration, volume, or velocity in cubic feet per second (cfs) being discharged at a given point.





- 10.2.56 Person: Every natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.
- 10.2.57 Pre-Development Conditions: Those conditions, which existed before alteration, resulting from human activity of the natural topography, vegetation and rate, volume, or direction of surface or ground water, flow as indicated by the best available historical data.
- 10.2.58 Premises: A lot or other tract of land including the buildings or structures thereon.
- 10.2.59 Planned Development: A tract of land master planned or developed in phases whether or not consisting of several different types and densities of land use.
- 10.2.60 Planned Unit Development (PUD): A tract of land master planned or developed in phases consisting of several different types and densities of land use.
- 10.2.61 Primary Dune: The major front dune immediately behind the beach.
- 10.2.62 Property: An area designated as a separate and distinct parcel of land on a legally recorded Subdivision Plat or in a legally recorded deed as filed in the official records of the County.
- 10.2.63 Quasi-Public (Also Quasi-Governmental): Commissions, Boards, Authorities, and Public Service Districts created by local or state legislation to serve a limited and specific public purpose.
- 10.2.64 Receiving Waters: Any water bodies, watercourses, or wetlands in of which surface waters flow either naturally in man-made ditches or in a closed conduit system.
- 10.2.65 Retention: The collection and storage of runoff without subsequent discharge to surface waters.
- 10.2.66 Sediment: Fine particulate material, whether mineral or organic, that is temporarily in suspension or has settled in a water body.
- 10.2.67 Sign: Any form of publicity, which is visible from any public way, directing attention to an individual, business, commodity, service, activity, or product by means of words, lettering, parts of letters, figures, numerals, phrases, sentences, or emblems.



10.2.68 Site: A space or piece of ground occupied or planned for occupation by structures or a set of structures and support improvements.

10.2.69 Streets:

- A. Street, Private: A right-of-way, which has not been dedicated or publicly accepted by the State or County.
- B. Street, Public: A dedicated public right-of-way, which affords means access to abutting property and which has been accepted for maintenance by the County or the State Highway Department. For the purposes of these regulations, the term "street" or "streets" shall also mean avenues, boulevards, roads, lanes, and other public ways.
- C. Street, Local: A public or private way used primarily for providing direct access to abutting property.
- D. Street, Collector: A public or private way designed primarily to connect residential service streets with arterial streets or to provide a direct connection between two (2) arterial streets and may be expected to carry a significant volume of traffic having neither origin nor destination on the street.
- E. Major Thoroughfare: A Federal or State Highway designated for the movement of large volumes of traffic or recognized for purposes of this Ordinance as a result of long-range planning study to possess such potential.

10.2.70 Structure: Anything constructed, erected, or established including, but not limited to the following:

- A. Buildings;
- B. Signs;
- C. Seawalls;
- D. Mobile homes;
- E. Fences;
- F. Screen enclosures; and
- G. Patio walls.



- 10.2.71 Structure, Alteration: Any change to the supporting members of a structure, including foundations, bearing walls or partitions, columns, beams, girders, or any structural change in the roof or in the exterior walls.
- 10.2.72 Subdivision: The term “subdivision” shall mean all divisions of a tract or parcel of land into two (2) or more lots, building units, or other division, for the purpose, whether immediate or future, of sale, lease, transfer, or resale and involves all division of land involving a new street or change in existing streets and includes the act or re-subdividing previously subdivided property.
- 10.2.73 Tandem Parking: An arrangement for parking two (2) vehicles in a straight line (bumper to bumper) in which ingress and egress to the space is provided at only one (1) end so that the second vehicle parked blocks the exit way of the first.
- 10.2.74 Town: The Town of Yemassee
- 10.2.75 Tract: A defined area or piece of land, the term itself not importing any precise dimension.
- 10.2.76 Tree: Any self-supporting, woody perennial plant, which has a diameter of eight (8) inches or more (twenty-five (25) inch circumference) measured three (3) feet up from the base and which normally attains a height of at least ten (10) feet at maturity and usually has one (1) main stem or trunk and many branches.
- 10.2.77 Use: The purpose or activity for which the land or building thereon is designed, arranged, or intended for which it is occupied and maintained.
- 10.2.78 Utility, Private: Any privately owned company or corporation, which provides the general public, or residents within a private development, with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection, or other services.
- 10.2.79 Utility, Public: Any agency which, under public franchise or ownership, provides the general public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection, or other services.
- 10.2.80 Variance: A departure from the strict terms or expressed provisions of this Ordinance where such departure will not be contrary to the public interest and where, owing to condition peculiar to the property and not as a result of any action on the part of the property owner, a literal enforcement of this Ordinance would result in unnecessary and undue hardship.



- 10.2.81 Vegetation: All plant growth, especially trees, shrubs, vines, ferns, mosses, and grasses.
- 10.2.82 Water Body, Man-Made: Any man-made pond, lake, lagoon, channel, wetland, marina, or basin which ordinarily or intermittently contains water and which has a discernible shoreline.
- 10.2.83 Water Body, Natural: Any natural pond, lake, channel, wetland, marsh, creek, sound, or ocean which ordinarily or intermittently contains water and which has a discernible shoreline.
- 10.2.84 Wetlands: Any salt, brackish, or fresh water marsh, bog, swamp, meadow, flat, or other area subject to flooding or tidal flow, as defined by the United States Army Corps of Engineers.

Attest By:

\_\_\_\_\_  
Clerk of Council

1<sup>st</sup> reading \_\_\_\_\_

2<sup>nd</sup> reading \_\_\_\_\_

Public Hearing \_\_\_\_\_

Final Reading \_\_\_\_\_

\_\_\_\_\_  
Approved as to Form and Content  
Roberts Vaux, Town Attorney



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**

## 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 romerianus*
- 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 devices. 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.

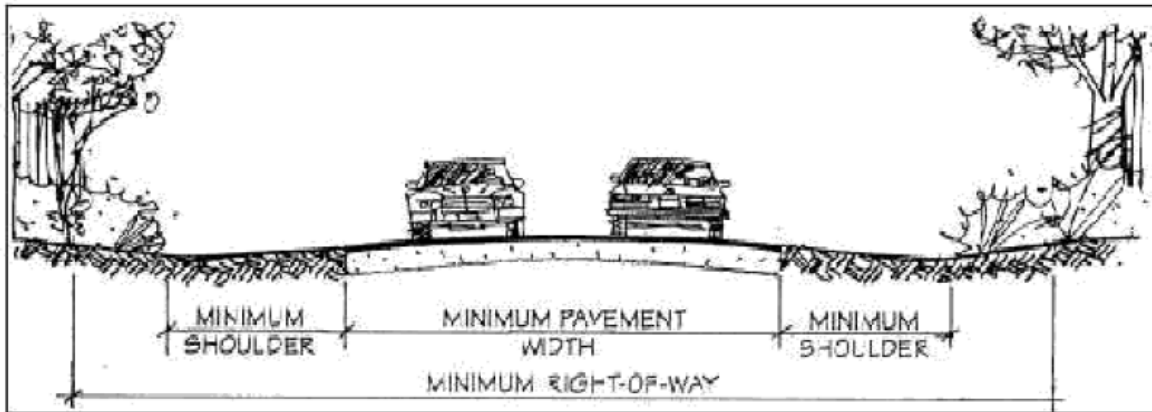
### Street Hierarchy

- 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.

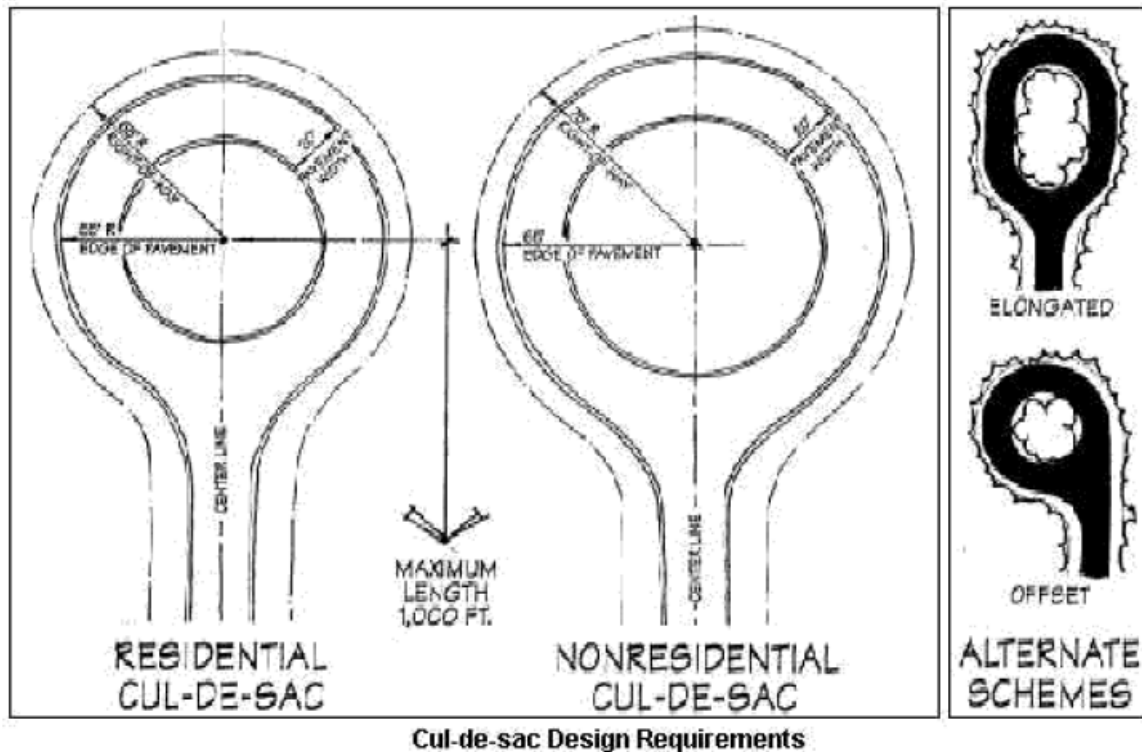
<i>Street Type</i>	<i>Maximum ADT</i>	<i>Minimum Pavement Width</i>	<i>Minimum Shoulder Width</i>	<i>Minimum Right-of-Way</i>
Lane	Fifty (50)	Twenty (20) feet	Four (4) feet	Thirty (30) feet
Cul-de-sac	Two hundred fifty (250)	Twenty (20) feet	Four (4) feet	Forty (40) feet
	Five hundred (500)	Twenty (20) 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.

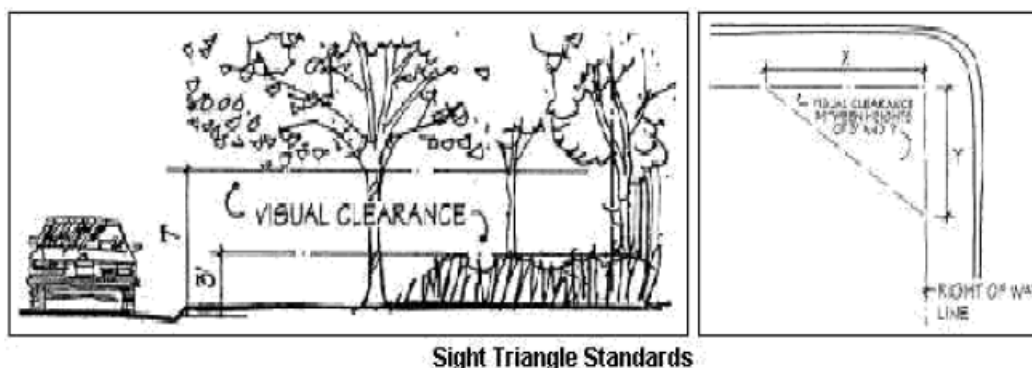




#### E. Street Intersections

- 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 (HCO) 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 (½) 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: 01 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
<b>0 - 25,000</b>	1
<b>25,001 - 40,000</b>	2
<b>40,001 - 100,000</b>	3
<b>100,001 - 160,000</b>	4
<b>160,001 - 240,000</b>	5
<b>240,001 - 320,000</b>	6
<b>320,001 - 400,000</b>	7
<b>Each 90,000 over 400,000</b>	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	Spartina alterniflora
Golden Canna	Canna flaccida
Blue Flag Iris	Iris virginica
St. Johns Wort	Hypericum perforatum
Duck Potato	Sagittaria latifolia
Arrowhead	Sagittaria lancifolia
Bulrush	Scirpus californicus
Soft Rushes	Juncus sp
Giant/Soft-Stem Rushes	Scirpus californicus
Gulf Coast Spikerush	Eleocharis cellulosa
Water Lily	Nymphaea odorata

Tape or Eelgrass	Vallisneria sp
Pondweed	Sagittaria stagnorum
American Lotus	Nelumbo lutea
Pickerelweed	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
Ginko 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

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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.

### 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

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- 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.

### **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.

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

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.

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  
CHAPTER 11 – DEVELOPMENT STANDARDS

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.



**SCDOT**



# ARMS

*Access & Roadside Management Standards*



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Revision Date
April 25, 2008
June 20, 2008
July 28, 2008
August 18, 2008
November 13, 2009
August 18, 2011
Sept 26, 2012
April 27, 2015



# ACCESS AND ROADSIDE MANAGEMENT STANDARDS

## 2008 Edition

*Access and Roadside Management Standards* (ARMS Manual) is published by the South Carolina Department of Transportation (SCDOT) Traffic Engineering Division. This manual is not intended to present all of the information that is needed by a permittee or designer; however, this document does provide a majority of the information needed for encroachments onto the right-of-way of the SCDOT. For specific projects or specific design elements, the permittee or designer may need to reference other SCDOT or national publications to perform a fully comprehensive analysis of the project.

As the need arises, this publication is revised, updated, and distributed within the Department. All parties are responsible for obtaining the most current edition.

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## ACCESS AND ROADSIDE MANAGEMENT STANDARDS 2008 EDITION

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### Summary of Significant Changes

In 1957, due to the enormous increase in the volume of traffic on the highway and the large number of accidents caused by unregulated entrances of highways, the South Carolina State Highway Department drafted *Standards for Driveway Entrances to Highways*. This publication was updated in 1976 and remained the standard until 1991 when the South Carolina Department of Transportation (SCDOT) published the *Access and Roadside Management Standards*, or ARMS Manual. It was updated in 1996 which is the edition that is currently being utilized. In 2004, Traffic Engineering identified the need for more comprehensive standards in step with current highway and land development practices in the region and nation. As a result, Traffic Engineering began a full scale update of the ARMS Manual. A committee was formed of representatives from Headquarters and District Traffic Engineering, Maintenance, Pre-Construction, and Hydrology to review the ARMS Manual and recommend changes to the current information and the addition of new concepts. The following items have been considered as the most significant changes to the manual.

**1) Access Waivers (Chapter 1, Section 1E, Page 12):** Recognizing that minimum criterion may not always be practical, a process has been established to approve exceptions to the access guidelines. If an applicant for an encroachment permit seeks a waiver, an access waiver request form (provided in Appendix C) shall be filled out and attached to the encroachment permit. The request should describe the undue hardship that will be placed on the applicant if a waiver is not granted. The Resident Maintenance Engineer (RME) should coordinate the waiver with the District Engineering Administrator and appropriate office at Headquarters. A waiver will only be granted if it is determined that:

1. Denial of the waiver will result in loss of reasonable access to the site.
2. The waiver is reasonably necessary for the convenience and welfare of the public.
3. All reasonable alternatives that meet the access requirements have been evaluated and determined to be infeasible.
4. Reasonable alternative access cannot be provided.
5. The waiver will not result in any violations of pedestrian accessibility in accordance with the ADAAG.

When a waiver is approved, the reasons for granting the waiver and any recommendations given by the Department shall be clearly stated and included in the Department files. Restrictions and conditions on the scope of the permit should be imposed as required in order to keep potential safety hazards to a minimum. The encroachment permit may contain specific terms and conditions providing for the expiration of the waiver if in the future the grounds for the waiver no longer exist. An Access Waiver should be included in the Appeal Process Request detailed in Section 2E.

**2) Driveway Classification (Chapter 3, Section 3A-1, Page 20):** A classification system for driveways has been developed based on the number of trips that will be generated by the land use that the driveway serves. This classification system, shown in Table 3-3 (page 19) will guide the design of driveway elements including width and radii.

**3) Driveway Spacing and Location (Chapter 3, Section 3C, Page 26):** Driveway spacing requirements (Figure 3-7, Page 26) were increased based on current recommended practice in Transportation Research Board's *Access Management Manual*. However, the old spacing requirements have been retained for driveways located on roadways with AADT<2000. Rather than measuring the spacing from the centerline of the driveways as in the 1996 ARMS, spacing will now be measured from the near edge of the driveways. This method will provide adequate spacing regardless of a drive's geometry. In the case of large developments with outparcels, access for outparcels should be provided only internally; however, shared or individual driveways may be permitted provided twice the normal spacing requirements are met.

**4) Access Placement in Interchange Areas (Chapter 3, Section 3C-4, Page 30):** Access connections to crossroads in the vicinity of freeway interchanges has been addressed (Figure 3-11, Page 30). Minimum spacing between the on and off ramp termini and the first access point is defined.

**5) School Access Design (Chapter 4, Page 35):** SCDOT Traffic Engineering's Guidelines for School Transportation Design has been added as a new chapter to the manual. On-site stacking length requirements have been increased.

**6) Street Intersections (Chapter 5, Page 41):** Various elements of intersection design from the SCDOT Highway Design Manual have been summarized and added as a new chapter. These elements include intersection spacing, design vehicle considerations, approach grade and side slope, auxiliary lane design, and parking considerations.

**7) Auxiliary Lanes (Chapter 5, Section 5D, Page 47):** When adding turn lanes, the road should be brought up to the latest standards requiring the addition of 2 foot paved shoulders.

**8) Traffic Impact Studies (Chapter 6, Page 53):** A Traffic Impact Study is a specialized engineering study that evaluates the effects of proposed development on traffic conditions in an area. A chapter has been added describing when a traffic study is required and the information that should be contained in the study.

**9) Sight Distance (Chapter 7, Page 59):** The intersection sight distance section from the SCDOT Highway Design Manual has been added as a new chapter to this manual. This chapter will replace the sight distance tables from the 1996 ARMS.

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## CHAPTER 1 — INTRODUCTION



### 1A PURPOSE

These standards and guidelines have been developed to establish uniformity for encroachments upon roads in the South Carolina State Highway System so as to provide for the safe and efficient movement of traffic while allowing reasonable access to abutting property.

*Access and Roadside Management Standards* (ARMS Manual) is not intended to present all of the information that is needed by a permittee or designer; however, this document does provide a majority of the information needed for encroachments onto the State Highway System. For specific projects or specific design elements, the permittee or designer may need to reference other SCDOT or national publications to perform a fully comprehensive analysis of the project.

#### 1A-1 History

Driveways have long been recognized as major sources of conflict for traffic on public highways. In order to reduce these conflicts and address the need for basic access, legislation was enacted in 1956 to establish a permitting process for driveways, and a handbook was developed to regulate the location, design, and construction of driveways adjoining highways.

Reasonable access means that a property owner must have access to the public highway system, rather than being guaranteed that potential patrons should have convenient access from a specific roadway to the owner's property.

#### 1A-2 Need

The above-mentioned standard recognized that the efficiency and safety of a highway depend to a large extent upon roadside interference and its detrimental effect upon the movement of traffic. However, recent years have brought changes in land use and developmental impacts to our highways. With higher traffic volumes came

increased pressure to allow a variety of additional activities to occupy the roadside. The Department's desire to satisfy the public's need for efficient and safe traffic movement has to be weighed against property owners' needs for adequate access while taking into consideration significant changes in traffic and roadside characteristics. Since the primary purpose of highways is to provide for the safe and efficient movement of traffic, control of access points on the roadside is paramount. Previous standards became inadequate for regulating the location, design, construction, operation, and maintenance of points of access to the State Highway System and other activities within highway rights-of-way. This necessitated the development of this revision to the ARMS Manual which contains more comprehensive standards in step with current highway and land development practices in the region and nation.

### 1A-3 Effects of Specific Access Management Techniques

Studies of the effects of access management on traffic operations have indicated that the techniques help increase safety, maintain desired speed, and reduce delays. [Table 1-1](#) summarizes the general safety and operation effects of specific access management techniques based on research to date.

**Table 1-1: Summary of Effects of Access Management**

Treatment	Effects
Add continuous two-way left turn lane TWLTL	<ul style="list-style-type: none"> <li>• 35% reduction in total crashes</li> <li>• 30% decrease in delay</li> <li>• 30% increase in capacity</li> </ul>
Add nontraversable median	<ul style="list-style-type: none"> <li>• 35% reduction in total crashes</li> <li>• 30% decrease in delay</li> <li>• 30% increase in capacity</li> </ul>
Replace TWLTL with a nontraversable median	<ul style="list-style-type: none"> <li>• 15%-57% reduction in crashes on 4-lane</li> <li>• 25%-50% reduction in crashes on 6-lane</li> </ul>
Add a left-turn bay	<ul style="list-style-type: none"> <li>• 25%-50% reduction in crashes on 4-lane</li> <li>• Up to 75% reduction in total crashes at unsignalized access</li> <li>• 25% increase in capacity</li> </ul>
Painted left turn improvement	<ul style="list-style-type: none"> <li>• 32% reduction in total crashes</li> </ul>
Separator or raised divider for left turn	<ul style="list-style-type: none"> <li>• 67% reduction in total crashes</li> </ul>
Add right-turn bay	<ul style="list-style-type: none"> <li>• 20% reduction in total crashes</li> <li>• Limit right-turn interference with platooned flow, increased capacity</li> </ul>
Increased driveway speed from 5 to 10 mph	<ul style="list-style-type: none"> <li>• 50% reduction in delay per maneuver; less exposure time to following vehicles</li> </ul>
Visual cue at driveways, illumination	<ul style="list-style-type: none"> <li>• 42% reduction in crashes</li> </ul>
Prohibition of on-street parking	<ul style="list-style-type: none"> <li>• 30% increase in traffic flow</li> <li>• 20%-40% reduction in crashes</li> </ul>
Long signal spacing with limited access	<ul style="list-style-type: none"> <li>• 42% reduction in total vehicle-hours of travel</li> <li>• 59% reduction in delay</li> </ul>
Convert Stop controlled intersection to roundabout	<ul style="list-style-type: none"> <li>• 47% reduction of all crashes</li> <li>• 72% reduction of injury crashes</li> </ul>

## 1B AUTHORITY

These standards are enacted pursuant to Sections 57-3-110 and 57-5-1080 and 1090 of the *Code of Laws of South Carolina* (1976 as amended through the 2006 Session of the General Assembly) and with the approval of the South Carolina Department of Transportation Commission.

The SCDOT reserves the right to deny or revoke any encroachment that is deemed detrimental to the state highway system or public safety.

## 1C SEVERABILITY

If, for any reason, any phrase, clause, sentence, paragraph, section, subsection, figure, table, or other part of this manual of standards and guidelines should be decided by a court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect the validity of these standards and guidelines as a whole, or any part thereof, other than the part so held to be invalid.

## 1D DEFINITIONS

**Access** – Entrance to and/or exit from land fronting on the public highway system.

**Access Point** – A location on a property frontage at which access is allowed by the Department.

**Applicant** – The owner of a property or his or her agent applying for an encroachment permit.

**ADA or Americans with Disabilities Act of 1990** – Federal law prohibiting discrimination against people with disabilities. Requires public entities and public accommodations to provide accessible accommodations for people with disabilities.

**Americans with Disabilities Act Accessibility Guidelines (ADAAG)** – Provides scoping and technical specifications for new construction and alterations undertaken by entities covered by the ADA.

**Auxiliary Lane** – The portion of the roadway adjoining the through traveled way for purposes supplementary to through traffic movement including parking, speed change, turning, storage for turning, weaving or truck climbing.

**Average Annual Daily Traffic** – The total volume of traffic passing a point or segment of a highway facility, in both directions, for one year, divided by the number of days in the year.

**Average Daily Traffic** – A general unit of measure for traffic expressed as the total volume during a given time period, greater than one day and less than one year, divided by the number of days in that time period.

**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. (AASHTO *Guide to the Development of Bicycle Facilities*, 1999)

**Collector Road** – Functionally classified highway that is characterized by a roughly even distribution of their access and mobility functions.

**Controlled-Access Highway** – A highway over, from, or to which owners or occupants of abutting properties or others have no legal right of access except at such points and in such manner as determined by the Department.

**Corner Clearance** – The minimum distance, measured parallel to a highway, between the nearest curb, pavement or shoulder line of an intersecting public way and the nearest edge of a driveway excluding its radii.

**Crossover** – A paved or graded area in the highway median designed specifically for vehicles to cross the median of a divided highway.

**Cross Slope** – The slope measured perpendicular to the direction of (pedestrian) travel.

**Crosswalk** – (a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or in the absence of curbs, from the edges of the traversable roadway, and in the absence of a sidewalk on one side of the roadway, the part of a roadway included within the extension of the lateral lines of the sidewalk at right angles to the centerline; (b) any portion of a roadway at an intersection or elsewhere distinctly indicated as a pedestrian crossing by lines on the surface, which may be supplemented by contrasting pavement texture, style, or color.

**Directional Median Opening** – An opening in a restrictive median which provides for U-turns and or left-turn ingress and egress movements.

**Divided Highway** – A roadway that has separate traveled ways, usually with a depressed or CMB median, for traffic in opposite directions.

**Department (SCDOT)** – The South Carolina Department of Transportation.

**Driveway** – An access point that is not a public street, road, or highway.

**Driveway Crossing** – Extension of sidewalk across a driveway that meets the requirements of ADAAG.

**Encroachment** – Items placed within the existing right of way by persons other than the Department's staff or authorized agents.

**Edge of Travel Way** – Roadway location on the outside edge of the edge line pavement marking. If an edge line is not marked, this location would be the edge of pavement.

**Flag Lot** – A large lot not meeting minimum frontage requirements and where access to a public road is by a narrow, private right-of-way or driveway.

**Freeway** – The highest level of arterial. This facility is characterized by full control of access, high design speeds and a high level of driver comfort and safety.

**Frontage** – The length of that portion of a property which directly adjoins a highway.

**Frontage Road** – A roadway used to control access to an arterial, function as an access facility to adjoining property and to maintain circulation of traffic on each side of the arterial.

**Full Median Opening** – An opening in a restrictive median that allows all turning and through movements to be made.

**Functional Area of an Intersection** – The area beyond the physical intersection of two roadways that comprises decision and maneuvering distance, plus any required vehicle storage length. It includes the length of road upstream from an oncoming intersection needed by motorists to perceive the intersection and begin maneuvers to negotiate it. The upstream area consists of distance for travel during a perception-reaction time, travel for maneuvering and deceleration, and queue storage. The functional area also includes the length of road downstream from the intersection needed to reduce conflicts between through traffic and vehicles entering and exiting a property.

**Highway, Street, or Road** – A general term denoting a public way for purposes of vehicular travel, including the entire area within the right of way. (Recommended usage: in urban areas – highway or street, in rural areas - highway or road).

**Intersection Sight Distance** – The sight distance required within the corners of intersections to safely allow a variety of vehicular access or crossing maneuvers based on the type of traffic control at the intersection.

**ITE** – Institute of Transportation Engineers ([www.ite.org](http://www.ite.org))

**Local Roads and Street** – All public roads and streets classified below the collector level.

**“May”** – see “Shall,” “Should,” and “May.”

**Median** – The portion of a divided highway which separates opposing traffic flow.

**Minor Arterial** – A roadway that carries a mix of local and through traffic. It links Collectors, and sometimes Local Streets, with Principal Arterials.

**MUTCD** – Manual on Uniform Traffic Control Devices.

**Outparcel** – Any lot created from an overall tract wherein the remaining tract is larger than any single lot created and wherein the conditions and locations of access to such lot from a public highway or street may be restricted and/or provided through easements granted by the larger tract holder.

**Offset** – Related to displacement of a reference survey point; the horizontal distance between two other highway elements located at right angles (transverse) from the direction of travel.

**Permit** – A legal document in which the Department gives written permission for an encroachment by an applicant.

**Permittee** – The owner of a property or his or her agent to whom a permit is issued.

**Principle Arterial** – This functional class of street serves the major portion of through-traffic entering and leaving the urban area and is designed to carry the highest traffic volumes. Included in this class are fully controlled access facilities and partially controlled access facilities.

**Right-of-Way** – The land secured and reserved by the Department for the construction and maintenance of a highway and its appurtenances.

**Road** – See *Highway, Street, or Road*.

**Roadway** – The portion of a highway ordinarily used for vehicular travel, exclusive of the sidewalk, shoulder, or median.

**“Shall,” “Should,” and “May”:**

Shall – A mandatory condition. Where certain requirements in the design or application are described with the “shall” stipulation, it is mandatory when an installation is made that these requirements be met.

Should – An advisory condition. Where the word “should” is used, it is considered to be advisable usage, recommended but not mandatory.

May – A permissive condition. No requirement for design or application is intended.

**Sidewalk** – That portion of a street between the curb line, or the lateral line of a roadway, and the adjacent property line or on easements of private property that is paved or improved and intended for use by pedestrians.

**Shared-Use Path** – A bikeway outside the traveled way and physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent alignment. Shared-use paths are also used by pedestrians (including skaters, users of manual and motorized wheelchairs, and joggers) and other authorized motorized and non-motorized users.

**Sight Triangle:** the area of visibility required on a corner to allow for the safe operation of vehicles, trains, pedestrians, and cyclists in the proximity of intersecting streets, rail lines, sidewalks, and bicycle paths.

**Speed:** Operating – Operating speed is the highest overall speed at which a driver can travel on a given highway under favorable weather conditions and under prevailing traffic conditions without at any time exceeding the safe speed as determined by the design speed on a section-by-section basis.

Design Speed - Design speed is a selected speed used to determine various geometric design features of the highway. Generally, the design speed is 5 MPH greater than the posted speed limit of a roadway. Section 9.5.2 of the SCHDM discusses the selection of a design speed in general and Chapters 19 through 22 present specific design speed criteria for various conditions.

Posted Speed Limit - The posted speed corresponds to the value shown on regulatory signs as specified and described in the Manual on Uniform Traffic Control Devices. The posted speed is typically based on traffic and engineering investigations where statutory requirements do not apply. The selection of a posted speed is based on many factors including but not limited to: the 85<sup>th</sup> percentile speed, roadside development, curb and gutter, crash data, highway functional class, and median type.

Advisory Speed Limit – Speed advised to motorists for a comfortable speed to navigate a certain situation.

**Street** – See *Highway, Street, or Road*.

**Traffic Control Device** – A sign, signal, marking, or other device used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway, pedestrian facility, or shared-use path by authority of a public agency having jurisdiction

**TRB** – Transportation Research Board.

**Two-Way, Left-Turn Lane (TWLTL)** – A lane in the median area that extends continuously along a street or highway and is marked to provide a deceleration and storage area, out of the through traffic stream, for vehicles traveling in either direction to use in making left turns.

## 1E DESIGN EXCEPTIONS AND ACCESS WAIVERS

Recognizing that meeting the minimum criteria may not always be practical, the Department has established a process to identify and evaluate exceptions to geometric design criteria and access guidelines.

### 1E-1 Design Exceptions

An applicant can request a design exception when a proposed design does not meet AASHTO standards or the applicable criteria as given in the *SCDOT Highway Design Manual* (SCHDM). The “controlling” design criteria are highway elements that are judged to be the most critical indicators of a highway’s overall safety and serviceability. The designer must seek SCDOT design exception when the proposed design includes any of the following elements that do not meet the following criteria:

- Design speeds

- Travel lane and shoulder widths
- Cross slopes for travel lanes and shoulders and Superelevation rates
- Clear roadway bridge widths
- Structural capacity of bridges
- Horizontal clearances to obstructions; and
- Stopping sight distances.

The standard form for Design Exception Requests can be downloaded from the SCDOT website at <http://www.scdot.org/doing/pdfs/DsgExpReq.pdf> .

### **1E-2 Access Waivers**

If an applicant for an encroachment permit seeks a waiver from **access standards** provided in this manual, the request form contained in Appendix C shall be filled out and attached to the permit application. The request should provide justification and describe the undue hardship that will be placed on the applicant if a waiver is not granted. The Resident Maintenance Engineer (RME) should coordinate the waiver request with the District Engineering Administrator (DEA) and the appropriate office at Headquarters as noted in Table 2-2. A waiver will only be granted if it is determined that:

1. Denial of the waiver will result in loss of reasonable access to the site.
2. The waiver is reasonably necessary for the convenience and welfare of the public.
3. All reasonable alternatives that meet the access requirements have been evaluated and determined to be infeasible.
4. Reasonable alternative access cannot be provided.
5. The waiver will not result in any violations of pedestrian accessibility in accordance with the ADAAG

If a waiver is approved, the reasons for granting the waiver and any recommendations given by the Department shall be clearly stated and included in the Department files. Restrictions and conditions on the scope of the permit should be imposed as required in order to keep potential safety hazards to a minimum. The encroachment permit may contain specific terms and conditions providing for the expiration of the waiver if in the future the grounds for the waiver no longer exist. An Access Waiver should be included in the Appeal Process Request detailed in Section 2E.



## CHAPTER 2 — ENCROACHMENT PERMITS



### 2A APPLICATION AND REQUIREMENTS

An encroachment permit must be obtained prior to any work on SCDOT right-of-way by an individual or agency other than the SCDOT or agent of the SCDOT. This includes non-routine maintenance of (see [subsection 2D-5](#)) and revisions to any existing encroachment. The applicant or his or her agent will be responsible for all requirements of the permit (see [Appendix D](#), SCDOT Engineering Directive Memorandum 17). The agent of the applicant shall be a person with actual or apparent authority conferred on him or her in writing by the applicant, who has been expressly granted the power to act in the place of and instead of the applicant, and upon whom the SCDOT may rely to do all acts within the scope of the encroachment permit.

#### ***2A-1 Application***

Applications for encroachment permits will be made available at all SCDOT county and district offices or through the SCDOT website. Permit applications must be submitted to the SCDOT county maintenance office in the county where the proposed encroachment will be located. When an application is made for an encroachment permit that will cross county lines, the application may be submitted to either county in which a part of the encroachment will be located.

### **2A-2 Preliminary Site Plan Concurrence and Traffic Impact Study Review**

In cases such as large developments (e.g. industrial parks, shopping centers, large apartment complexes, or mixed use developments) where significant traffic volumes are expected, considerable time and effort often can be saved and the permitting time shortened when the Department and the local jurisdiction are involved in the early stages of development planning. In such cases, the Department recommends a preliminary site development plan and traffic impact study be submitted before the permitting process is begun. Preliminary plans should be submitted to the Resident Maintenance Engineer (RME).

The Department (DEA) may provide a document indicating concurrence with the preliminary site development plan. To receive the conceptual concurrence document, submit plans to the DEA including: structure locations, access placement, internal traffic circulation, drainage requirements, and general grading. This document will expire one year from date of issuance and must be provided with the permit application. This concurrence will not indicate if threshold requirements for a Traffic Impact Study have been met as detailed in Chapter 6. Once submitted, the encroachment permit with all final requirements will be reviewed for approval.

### **2A-3 Coordination with Local Jurisdictions**

In the event of a multi-county / jurisdiction encroachment, the county where the permit is submitted or where the majority of the work will be accomplished will be the lead county and will approve the permit after review by the RME in the other affected county or counties. RMEs are responsible for the inspection of work performed in their respective county. The encroachment permit shall reflect all work to be done on the right-of-way regardless of what entity requires the work to be done and copies of the approved permit will be sent to every county involved. The Department shall not issue a permit for an encroachment that meets local standards but violates the provisions of *Access and Roadside Management Standards* (ARMS Manual). Similarly, the Department's issuing of an encroachment permit does not relieve the applicant of the need to comply with local requirements, even if more restrictive.

## **2B REVIEW AND APPROVAL**

The review and approval of all encroachment permits shall follow the guidelines outlined in SCDOT Engineering Directive Memorandum 17 and this manual. Early submittal of the Application for Encroachment Permit will allow for proper review and approval prior to completion of design so that any required revisions can be incorporated into the construction plans. The time involved in reviewing applications will depend upon the complexity of the application. The RME will review and give approval for all applications for permits, unless otherwise provided in writing by the DEA. During the review, the RME will review the application to determine what, if any impact, the encroachment will have on future widening, relocation, or new-location projects. If necessary, the district office will coordinate the review with headquarters as shown in [Table 2-2](#). Prior to approval of a permit, the RME should obtain written recommendations from the appropriate SCDOT offices. The district office will coordinate any needed reviews by headquarters (HQ) offices. When a recommendation is required from another SCDOT office prior to approval of a permit application, the RME shall promptly forward the information necessary for making the recommendation to the appropriate

office All permits will be reviewed and returned as soon as practicable. Verbal approval will not be given to permit any work until an encroachment permit for the work has been issued. All extensions, amendments, or additions to existing permits must be in writing. The original application, with supporting documentation and the required recommendations and approval, shall be maintained at the issuing RME's office as required by the department's current records retention schedule.

**Table 2-2: Review of Applications**

Permit	Recommendation From
Longitudinal utility encroachments on controlled access facilities	Preconstruction Support Office (HQ)
Railroad crossings	Preconstruction Support Office (HQ)
Bridge attachments	Maintenance Office (HQ)
Major reconstruction or relocation of state-maintained roads, including storm drainage, curb, gutter, and paving	Preconstruction Support Office (HQ)
School site plans or renovations	Traffic Engineering (HQ)
Interstate Commerce/Visibility Enhancement	Maintenance Office (HQ)
Within construction project limits	Resident Construction Engineer
Within project under development	Preconstruction Support Office (HQ)
Sidewalks/ Shared use paths/ ped crossings	Preconstruction Support Office (HQ)
Landscaping	Preconstruction Support Office (HQ)

## 2C PERFORMANCE BONDS

The Department may require a performance bond before issuance of an encroachment permit. Any such requirement shall be included in the special provisions of the permit, and evidence of the bond shall be attached to the permit. Coordination with the county or local government to determine the extent of their involvement may be necessary. The amount of the bond shall be equal to 1.5 times the estimated construction cost, or \$5,000, whichever is greater. If a bond in this amount has been secured as required by the county or local government, proof of such bond shall be provided with the permit and may satisfy the Department requirement. The purpose of such a bond is to ensure compliance with all terms of the permit by providing, in cases of noncompliance, for any and all damages and costs incurred in collecting damages through legal or other appropriate means. A bond shall be released only when the work described on the permit has been completed to the satisfaction of the Department.

## 2D CONDITIONS AND LIMITATIONS

### ***2D-1 Traffic Safety and Operational Restraints***

Safety, efficient traffic operations, and pedestrian accessibility are important considerations in the review of Application for Encroachment Permits. In some cases, it may be necessary to restrict access because of safety concerns or issues or operational restraints due to geometry, vertical grades, horizontal curves, or other conditions. Access at points within or near acceleration lanes or channelization may be restricted, limited, or prohibited. If operational or safety concerns exist, the application may be forwarded to the Director of Traffic Engineering for review.

### ***2D-2 Land Use Changes and Redevelopment***

When there is a change in land use that will affect the amount, type, or intensity of traffic activity to a site, the Department reserves the right to require submission of a new Application for Encroachment Permit. For example, a residential lot may be rezoned to allow for a professional office that will generate commercial traffic. In this case, the Department may require the existing access to be revised to better accommodate the expected traffic even if no significant building renovations are planned. In some cases, the number and/or width of driveways allowed may change depending upon the land use change and the current standards. The Department shall require that driveway locations being retained be rebuilt if the existing driveway violates ADAAG. The Department shall require that driveways taken out of service be removed as a condition of granting access for a new land use. This provision will also apply to existing accesses when a property is redeveloped with the same general land use.

### ***2D-3 Subdividing Large Parcels***

Access to future subdivided parcels shall be considered in the initial Application for Encroachment Permit's review process. The Department will not be obligated to allow direct access for any parcels that may be subdivided from a larger overall development at a later date.

### ***2D-4 Setback***

The area to which the driveway provides access shall be sufficiently large for stopping, parking, and maneuvering of vehicles completely off the right-of-way.

### ***2D-5 Maintenance Responsibilities***

The owner shall be responsible for the maintenance of driveways and other access points, including any drainage structures, for areas within the rights-of-way of State maintained facilities. An encroachment permit is not required for routine maintenance such as mowing, patching potholes, clearing pipes and ditches, applying seal coating, and repairing minor erosion damage. The Department shall be responsible for the maintenance of permittee-provided crossovers, auxiliary lanes, and right-of-way.

### ***2D-6 Retrofitting by the Department***

The Department may require driveway accesses to be modified to conform to these standards. This may require that some driveways be narrowed, widened, or removed in order to correct safety and operational problems. Preferably, such actions should be considered during the preconstruction phase. When this is required as part of a road improvement project, it will be done by the Department as part of the construction contract.

### ***2D-7 Private or Commercial Use of Right-of-Way***

Pursuant to Sections 57-7-210 and 57-25-10 of the *Code of Laws of South Carolina* (1976 as amended), erecting fruit and vegetable stands on the right-of-way, displaying automobiles for sale on the right-of-way, or any other private or commercial uses of the right-of-way are prohibited. Some exceptions, such as placing banners across the roadway, for which encroachment permits or letters of authorization have been issued in accordance with these standards are allowed. Businesses seeking to operate on sidewalk areas (e.g. sidewalk cafes, etc.) shall demonstrate that sufficient space remains open to pedestrian traffic and that no compromise to accessibility for person with disabilities will result.

### ***2D-8 Transfer of Responsibility and Liability***

When, for any reason, there is a change in property ownership, all responsibilities and liabilities of the owner as it pertains to these standards shall become those of the owner's heirs, successors, or assignees upon the legal transfer of ownership.

### ***2D-9 Stormwater Management and Sediment Control Plan***

All applications for encroachment permits that involve bringing stormwater runoff or sediment to the highway shall include a drainage plan with supporting design computations and other requirements as described in [Chapter 10](#). This plan shall also include measures for controlling erosion on the site and limiting the release of sediment to the highway.

### ***2D-10 Structures On, Over, or Under SCDOT Maintained Roadways***

All encroachment applications for placing structures over or under a state maintained roadway shall be submitted a minimum of sixty (60) days prior to the proposed construction date. The DEA shall be the approving authority for permits of this type. Prior to approval of the permit, the DEA should obtain a written recommendation from the Preconstruction Office. All applications for placing structures on, over, or under a state maintained roadway shall include attachments as specified in Chapters 10 and 13 of this manual.

### **2D-11 Other Restrictions on Access**

Owners of private property which is separated from the highway right-of-way by railroad or utility right-of-way must have the railroad or utility company's written approval prior to applying for the encroachment permit.

A controlled-access (full or partial) highway or frontage permits no legal right of access except at such points and in such manner as determined by the jurisdictional authority. On highways with partial control of access, points of access are restricted to driveways on a planned spacing in addition to normally provided interchanges and/or at-grade intersections. Access may be required to be from adjacent roads when direct access to the main highway is restricted or prohibited. This access is the responsibility of the applicant.

The median of a divided highway provides for safer, more efficient traffic movement by reducing accidents involving left-turn access maneuvers as well as head-on collisions. Access to adjacent property is provided by right-in and right-out maneuvers in conjunction with U-turn and crossing maneuvers at paved median crossovers. Crossovers are provided at a planned spacing and at intersections, and additional crossovers are not normally permitted at driveways. See [Section 3D](#) for more details on median crossovers.

## **2E ENCROACHMENT PERMIT APPEAL PROCESS REQUEST**

An Application for Encroachment Permit that is not approved under Section 2B may be appealed to the Deputy Secretary for Engineering within 60 days from date of denial. A letter to the Deputy Secretary for Engineering from the applicant shall be submitted in writing to the RME or DPE. An Access Waiver should be included and note which standard the appeal is requesting to waive.

An Application for Encroachment Permit that is approved with conditions cannot be appealed.

The letter should also include the basis for the appeal such as:

- No other reasonable access can be provided.
- Applicant took all reasonable steps to meet ARMS standard.
- The ARMS standard is not interpreted to fit the site circumstances.
- Undue financial hardship imposed upon applicant.
- Denial is significantly inconsistent with the ARMS standard application within the locality or region.
- Appropriate SCDOT process was not followed.

The RME or DPE will transmit the appeal letter, the permit application number and additional supporting documentation to the Deputy Secretary for Engineering for processing. The Deputy Secretary for Engineering will advise the applicant, RME or DPE the results of his/her ruling on the appeal.

An appeal of the DSE review may be made in writing to the Commission Chairman. The Commission will take action and respond to the request for access in accordance with the requirements of the SC Code of Laws.

## CHAPTER 3 — DRIVEWAYS



### 3A GENERAL

The AASHTO *A Policy on Geometric Design of Highways and Streets* (Green Book, 2004) states:

Driveways are, in effect, intersections and should be designed consistent with their intended use. Ideally, driveways should not be located within the functional area of a roadway intersection or in the influence area of an adjacent driveway. The functional area extends both upstream and downstream from the physical intersection area and includes the longitudinal limits of auxiliary lanes.

Appropriate engineering and safety factors should be considered in conjunction with these standards so that conditions unique to individual driveways are properly taken into account.

### 3A-1 Driveway Classification

The SCDOT classifies driveways according to the number of trips that will be generated by the land use that the driveway serves to help arrive at the appropriate design. [Table 3-3](#) provides information regarding the classifications including land uses that might be expected to generate the specified volumes. The expected number of trips can be estimated using the latest edition of ITE's *Trip Generation Manual*.

**Table 3-3: Driveway Classification**

Driveway Classification	Expected Trips	Example Land Use	Design Features
Low Volume	1-20 trips/day 1-5 trips/hour	Residential Drives (1-2 single family homes)	Typically designed with minimum requirements.
Medium Volume	21-600 trips/day 6-60 trips/hour	Small subdivisions with single family homes or apartments, small business or specialty shop	Typically designed with some higher volume features such as radial returns.
High Volume	601-4,000 trips/day 61-400 trips/hour	Convenience store, gas stations, or small shopping center	Typically designed with high volume features such as radial returns and turn lanes.
Major Volume	>4,000 trips/day >400 trips/hour	Large shopping center or regional mall	Designed with high volume features including radial returns, turn lanes, and medians.

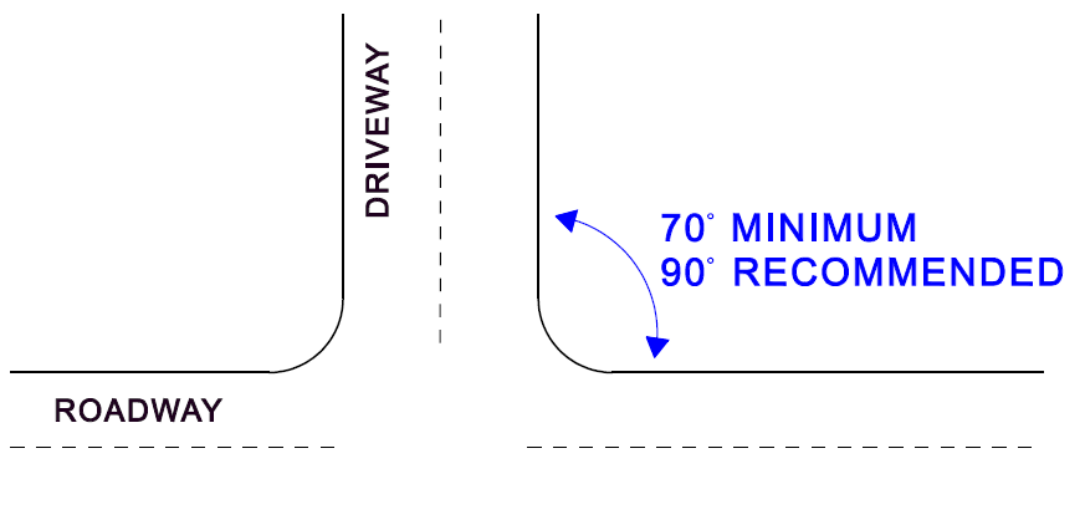
## 3B DRIVEWAY DESIGN ELEMENTS

### 3B-1 Angle of Intersection

For safety and economy, driveways should generally be at or nearly at right angles to the main road. Driveways intersecting at acute angles need extensive turning roadway areas and tend to limit visibility, particularly for drivers of trucks. When a truck turns on an obtuse angle, the driver has blind areas on the right side of the vehicle. Acute-angle driveways increase the exposure time for the vehicles crossing the main traffic flow. The angle of a one-way and two-way driveway exiting a property shall not be less than 70 degrees and preferably should be 90 degrees as shown in [Figure 3-1](#).



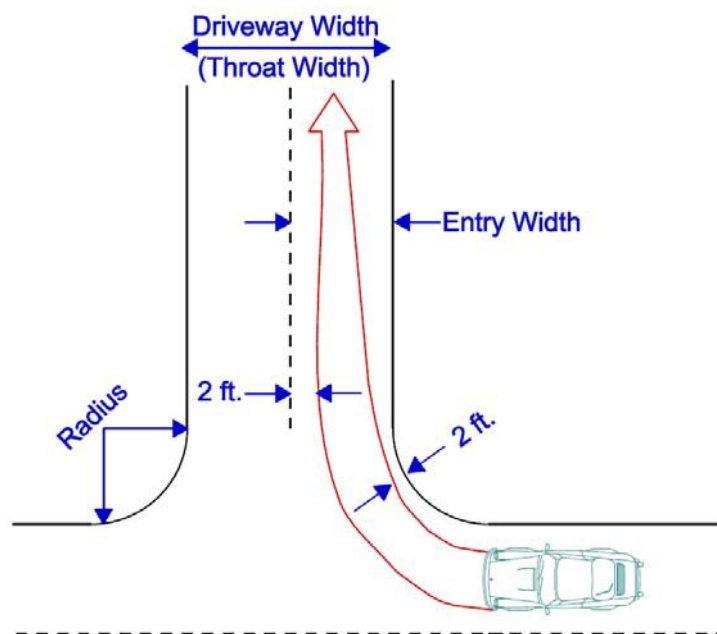
Figure 3-1: Angle of Intersection



### 3B-2 Width and Radii

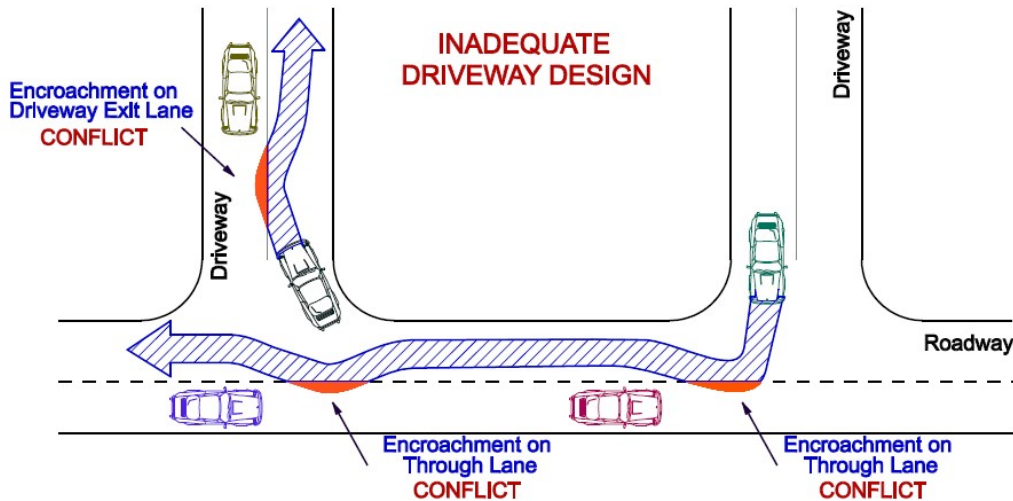
Driveway design is a critical component to the transportation system and essential to achieve efficient operations. Entry width, radius, and offset, as shown in Figure 3-2, are the key components to driveway design. The selected design vehicle should maintain a 2-foot clearance from the traveled way, curb line, or median during a right turn maneuver.

Figure 3-2: Critical Dimensions in Driveway Design



One important goal of driveway design is adequately serving the entering and exiting maneuvers without encroachment into an opposing lane. The entry width is the most critical because it has to serve right turning and left turning vehicles and should be sufficient to allow a vehicle to enter without having to slow down nearly to a stop and allow a vehicles to enter and exit simultaneously. Inadequate driveway design creates conflicts that can be detrimental to safety and operations on the mainline (see Figure 3-3).

Figure 3-3: Inadequate Driveway Design



The width of driveways, exclusive of any shoulder, should be based on various conditions including the type of highway facility, the driveway volumes, the driveway alignment angle, and the turning radii. Driveway radii should be designed to provide safety and ease of vehicle movement for the largest vehicle that will regularly use the driveway. Table 3-4 indicates recommended driveway widths and minimum radii for various types of driveways based on the driveway class. For low to medium volume driveways in curb and gutter or sidewalk sections, drop curb driveways are typically used.

Table 3-4: Driveway Widths and Radii

Driveway Class	Driveway Width (feet)	Minimum Radius Returns (feet)
Low Volume	10 – 24	15
Medium Volume	24 – 40*	30 (40 Recommended)
High Volume	40**	**
Major Volume	**	**

\* A 40 ft. driveway is usually marked with two exit lanes of 12 ft. width, with the balance of 16 ft. used for a single, wide entry lane. When a median divider is used, the throat width should be increased to maintain the same lane widths.

\*\*Driveway widths, radii, and lane requirements are determined by a traffic study.

\*\*\* For one-way drives, use 14 to 24 feet depending on vehicle usage, width should not encourage two-way movement.

Without guidance, typical drivers will position themselves in the center of the drive, which causes conflicts with entering vehicles. The SCDOT recommends that all two-way driveways be marked to guide the driver to the correct portion of the drive, however; if the width of a driveway is 24 feet or larger pavement markings may be required at the Department's discretion. Driveways 36 feet or larger may require channelization.

Detailed design drawings for driveways with drop curb and for driveways with curb returns are given in *SCDOT Standard Drawings* Numbers 720-405-00, 720-410-00, and 720-415-00. These drawings can be accessed via the SCDOT website at the following address: <http://www.scdot.org/doing/sddisclaimer.asp>.

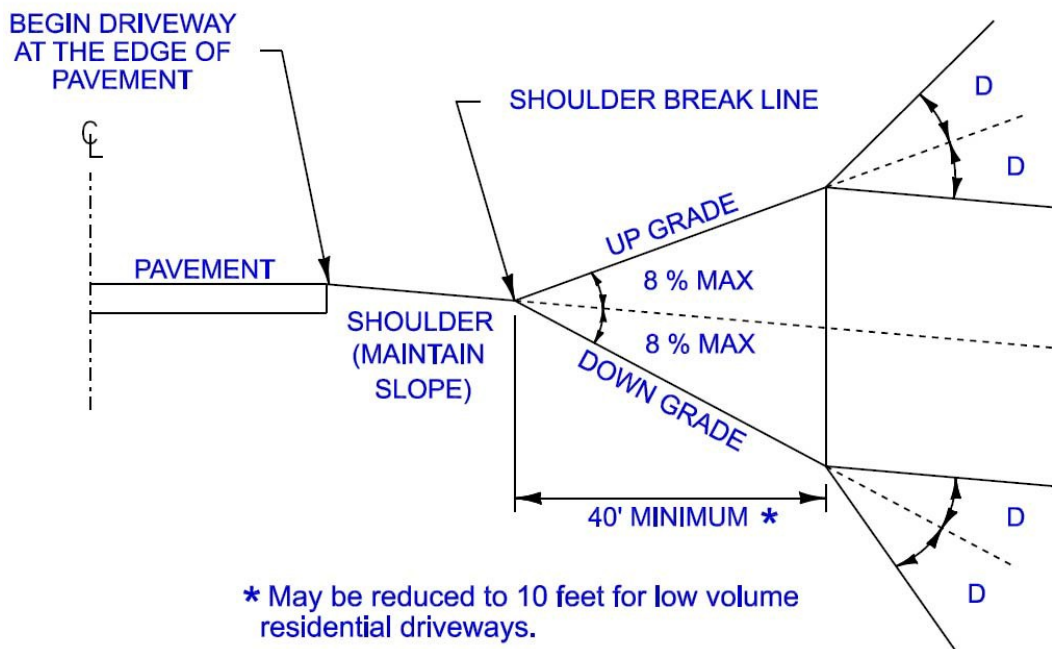
### 3B-3 Approach Grade and Side Slope for Low/Medium Volume Drives

Where a shoulder exists, the profile grade of the approach from the edge of the pavement shall slope at the same rate as the highway shoulder for the full width of the shoulder. As shown in

Figure 3-4, a difference in grade, not to exceed plus or minus 8 percent, shall be maintained from the edge of the shoulder for a minimum distance of 40 feet. Low-volume drives can have an additional grade change at this point not to exceed 14 percent total grade change from the shoulder grade. Also, driveways shall have a maximum side slope ratio of 4:1. These items should be clearly labeled on the driveway profile in the encroachment permit application.

High and major volume drives should be designed in accordance with Chapter 5 of this manual and Chapter 15 of the *SCHDM*.

Figure 3-4: Medium Volume Driveway Approach Grade

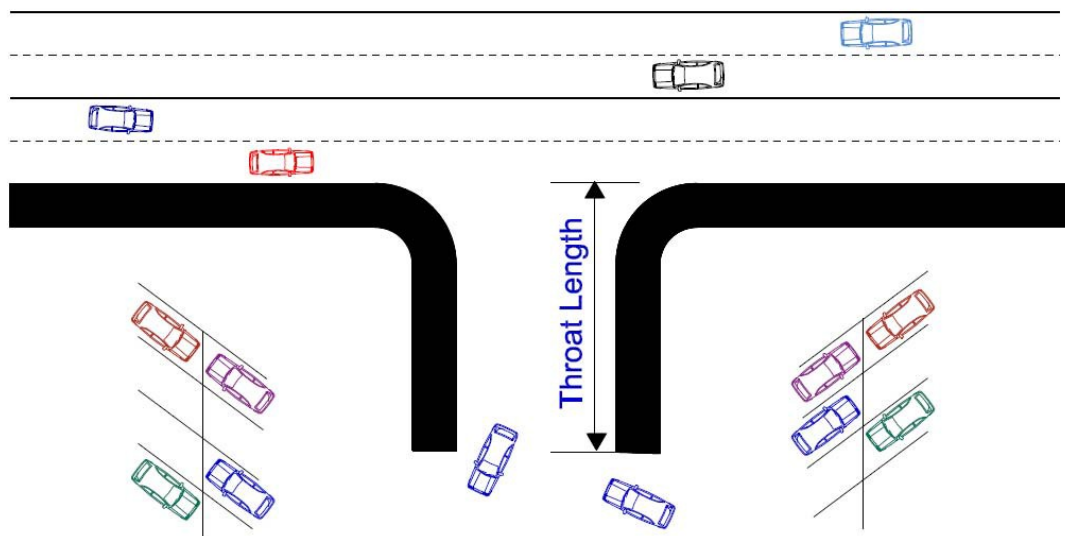


D = Maximum 6 percent grade change for low volume driveways. D for all other driveways should be 0 percent.

### 3B-4 Driveway Throat Lengths

Driveway throat length is the distance from the edge of the traveled way to the first conflict point. Sufficient driveway throat length that provides an uninterrupted area in advance of the initial conflict point is a key component for safe and efficient operation. The SCDOT has the authority and responsibility to require a sufficient throat length (beyond the right-of-way limits) to protect the needs of the adjacent roadway system. Driveways shall be designed to provide adequate queue storage and sufficient maneuvering distance. The larger the volume using the driveway, the more the driveway should be designed like a major roadway intersection. For unsignalized driveways, Figure 3-5 should be used as an estimate of the needed driveway throat length. For signalized driveways, the driveway throat length can be estimated using Figure 3-5, but should be verified through a traffic engineering study. If a development has a gated entrance or a check in station such as that of a military base, the throat length should contain the anticipated peak hour queue.

Figure 3-5: Recommended Driveway Throat Lengths



Signalized Access	Throat Length
4 exiting lanes including right-turn lane	≥350 ft, based on traffic engineering study
3 exiting lanes including right-turn lane	250 ft.
2 exiting lanes including right-turn lane	150 ft.

Unsignalized Access	Throat Length
1 entry lane, 2 exit lanes	50 ft.*
1 entry lane, 1 exit lane	30 ft.*

\*In no case should the first access point be located within the radius returns of the driveway.

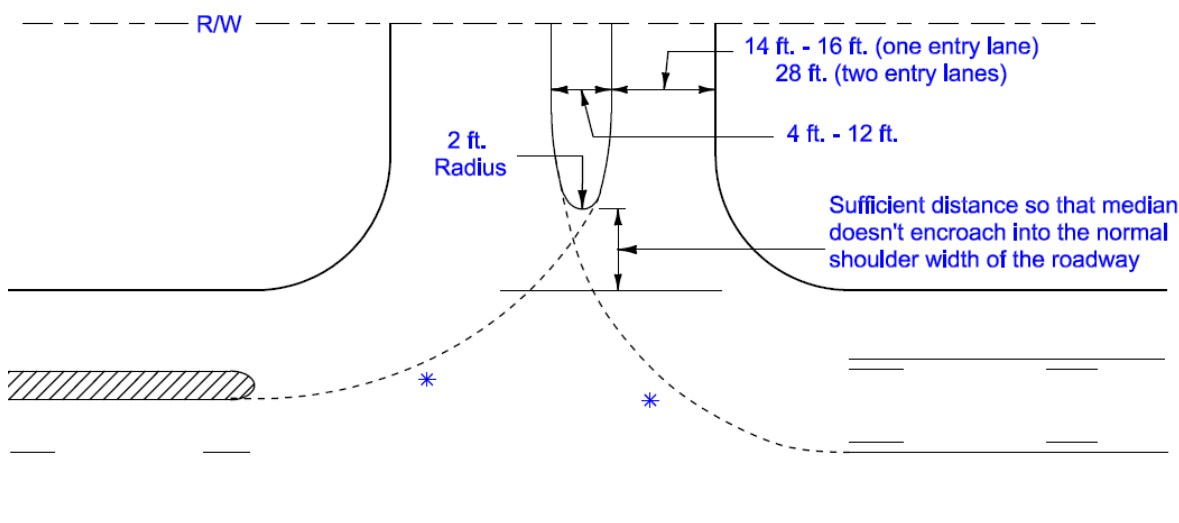
### 3B-5 Islands

Traffic islands are used to guide motorists into proper lanes and can be used for pedestrian access. They shall be used when the driveway characteristics or complexity is of such a nature that their use is needed to eliminate conflicts. They should be constructed with a mountable curb and should be offset from the traffic lanes. The minimum size of a raised concrete island is 100 square feet. Island used for pedestrian refuge should be at least 150 square feet. A diagram displaying the design requirement for triangular islands is given in [Figure A-7](#) in [Appendix A](#).

### 3B-6 Driveway Medians

When a median is used to separate opposing traffic on a driveway, the part of the median within the right-of-way shall have a minimum width of 4 feet and a maximum width of 12 feet. The median nose shall be offset a sufficient distance so that the median does not encroach into the normal shoulder width of the roadway. Landscape plants on the median and within 25 feet of the roadways should be limited to low growing plants not exceeding 2½ feet in height. These plants shall not negatively effect sight distance. When the median width is larger than 4 feet, the nose shall be defined with a 2-foot radius and the control turning radius. See [Figure 3-6](#) below.

**Figure 3-6: Driveway Median Design**



\* The adequacy of the left turn design is influenced by the control turning radius and the available departure width.

### 3B-7 Right-in, Right-out Driveways

Right-in, right-out driveways are necessary in some locations in accordance with Section 3C. A right-in, right-out driveway should incorporate a triangular (pork chop) raised concrete island no smaller than 100 square feet with sides a minimum of 12 feet in length after rounding of the corners. A recommended typical design is shown in [Figure A-7.1](#) in [Appendix A](#). To determine if this design is adequate based on the type of vehicles the drive will serve, refer to [Table 3-3](#), [Table 3-4](#), and [Figure 3-5](#) and adjust the design accordingly.

When a right-in, right-out driveway is implemented on an undivided roadway, the use of a restrictive median in concurrence with the “pork chop” island is preferred; however, adjacent impacts must be evaluated prior to implementing restrictive medians. A 4 foot wide raised concrete median is recommended. However, if a concrete median cannot be provided, consider the use of a Department-approved surface-mounted curbing system with flexible delineator posts as an alternative.

### 3C DRIVEWAY SPACING AND LOCATION

Driveways should be located to avoid undue interference with or hazard to traffic on the roadway. They should be located where there are no sharp curves or steep grades and where the provisions outlined in the following subsections are met. Driveways should not be located on auxiliary lanes or their tapers.

In the interest of public safety and convenience, the Department may restrict a point of access to a particular location along the frontage. On properties where driveways would not otherwise be clearly defined, a physical barrier such as curbing may be required along the frontage.

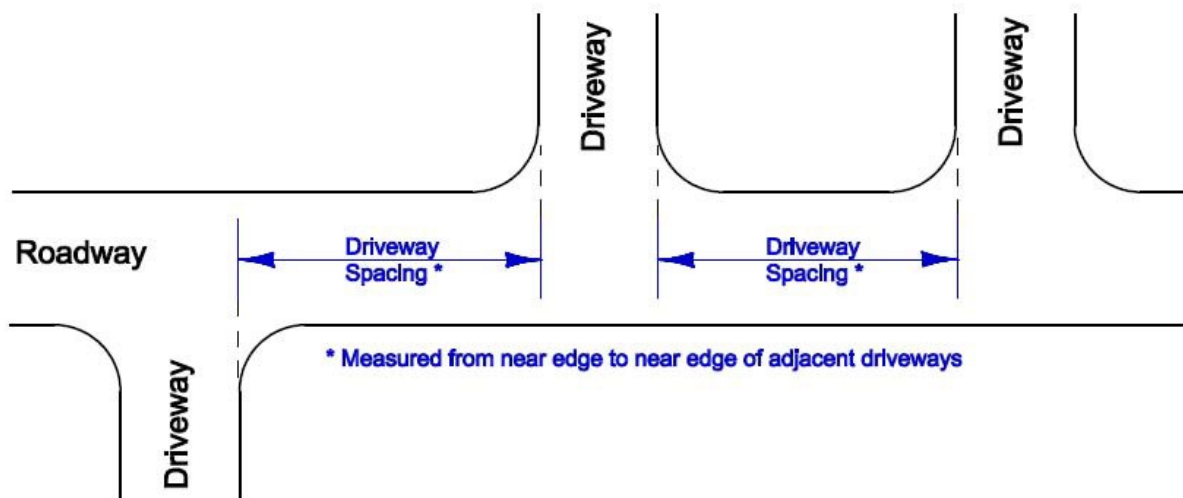
Generally, one driveway to a given property will be allowed, situated in a safe location and in accordance with the provisions of this manual. However, additional driveways may be allowed provided the spacing requirements in [Figure 3-7](#) are met. Driveways will be limited to the number needed to provide adequate and reasonable access to a property. Factors such as alignment with opposing driveways and minimum spacing requirements will have a bearing on the number of driveways approved. A residential property with a frontage of less than 50 feet or a commercial property with a frontage of less than 64 feet will be permitted a point of access only upon special consideration by the Department. A property with more than one frontage may have the frontages considered separately.

#### 3C-1 Driveway Spacing

Separating driveways can reduce the potential for conflict and minimize collisions. [Figure 3-7](#) provides the minimum driveway spacing based on the speed and AADT of the adjacent roadway and is measured from near edge to near edge of adjacent driveways as shown in the figure. **Driveways generating more than 50 peak hour trips based on the most recent version of the *ITE Trip Generation Manual* shall use the larger of the two spacing requirements regardless of the adjacent roadway AADT.** Examples of facilities generating greater than 50 peak hour trips are provided in [Appendix F](#). Driveway spacing should reflect the future AADT if a significant change will result from the development as determined by the District Traffic Engineer. High and major volume driveways that act as local streets should align with driveways on the opposite side of the street or should be offset in the same manner as streets as governed by [Chapter 5](#) of this manual and the *SCHDM*. Minimum spacing will be increased if right-turn deceleration lanes are required and shall equal the length of the turning lane and taper plus 50 feet.

A pair of one-way driveways may be substituted only if the internal circulation on the site is compatible with the one-way driveways and wrong-way movements on the driveways are rendered impossible or extremely difficult for motorists. Nowhere shall a distance of less than 40 feet between edges of one-way driveways be permitted. (See [Figure A-1](#) in [Appendix A](#)).

Figure 3-7: Minimum Driveway Spacing



Posted Speed Limit (mph)	Minimum Driveway Spacing (ft) on roadways with AADT $\geq 2000$ or Driveways Generating more than 50 Peak Hour Trips	Minimum Driveway Spacing (ft) on roadways with AADT < 2000
30	160	75
35	220	125
40	275	175
45	325	225
$\geq 50$	400	275

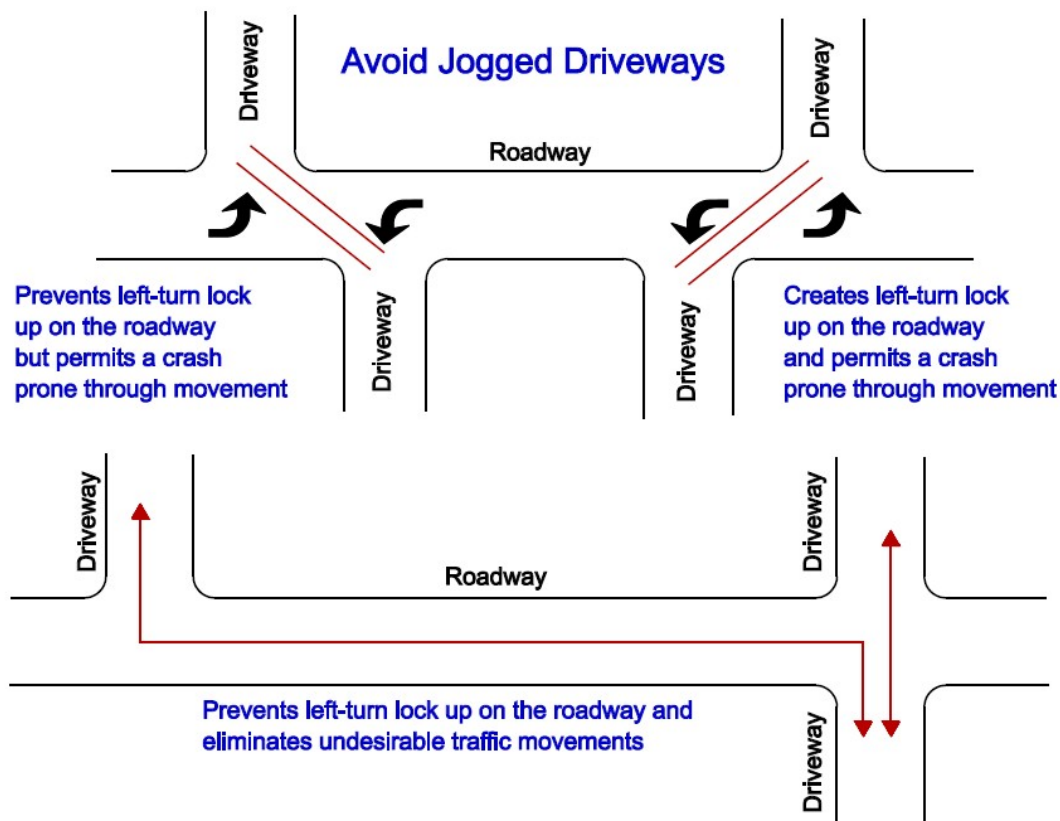
Exceptions to minimum driveway spacing include the following:

- The placement of residential (low volume) driveways. These drives should be placed in a reasonable location to avoid interference with adjacent drives as determined by the Resident Maintenance Engineer (RME).
- The replacement of a driveway to a property that may be lost or disrupted due to a SCDOT project.

In the case of large developments with outparcels, access for outparcels should be provided only internally; however, shared or individual driveways may be permitted provided that **twice the normal spacing** requirements are met. When direct access is approved, it may be limited to right-in, right out. Even when single or shared out-parcel driveways are allowed, additional access from the outparcels to the major development should be provided. Notation of access for outparcels shall be made on the plans for the development. Early coordination with the District Traffic Engineer is encouraged. For sample drawings of out-parcel access, see [Figures A-2 and A-3 in Appendix A](#).

Avoid closely spaced driveways on opposite sides of an undivided roadway or roadway with a two-way left-turn lane (TWLTL) as they can allow undesirable traffic movements and turning conflicts (See [Figure 3-8](#)). The spacing of these drives should also follow the requirements set forth in [Figure 3-7](#).

**Figure 3-8: Driveway Connections on Opposite Sides of the Roadway**



### 3C-2 Driveway Radius and Corner Clearances

Corner clearance is the distance between a roadway intersection and the nearest driveway. The purpose of corner clearance is to remove conflicting movements from the functional area of intersections and provide sufficient stacking space for queued vehicles at intersections so that the driveways are not blocked. These requirements may limit or exclude driveways on some corner lot frontages. The minimum corner clearance for full access unsignalized as well as signalized intersections is the standard spacing from [Figure 3-7](#). For right-in, right-out access, use a minimum of 150 feet or the value given in [Figure 3-7](#) if it is less than 150 feet.

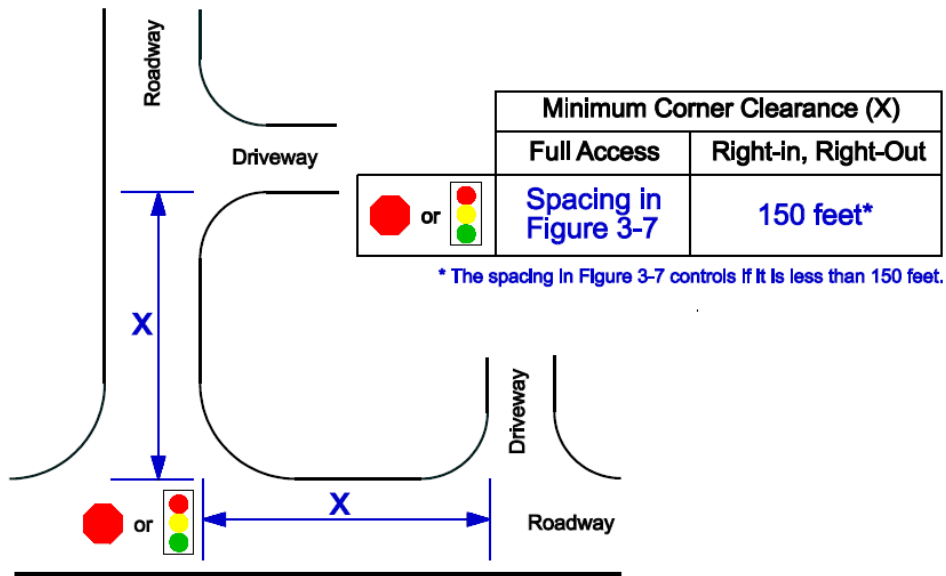
Under no circumstances will a driveway connection be permitted within the corner radius of the intersection. In situations where large turn radii exist, the beginning of the radius of a driveway shall be at least 10 feet from the point of tangency of the intersecting roadway's radius.

In locations where left-turn lanes exist, these corner clearance distances may need to be increased as driveways should not be located where it is necessary for left turning vehicles to cross an intersection's left-turn lane. In situations where right turn



lanes exist at an intersection, driveways should not be located where exiting vehicles will enter the right turn lane.

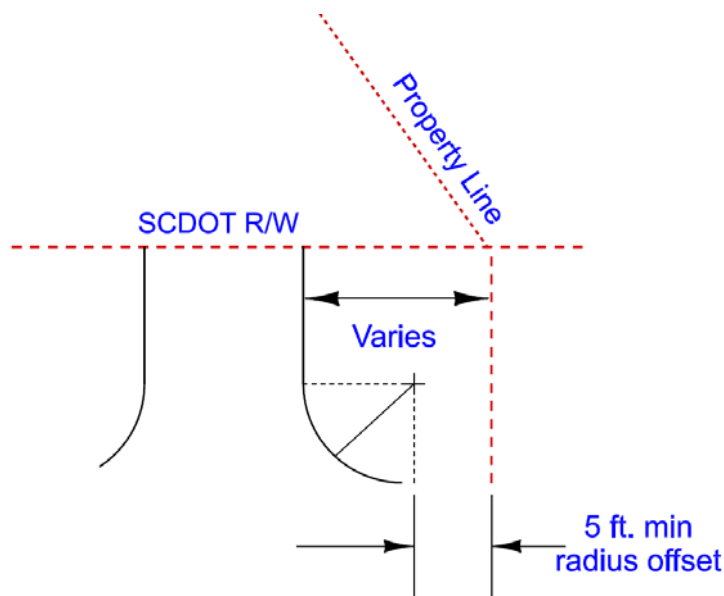
Figure 3-9: Corner Clearances



**3C-3 Driveway Radius Offset**

With the exception of residential driveways, driveways shall have a minimum radius offset of 5 feet, as measured parallel to the driveway, from the intersection of the right-of-way and property lines (Shown in Figure 3-10). If this is not feasible and the radius encroaches into the adjacent property's frontage located along the roadway, then it will be necessary for the permit applicant to obtain a letter of permission from the adjacent property owner(s).

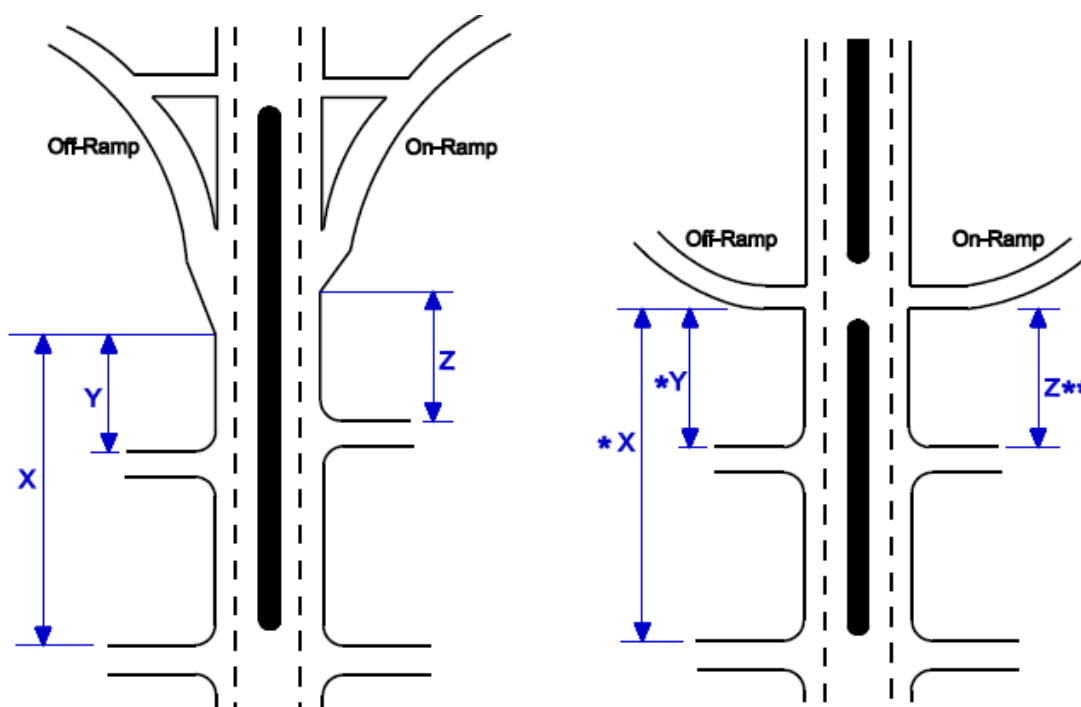
Figure 3-10: Minimum Radius Offset Requirements



### 3C-4 Access Placement in Interchange Areas

Adequate spacing and design of access points near freeway interchanges is important to avoid traffic queues and conflicts near interchange ramp terminals. When access points are too close to the ramp termini, heavy weaving volumes, complex traffic signal operations, frequent accidents, and recurrent congestion generally result. In no case shall a point of access be permitted on a freeway or expressway ramp or on a controlled-access highway unless illustrated on the original design plan for the controlled-access highway. The minimum spacing guidelines have been provided in Figure 3-11. Because of the complexity of freeway interchange areas, minimum spacing requirements may need to be increased at the discretion of the District Traffic Engineer (DTE).

Figure 3-11: Minimum Spacing for Freeway Interchange Areas



- \* Measured from the end of the lane taper if an acceleration lane exists for the off-ramp
- \*\* Measured from the beginning of the lane taper if a turn lane for the on-ramp exists

	Distance (ft)	Description
X	750	Distance from the closest interchange ramp to the first full access intersection
Y	325	Distance from the off-ramp to the first right in, right out access point
Z	325	Distance between the last right in, right out access connection and the on-ramp

### 3C-5 Coordination of Driveways and Sidewalks

Vehicles moving between the roadway and abutting property must pass through the portion of transportation system provided for pedestrians referred to as the sidewalk. Sidewalks should not be permitted for individual properties unless there is a logical and safe terminus. In the design of driveways and entrances/exits through this space where motorists and pedestrians must coexist, the right of way, which SC Code affords the pedestrian, must be basis for the design. In the design of all Low Volume and Medium Volume driveways, the concrete sidewalk, where present, should continue across the driveway with the features shown in the latest version of the *SCDOT Standard Drawings for Road Construction*.

Installation of driveways classified as Medium, High and Major Volume may result in the removal of the existing sidewalk. Where this occurs, care must be taken to minimize severe changes in the longitudinal grade and cross slope of the portion of the driveway within the pedestrian crossing area. The running slopes introduced by the proposed encroachment should not exceed the values provided in the *Americans with Disabilities Act Accessibility Guidelines (ADAAG)*. The pedestrian crossing of driveways can be emphasized by the marking of standard six-foot (minimum) width crosswalks as shown in the MUTCD. This is especially important on wider radius-return (private street type) driveways where the crosswalk markings can emphasize to motorists that they must yield the right of way to pedestrians when crossing all driveways across sidewalks (SC Code 56-5-3250).

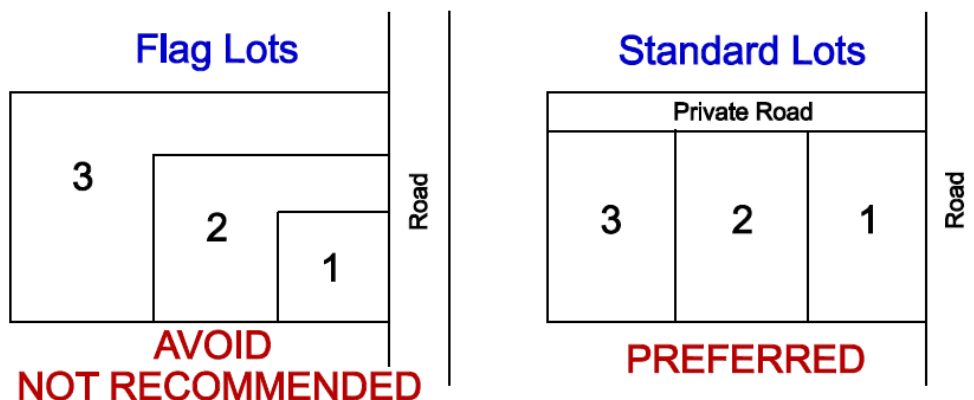
### 3C-6 Shared Driveways

Shared driveways requiring mutually executed easements are encouraged and, in some circumstances, may be required by the Department. The requirements of [subsection 3C-3](#) shall not apply to shared driveways.

### 3C-7 Flag Lots

Access problems often occur as the result of land development techniques that produce lots shaped like flags with long narrow access poles (see [Figure 3-12](#)). Landowners often stack flag lots when dividing a parcel to provide interior lots with direct access to the State Highway System, thereby avoiding the expense of providing a public or private road.

Figure 3-12: Flag Lots and Alternative Access



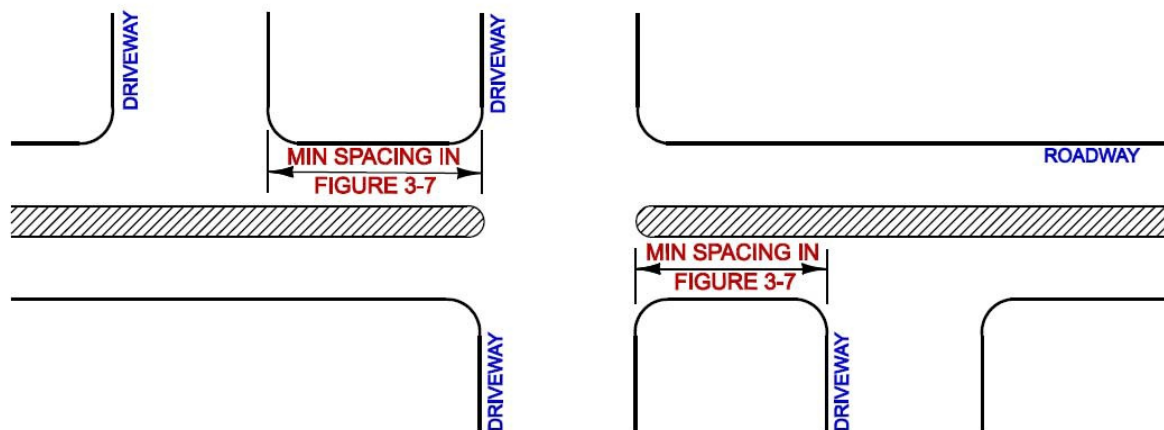
Access problems frequently occur when drives from stacked flag lots violate driveway spacing standards on the State Highway System. Inadequate spacing between these driveways increases safety hazards from vehicles turning on and off the high-speed roadway. To reduce the potential for access problems and improve safety, the construction of one drive per flag lot should be avoided. Instead, internal flag lots should be served by an internal street or road system that provides access to the State Highway System at one location. This access point should meet the design standards for a street or roadway and not those of a driveway. A residential property with a frontage of less than 50 feet will be permitted a point of access only upon special consideration by the Department.

### 3D MEDIAN CROSSOVERS

The initial placement of median crossovers along divided highways is determined by engineering design. Divided highways operate at higher levels of safety with a minimum number of median crossovers. Additional crossovers create more conflicts and can lead to higher accident experience and loss of the advantages of the divided highway. They, therefore, are not normally permitted at driveways, and the Department reserves the right to limit access to right-in, right-out. However, when additional median crossovers are warranted, in order to not compromise the operation of existing crossovers or the highway, the spacing of these additional median crossovers should follow a typical pattern for each roadway and shall be limited by the criteria set forth in this section. Applications for median crossovers which are difficult to reconcile shall be forwarded for review to the Director of Traffic Engineering. The design and construction of new median crossovers shall be the responsibility of the permittee and be accomplished at no additional expense to the Department.

Whenever applicable, driveways should align directly with existing median crossover. Those that do not align directly should be located according to the minimum driveway spacing in [Figure 3-7](#) so that conflicts with traffic using the crossover can be avoided. (See [Figure 3-13](#))

**Figure 3-13: Driveways with Median Crossovers**



### 3D-1 Requirements

A median crossover may be permitted when an engineering review by the Department indicates that all of the conditions listed below are met.

- The spacing to the nearest crossover is at least 500 feet in urban areas and 1,000 feet in rural areas (centerline to centerline).
- When needed as determined by the Department, a suitable left-turn lane and taper shall be included.
- Sight distance criteria are met (See [Chapter 7](#))
- Significant traffic volumes will be generated.
- The operation of the highway, other accesses, or crossovers will not be adversely affected.
- The maximum grade on the crossover should not exceed 5 percent.

The Department may approve the relocation of a median crossover if the new location meets the above requirements. A median crossover and any associated turn lanes are considered components of the driveway and are to be constructed by the permittee where approved.

### 3D-2 Design

The length of a median opening shall be based on the control radii accordance with [Figure A-4](#) in [Appendix A](#). For median crossovers provided for driveways, median ends should be of the bullet nose design following criteria established in [Figure A-5](#) in [Appendix A](#). The turning radius of the required design vehicle should determine the length of median crossovers for U-turns. The *SCHDM* offers more in-depth guidance on median design and provides minimum median widths for U-turn movements for various design vehicles. Pavement design shall equal or exceed that of the existing roadway. If auxiliary lanes are required, they shall be designed in accordance with [subsection 5D](#).

## 3E TEMPORARY DRIVEWAYS

Any driveway which is not for use by the general public and which will be closed after being used for only a limited time may be considered a temporary driveway. The limited time shall be specified on the permit and shall not exceed two years. The requirements for temporary driveways will be the same as for permanent driveways except that a stone surface may be used instead of pavement except where there are sidewalks and wide paved shoulders and different types of pipe are allowed. Temporary driveways shall not block existing drainage features. When the driveway is closed, all materials shall be removed and the site restored to its original condition by the permittee.

### 3E-1 Logging and Construction Driveways

Driveways to logging operations and construction sites can generally be considered temporary driveways with special consideration being given to ensure that mud and debris are not carried onto the highway. An area off the right-of-way for cleaning mud and debris off tires shall be required. Proper warning signs shall be provided, installed, and maintained by the permittee in accordance with the *Manual of Uniform Traffic Control Devices* (MUTCD).

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## CHAPTER 4 – SCHOOL ACCESS DESIGN



### 4A GENERAL

The School Operations section of SCDOT was established in 1994 in response to the rapid rate at which new school construction was occurring. The section coordinates with the State Department of Education's Office of School Facilities, local school districts, the SCDOT Bike and Pedestrian Engineer, and SCDOT Safe Routes to School Coordinator to assure that roadway and operational improvements are made at the time of new school construction and as renovations are made to existing schools. This process includes the review of all new school site and/or renovation plans from the preliminary design phase through the final construction phase.

This chapter is primarily to be used as a reference for school districts and their architects/engineers doing school site transportation design related to the SCDOT review and approval of Encroachment Permits.

### 4B ON-SITE STACKING

Schools generate their highest peak traffic volume during morning take-in and afternoon dismissal times. Frequently, these periods coincide with times when traffic volumes are heaviest along roads adjacent to school sites, which further compounds congestion problems experienced at schools. Therefore, it is essential to design internal school drives in a manner that will provide sufficient on-site stacking length for both parents and buses.

Table 4-5 shows the recommended on-site stacking lengths for automobile loops at elementary, middle, and high schools based on student population. It should be noted, however, that the presence of an all-day kindergarten program could create traffic

flow problems in loops intended for parents dropping-off and picking-up elementary students. Therefore, if a large kindergarten student population is anticipated, it is recommended that a separate loop be constructed for this operation. However, the loop's stacking capacity can be less than what is recommended for elementary students. Additionally, if a kindergarten loop cannot be constructed, then a separate parking area for these parents should be considered.

**Table 4-5: Recommended On-Site Stacking Lengths**

School Type	Student Population	Single Lane Loop Drive Stacking Length (Linear Ft.)
Elementary	Less than 600	1,200 – 1,500
	600 or more	1,500 – 2,000
Middle	Less than 600	1,200 – 1,500
	600 or more	1,500 – 2,000
High*	Less than 800	1,000 – 1,500
	800 – 2,500*	1,500 – 2,000

*\*For High school populations greater than 2,500 students, two separate student pick-up and drop-off loops should be considered.*

## 4C NUMBER OF SCHOOL DRIVEWAYS

The number of school driveways is important in assuring proper distribution of traffic along a site's frontage. Typically, elementary and middle schools function best when they are served by two separate access drives. One driveway is needed to serve the bus loop, while the other is necessary to serve the parent drop-off/pick-up loop (Note: If a school has an all-day kindergarten program, another access drive may be necessary). High schools should have at least three access drives. The first drive would serve the bus loop, parents would use the second drive for dropping-off and picking-up students, and the third drive would provide access to the student parking areas. For a high school with a large volume of student drivers, additional driveways may be needed for the student parking areas. The recommended number of drives is summarized in [Table 4-6](#).

Consequently, there are circumstances when a new school has only one accessible driveway location. In these instances, it is essential that this access drive be designed to provide multiple lanes entering and exiting the site.

**Table 4-6: Recommended Number of Drives**

School Type	Number of Driveways
Elementary	2 – 3
Middle	2
High	3 – 4

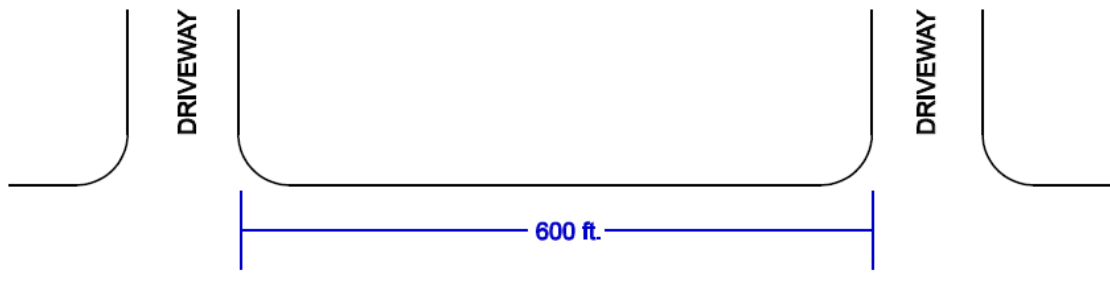


## 4D DESIGN CONSIDERATIONS

### 4D-1 Driveway Spacing

The desirable distance between school driveways is 600 feet or greater as shown in [Figure 4-14](#). This spacing allows for adequate left-turn lane development along the roadway.

Figure 4-14: School Driveway Spacing



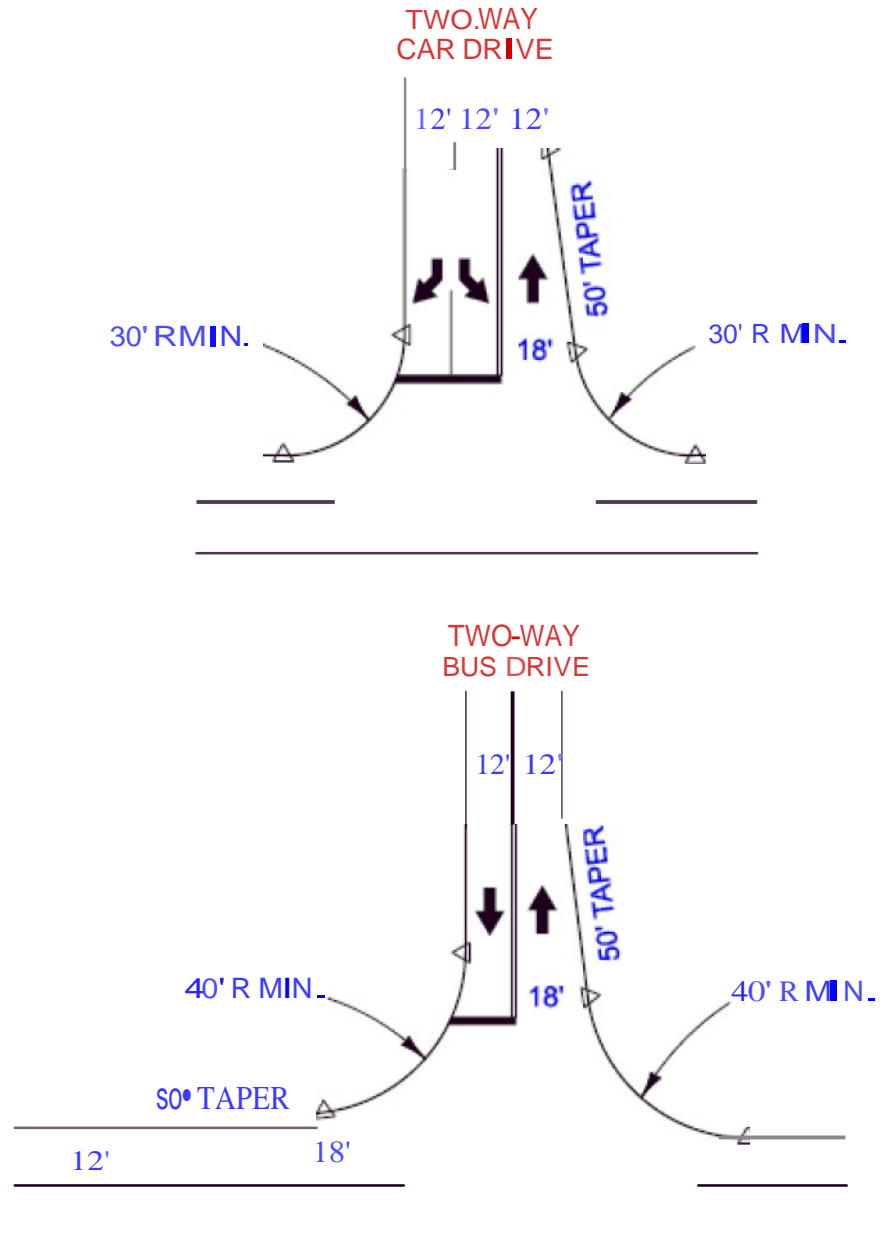
### 4D-2 Driveway Location

Although school driveway access locations are limited to points along a site's frontage where sight lines are optimum, there are other items that also dictate a driveway's location. School driveway locations should comply with the driveway location requirements as given [subsection 3B](#) of this manual. These include radius and corner clearances and radius offsets.

### 4D-3 Lane Widths and Corner Radii

Driveway corner radii should be designed to safely accommodate the turning movement of the largest vehicle that will regularly use the drive. The minimum corner radius for a school driveway to accommodate an automobile and a school bus is 30 feet and 40 feet, respectively. Also, a school driveway should have an 18-foot wide entrance lane to provide adequate pavement for vehicles entering the drive. This same treatment should be applied to the mainline roadway to accommodate buses exiting the school drive. See [Figure 4-15](#).

Figure 4-15: School Drive Width and Radii



## 4E ROADWAY WIDENING IMPROVEMENTS

Implementing roadway improvements at and adjacent to new schools is an essential part of the overall site design. Since schools generate high traffic volumes during take-in and dismissal times, they often create heavy congestion at their drives and adjacent intersections (especially when these times coincide with peak traffic demands of non-school traffic along the highway). Additionally, school driveways generate high volumes of turning traffic, which can interfere with the safe and efficient movement of traffic along a roadway. In most cases, the SCDOT recommends construction of turning lanes at new school sites on a statewide basis. Turn lane lengths and taper lengths used should be in accordance with [Figures A-9](#) and [A-10](#) in [Appendix A](#). Widening may also be recommended at adjacent intersections if the traffic introduced by a new school, or school addition, creates a more hazardous condition or is projected to cause a failure in the safe and efficient traffic operation of that intersection. When widening is necessary, the methods presented in [Figures A-9](#) and [A-10](#) in [Appendix A](#) should be used.

## 4F MISCELLANEOUS RECOMMENDATIONS

- The area where students are dropped-off and picked-up should be located separately from bus loading/unloading operations. This is accomplished by constructing loops and driveways that function separately.
- Automobile and bus loop traffic should circulate in a counterclockwise direction so that student loading and unloading occurs from a vehicle's passenger side next to the curb.
- Parking stalls placed along loop drives should be constructed in an angle type fashion to facilitate a one-way traffic flow pattern and discourage wrong way use.
- School buildings should be set back on a site a sufficient distance from the adjacent roadway to insure safe and adequate on-site storage for the stacking of loading and unloading vehicles.
- Pedestrians and bicyclists shall have a designated safe path between any road and the school building.
- The layout of the bus circulation and parking areas shall be designed to prohibit the backing-up of buses on a school site.
- Parking stalls for a full-size bus shall be a minimum of 15 feet wide. Smaller spaces may be provided for mini-buses and other specifically sized vehicles used to transport students.
- Student parking areas shall be separated from staff/visitor/bus parking and student loading/unloading areas.

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## CHAPTER 5 – STREET INTERSECTIONS



### 5A GENERAL

Street intersections whether commercial or residential, public or private, shall be designed and constructed in conformance with the current editions of the *SCDOT Highway Design Manual* (SCHDM), the American Association of State Highway and Transportation Officials' *A Policy on Geometric Design of Highways and Streets* (AASHTO Green Book), AASHTO's *Guide for the Planning Design, and Operation of Pedestrian Facilities*, and AASHTO's *Guide for the Development of Bicycle Facilities*, the ADAAG, and the Department's *Standard Specifications for Highway Construction*. All intersections should be as simple as practical by minimizing confusion and demands on drivers to recognize and rapidly react to complex situations.

### 5B SPACING REQUIREMENTS

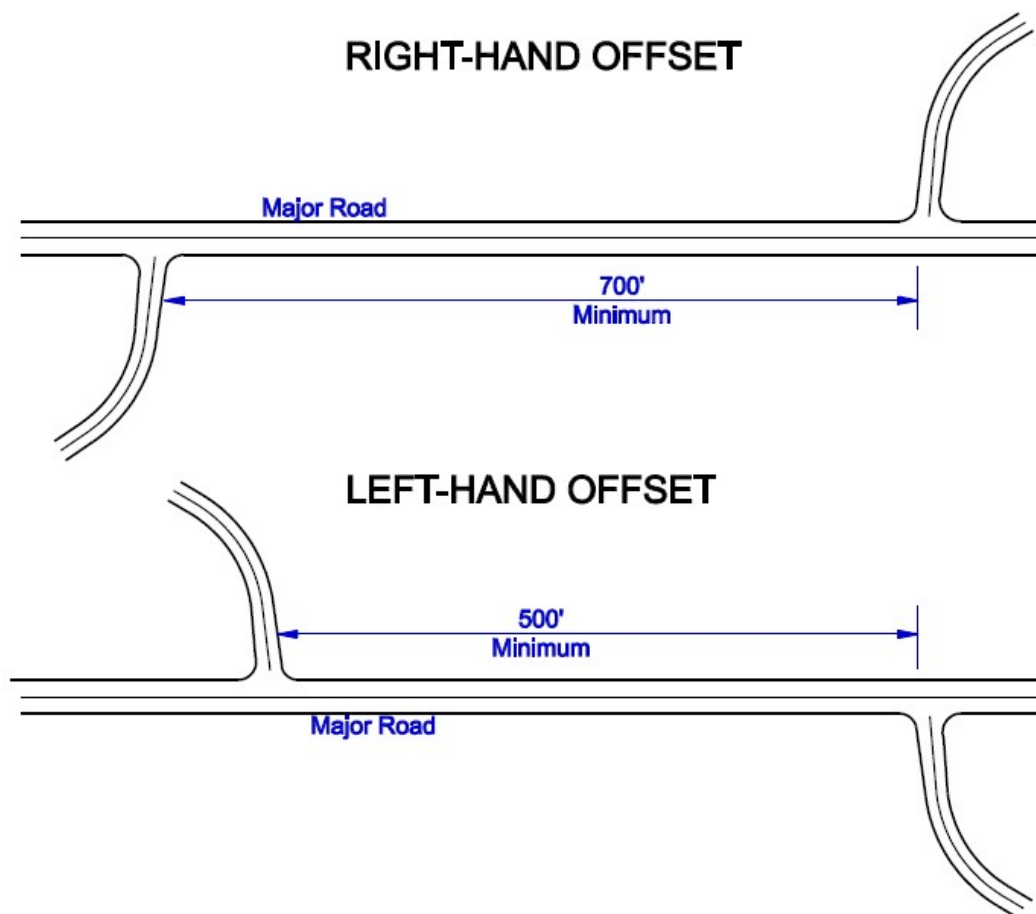
#### ***5B-1 Unsignalized Intersection Spacing***

If practical, avoid short distances between intersections because they tend to impede traffic operations. For example, if two intersections are close together and require signalization, they may need to be considered as one intersection for signalization purposes. To operate safely, each leg of the intersection may require a separate green phase, thereby greatly reducing the capacity for both intersections. Short spacing between intersections may hinder or even restrict effective left-turn movements. Where practical, realign the roadways to form a single intersection.

To operate efficiently, urban intersections should be a minimum of 500 feet apart. For rural areas, provide a minimum spacing of  $\frac{1}{4}$  mile (1320 feet) and, desirably,  $\frac{1}{2}$  mile (2640 feet) apart. Generally, treat signalized and unsignalized intersections the same. Because of changing traffic patterns, development and crash concerns, unsignalized intersections may be converted to signalized intersections in the future. Conduct a capacity analysis to determine if free-flow can be obtained between the intersections.

In addition, avoid short gaps or offsets between opposing "T" intersections. Drivers tend to encroach into the opposing lanes (corner cutting) so that they can make their turning maneuvers in one movement. In general, all new intersections should preferably be at least 500 feet apart. However, intersections with a right hand offset should have a minimum spacing of 700 feet to properly develop left-turn lanes. (See Figure 5-16)

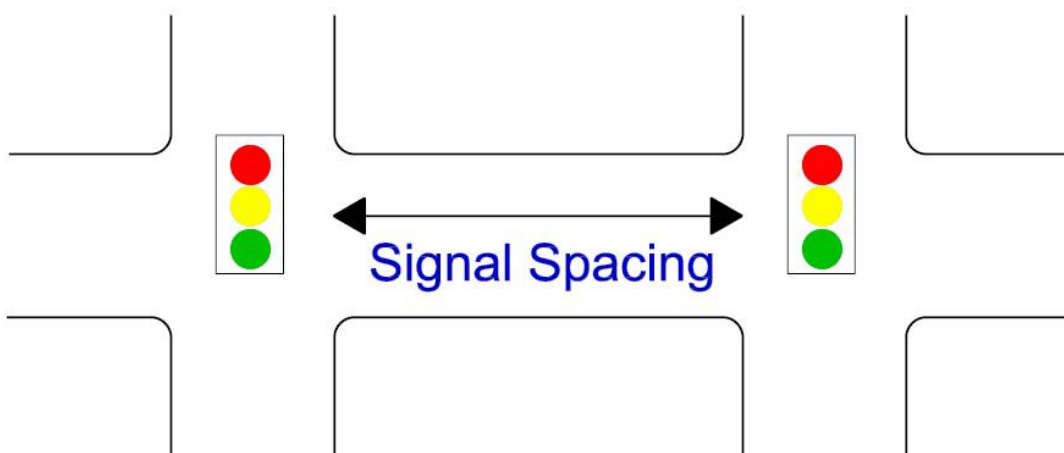
Figure 5-16: Street Alignment



### 5B-2 Signalized Intersection Spacing

Closely spaced traffic signals result in frequent vehicle stops and starts, unnecessary delay, and increased fuel consumption and emissions. Long and uniform signal spacing allow signal timing plans to efficiently accommodate varying traffic conditions including congested peak hours. Figure 5-17 shows the spacing requirements for signalized intersections. Less than minimum traffic signal spacing is only permitted if there is no reasonable alternative, and a weave and queue analysis show adequate spacing.

Figure 5-17: Traffic Signal Spacing



Functional Class	Traffic Signal Spacing (ft)
Major Arterial	2,640
Minor Arterial	1,320
Collector	1,320
Local	1,320

## 5C DESIGN CONSIDERATIONS

### 5C-1 Design Vehicles

Right-of-way for new streets should provide triangular areas sufficient to accommodate the intersection turn radii and provide for adequate intersection sight distance. The minimum radius for street intersections should comply with the recommended design vehicle based on the functional classification of the intersection's highway that the vehicle is turning from and onto. These design vehicles are listed in Table 5-7.

Table 5-7: Turn Type Design Vehicles

For Turn Made		Design Vehicle
From	Onto	
Freeway Ramp	Other Facilities	WB-62
Other Facilities	Freeway Ramp	WB-62
Arterial	Arterial	WB-62
	Collector	WB-62
	Local	WB-62
	Local (Residential)	SU/ S-BUS*
Collector	Arterial	WB-62
	Collector	WB-62
	Local	WB-62
	Local (Residential)	SU/ S-BUS*
Local	Arterial	WB-62
	Collector	WB-62
	Local	SU/ S-BUS*
	Local (Residential)	SU/ S-BUS
Local (Residential)	Arterial	SU/ S-BUS*
	Collector	SU/ S-BUS*
	Local	SU/ S-BUS
	Local (Residential)	SU/ S-BUS

\* With encroachment, a WB-50 vehicle should physically be able to make the turn.

### 5C-2 Angle of Intersection

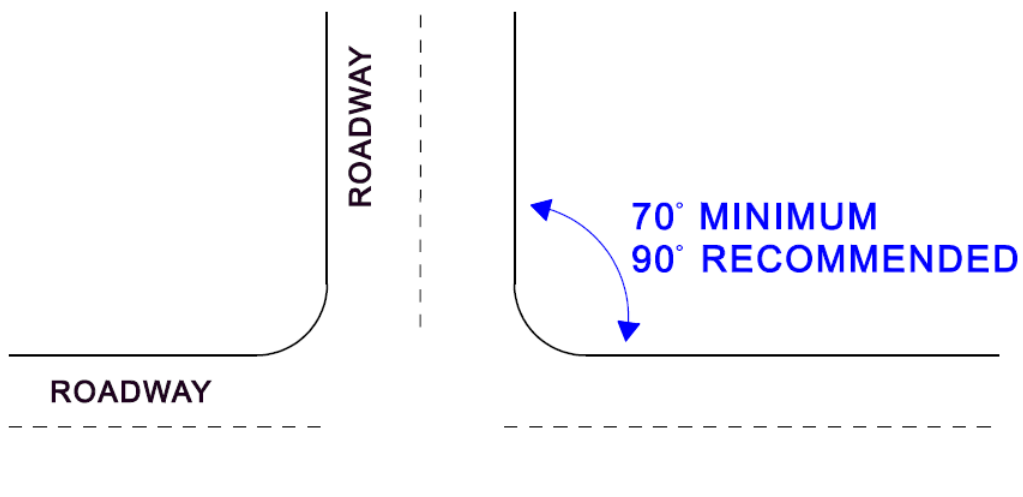
Highways should intersect at or nearly at right angles. Intersections at acute angles are undesirable because they:

- Restrict vehicular turning movements,
- Require additional pavement and channelization for large trucks,
- Increase the exposure time for vehicles and pedestrians crossing the main traffic flow, and
- Restrict the crossroad sight distance.

Preferably, the angle of intersection should be within 20 degrees of the perpendicular as shown in Figure 5-18. This amount of skew can often be tolerated because the impact on sight lines and turning movements is not significant. Where turning movements are significantly unbalanced, the intersections may be angled to favor the predominant movement.

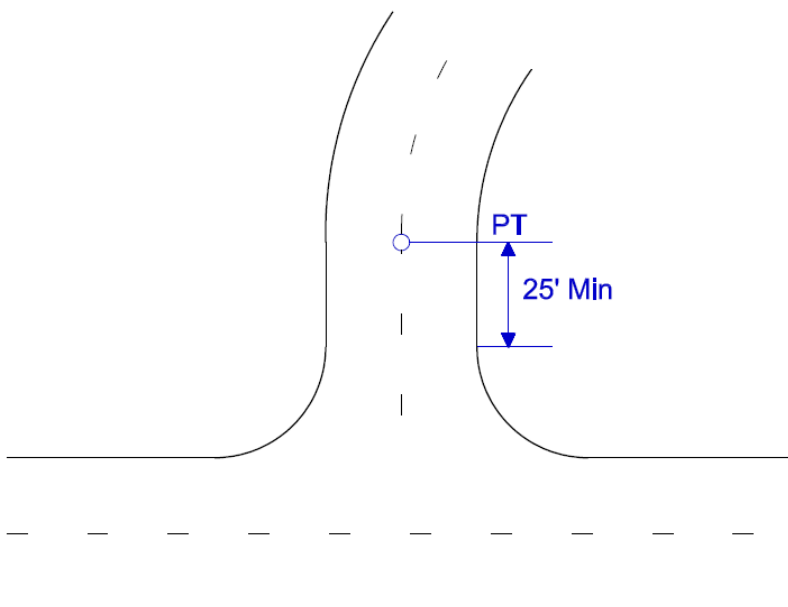


Figure 5-18: Roadway Angle of Intersection



The minimum distance between the point of tangency (PT) of a curve and the beginning of a radius at the intersection is 25 feet, as shown in Figure 5-19.

Figure 5-19: Point of Tangency Offset



### 5C-3 Offset Intersection Legs

In general, four-leg cross type intersections should be designed so that opposing approaches line up with each other (i.e., there is no offset between opposing approaches). However, this is not always practical. Figure 5-20 presents a diagram of an intersection with an offset between opposing approaches. Because of possible conflicts with overlapping turning vehicles, offset intersections should only be allowed to remain on low-volume approaches. The following criteria will apply for offset intersection approaches:

1. **Maximum Offset.** The maximum offset is determined from the application of a taper equal to V:1 applied to the intersection width, where V is the design speed in miles per hour; see Figure 5-20. V is selected as follows:

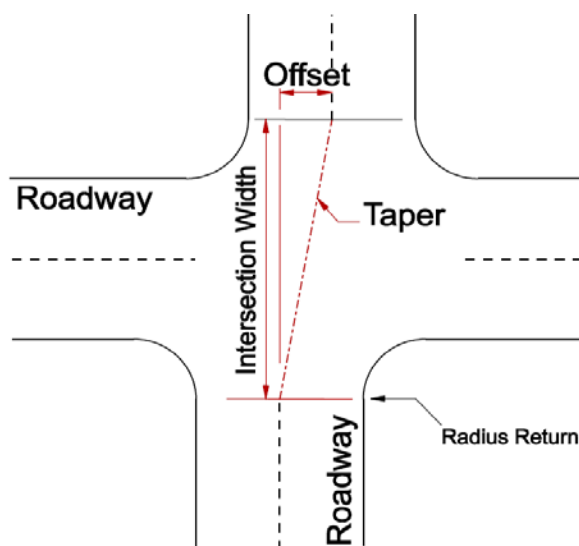
- V = 20 miles per hour for stop-controlled approaches.
- V = the roadway design speed for the free-flowing approaches at a stop-controlled intersection.
- V = the roadway design speed for the offset approaches at a signalized intersection.

2. **Turning Conflicts.** Evaluate the entire intersection for conflicts that may result from turning vehicles at an offset intersection. For example, offsets where the “jog” is to the left may result in significant interference between simultaneous left turning vehicles.

3. **Evaluation Factors.** In addition to potential vehicular conflicts, the designer should evaluate the following at existing or proposed offset intersections:

- Through and turning volumes,
- Type of traffic control,
- Impact on all turning maneuvers,
- Intersection geometrics (e.g., sight distance, curb/pavement edge radii), and
- Crash history at existing intersections.

Figure 5-20: Offset Intersection Legs



Design Speed (mph)	Allowable Offset (ft)	
	Crossing a 2-Lane Street*	Crossing a 5-Lane Street**
20***	3.7	7.2
25	3	5.7
30	2.5	4.8
35	2.1	4.1
40	1.9	3.6
45	1.6	3.2
50	1.5	2.9
55	1.3	2.6
60	1.2	2.4

Notes:

\*Assumes a 25 ft. corner radius and 2-12 ft. lanes

\*\*Assumes a 40 ft. corner radius, 4-12 ft. lanes, and a 15 ft. TWLTL

\*\*\*Use the 20 mph design speed for all stopped approaches.

### 5C-4 Approach Grade and Side Slope

On streets or higher-volume driveways or when curb and gutter are present, the approach profile should be as flat as practical but consideration must be given to obtaining positive drainage. Intersection areas or landing areas in the range of 75 to 100 feet should be established for minor roads as shown in [Figure A-6](#) in [Appendix A](#). The landing area is the portion of intersecting highways, local roads, and public and private approaches that are used for the storage of stopped vehicles. This landing area should provide for minimum grade changes to provide adequate sight distance and minimize acceleration time for vehicles using the crossroads. Desirably, the landing area will slope away from the intersection on a gradient not to exceed 3 percent, downward or upward. However, an upward sloping landing area should be avoided if practical, because this will require the stopped motorist to apply brakes while waiting to cross or turn. Where the use of grades less than 3 percent may be cost prohibitive, the designer may, with corresponding adjustments to other intersection design elements, use an approach gradient up to 5 percent. See Chapter 15 of the *SCHDM* for more in-depth design criteria.

## 5D AUXILIARY LANES

On roadways with substantial traffic volumes and/or higher speeds, lanes for deceleration, or turn storage may be required by the Department or as the result of a traffic impact study. The design and construction of auxiliary lanes, as well as the acquisition of additional right-of-way where necessary, shall be the responsibility of the permittee and shall be accomplished at no expense to the Department.

When adding left-turn lanes, the entire roadway at the site shall be resurfaced to prevent differential settlement, to eliminate undesirable pavement contrast, and to provide proper pavement markings. When the through travel way shifts alignment to a new location, the entire roadway within the limits of the shift shall be resurfaced. However, when a right turn lane only is added, resurfacing of the entire area may not be required. In addition, the road should be brought up to the latest standards requiring the following:

- Minimum 2-foot paved shoulders, matching the paved shoulder width currently provided on the road, or the width called for in state or local bicycle/pedestrian plans.
- 10 foot shoulders on arterials, and 6-8 foot shoulders on collectors, and 4-6 foot shoulders local roads based on guidance in the *SCHDM*.
- All projects in which turn lanes are added shall have cross sections submitted with the permit application showing the pavement, shoulder width, cut and fill ditches, and the right-of-way. If additional right-of-way is needed, this shall be indicated on the plans, and the permittee shall be responsible for acquisition at no cost to the Department. Additional right-of-way shall be quit claimed to the Department for maintenance purposes and shall take place prior to approval of the permit.

### **5D-1 Right-turn Storage Lanes**

The use of right-turn lanes at intersections can significantly improve operations. Consider exclusive right-turn lanes:

- At the free-flowing leg of any unsignalized intersection on a two-lane urban or rural highway;
- At the free-flowing leg of any unsignalized intersection on a high-speed, four-lane urban or rural highway;
- At any intersection where a capacity analysis determines a right-turn lane is necessary to meet the level-of-service criteria;
- As a general rule, at any signalized intersection where the projected right-turning volume is greater than 300 vehicles per hour and where there is greater than 300 vehicles per hour per lane on the mainline;
- For uniformity of intersection design along the highway if other intersections have right-turn lanes;
- At railroad crossings where the railroad is parallel to the facility and is located close to the intersection and where a right-turn lane would be desirable to store queued vehicles avoiding interference with the movement of through traffic; or
- At any intersection where the crash experience, existing traffic operations, sight distance restrictions (e.g., intersection beyond a crest vertical curve), or engineering judgment indicates a significant conflict related to right-turning vehicles.

### **5D-2 Left-Turn Storage Lanes**

The accommodation of left turns is often the critical factor in proper intersection design. Left-turn lanes can significantly improve both the level of service and intersection safety. Always use an exclusive left-turn lane at all intersections with public roads on divided urban and rural highways with a median wide enough to accommodate a left-turn lane, regardless of traffic volumes. Consider using an exclusive left-turn lane for the following:

- At any signalized intersection. At locations where you have 300 vehicles per hour, consider a traffic study to determine if dual left-turn lanes are required;
- At all entrances to major residential, commercial and industrial developments;
- At all median crossovers;
- For uniformity of intersection design along the highway if other intersections have left-turn lanes (i.e., to satisfy driver expectancy); or
- At any intersection where the crash experience, traffic operations, sight distance restrictions (e.g., intersection beyond a crest vertical curve), or engineering judgment indicates a significant conflict related to left-turning vehicles.

### **5D-3 Multiple-Turn Lanes**

At signalized intersections with high-turning volumes, dual left- and/or right-turn lanes may be considered. However, multiple turn lanes may cause problems with right of way, lane alignment, crossing pedestrians and lane confusion for approaching drivers. Consider dual right- and left-turn lanes where:

- Based on the capacity analysis, the necessary time for a protected left-turn phase becomes unattainable to meet the level-of-service criteria (average delay per vehicle); and/or
- There is insufficient space to provide the calculated length of a single-turn lane because of site restrictions (e.g., closely spaced intersections).

Dual right-turn lanes do not work as well as dual left-turn lanes because of the more restrictive space available for two-abreast right turns. If practical, the designer should find an alternative means to accommodate the high number of right-turning vehicles.

Triple left-turn lanes require more specific justification and detail in the design than dual left-turn lanes. Because triple left-turn lanes are not common in South Carolina, early coordination with the Traffic Engineering division is recommended.

**5D-4 Auxiliary Lane Design**

The length of a right-turn and left-turn lane at an intersection should allow for both safe vehicular deceleration and storage of turning vehicles outside of the through lanes. The length of auxiliary lanes will be determined by a combination of its taper length (Figure 5-21) and storage length (Table 5-8 and Table 5-9). When widening is necessary to accommodate a turn lane, the methods presented in Figure A-8 should be used.

**Table 5-8: Right-Turn Lane Storage Lengths**

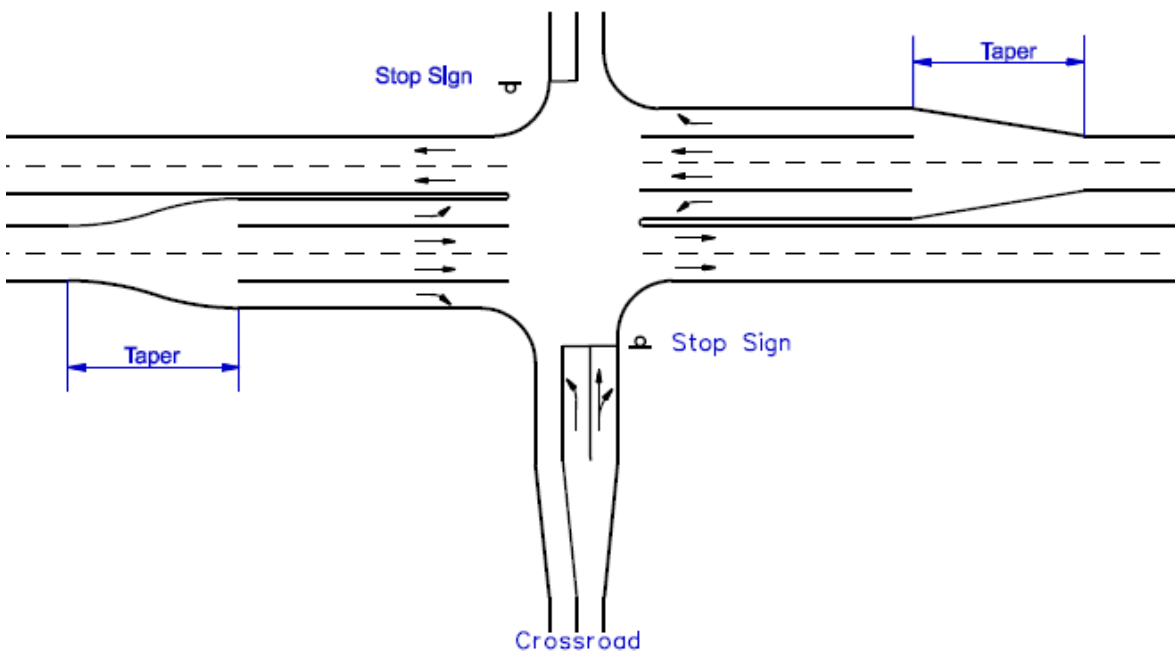
Turning Volume (vph)	Percent of Trucks in Turning Volume				
	0% to 10%	20%	40%	60%	100%
50	Minimum length of 100 ft				
100					
150		125 ft	175 ft	175 ft	175 ft
200	150 ft	175 ft	225 ft	225 ft	250 ft
250	200 ft	225 ft	275 ft	275 ft	325 ft
300	250 ft	275 ft	325 ft	350 ft	400 ft
350	300 ft	325 ft	375 ft	425 ft	475 ft
400	350 ft	375 ft	425 ft	500 ft	550 ft

**Table 5-9: Left-Turn Lane Storage Lengths**

Turning Volume (vph)	Percent of Trucks in Turning Volume				
	0% to 10%	20%	40%	60%	100%
50	Minimum length of 150 ft. in Urban Areas Minimum length of 200 ft. in Rural Areas				
100					
150			175 ft	175 ft	175 ft
200		175 ft	225 ft	225 ft	250 ft
250	200 ft	225 ft	275 ft	275 ft	325 ft
300	250 ft	275 ft	325 ft	350 ft	400 ft
350	300 ft	325 ft	375 ft	425 ft	475 ft
400	350 ft	375 ft	425 ft	500 ft	550 ft

NOTES: 1) SCDOT Traffic Engineering should review the design to determine if longer turn lane lengths are required. 2) Consider providing dual turn lanes if volumes are greater than 300 vph.

Figure 5-21: Typical Auxiliary Lane Taper Lengths



REVERSE CURVE TAPER				STRAIGHT TAPER		
Design Speed (mph)	Radius (ft)	Auxiliary Lane Widths		Design Speed (mph)	Auxiliary Lane Widths	
		W=11 ft	W=12 ft		W=11 ft	W=12 ft
$V \leq 30$	300	115	120	$V \leq 30$	115	120
31 - 40	480	145	152	31 - 40	145	150
41 - 50	670	171	179	41 - 50	170	180
$51 \leq V$	840	192	201	$51 \leq V$	200	200

Notes:

- 1) Create taper equivalent reverse curves.
- 2) Taper distance is approximately based on tangent alignment
- 3) W=width of turning lane
- 4) Where through road is on a curve, develop a uniform offset taper from the curved mainline.

In-depth design criteria for auxiliary lanes can be found in Section 15.5 of the SCHDM.

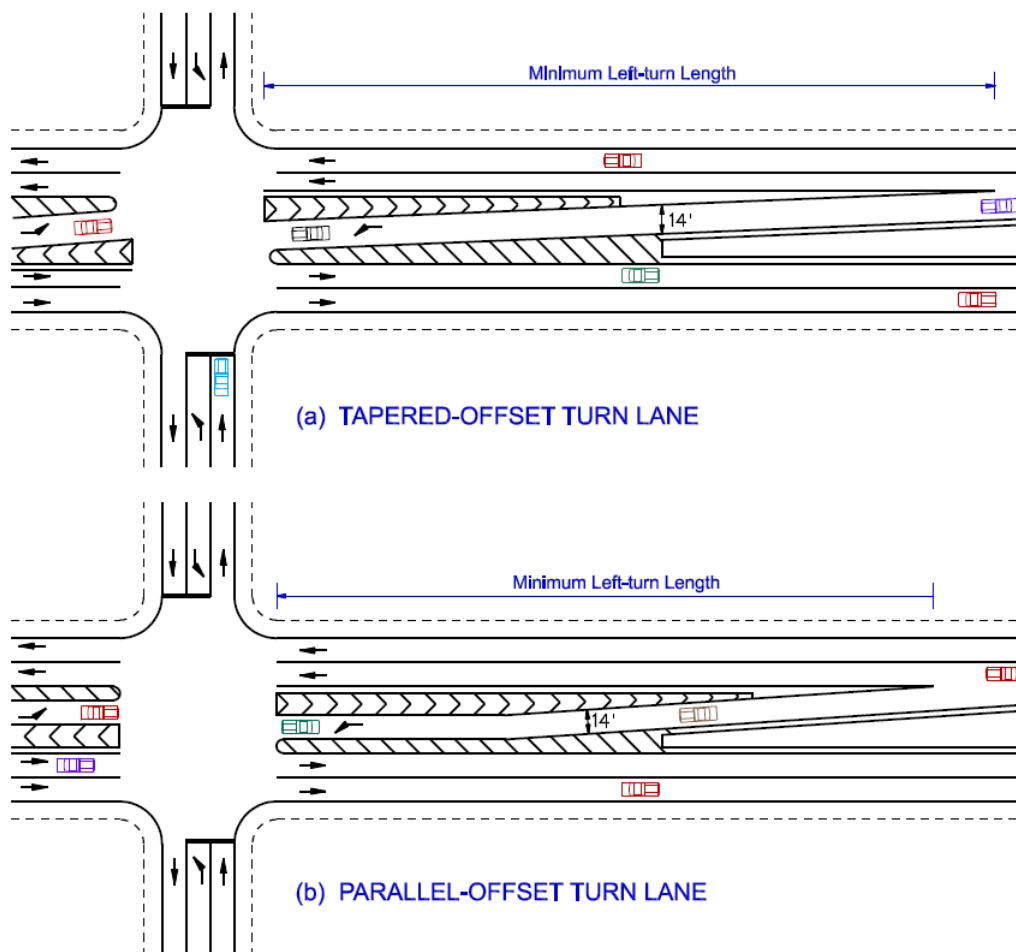
### 5D-5 Offset Left-Turn Lanes

On medians wider than 17 feet, it is desirable to align the left-turn lane so that it will reduce the width of the median nose to 1 to 6 feet. This alignment will place the vehicle waiting to make the turn as far to the left as practical, maximize the offset between the opposing left-turn lanes, and provide improved visibility to the opposing through traffic. The advantages of offsetting the left-turn lanes are:

- better visibility of opposing through traffic and decreased probability of a conflict between opposing left-turn movements within the intersection; and
- more left-turn vehicles can be served in a given period of time, especially at signalized intersections.

Offset designs may be either the parallel or taper design; see [Figure 5-22](#). The parallel design may be used at signalized and unsignalized intersections. However, the taper design is primarily only used at signalized intersections. Offset turn left-lanes should be separated from the adjacent through traveled way by painted or raised channelization.

Figure 5-22: Offset Left-turn Lanes



## 5E PARKING CONSIDERATIONS

Facilities and accommodations for parking on the State Highway System's right-of-way shall be permitted only when installed by local governments who maintain the responsibility for enforcing parking regulations within their jurisdiction. At no time shall any on-street parking be allowed on the right-of-way that is not in accordance with Section 56-5-2550 of the *Code of Laws of South Carolina* (1976 as amended). Only parallel parking is permitted on the State Highway System's right-of-way, unless the Department specifically permits otherwise. Parking other than parallel parking increases the accident potential due to vehicles backing into the roadway while under the restraint of limited sight distances created by vehicles in adjacent spaces. Standard angle and reverse angle parking, therefore, shall be permitted only on minor streets where there is sufficient width to allow maneuvering without interfering with the free movement of traffic. At no time shall 90° parking be permitted. Internal parking of a development or improvement will not be allowed to extend onto the State Highway System's rights-of-way.

Figure A-11 in Appendix A provides the layout criteria for parking stalls for various configurations. The figure also indicates the number of stalls which can be provided for each parking configuration for a given curb length. For angle parking, the roadway width allocated to parking will be the maneuvering space as shown in the figure exclusive of the through travel lane. The maneuvering space distance is that width needed by a parked vehicle to back onto the street when exiting the stall. However, in restricted areas a portion of the maneuvering dimension may be required for the through travel lane, thereby reducing the roadway width allocated to angle parking. The design must meet the accessibility design criteria discussed in Section 17.1 of the SCHDM.

For most sites, a parking occupancy turnover study and a sight distance evaluation must be conducted. In addition to State and local regulations, the following should be considered when locating parking spaces:

- A) Prohibit parking within 20 feet of any crosswalk.
- B) Prohibit parking at least 10 feet from the beginning of the curb radius at mid-block approaches (e.g., alleys, driveways).
- C) Prohibit parking within 50 feet of the nearest rail of a railroad/highway crossing.
- D) Prohibit parking from areas designated by local traffic and enforcement regulations (e.g., near school zones, fire hydrants). See local ordinances for additional information on parking restrictions.
- E) Prohibit parking near bus stops
- F) Prohibit parking within 30 feet on the approach leg to any intersection with flashing beacon, stop sign, or traffic signal.
- G) Prohibit parking on bridges or within a highway tunnel.
- H) Eliminate parking across from a T- intersection.
- I) Prohibit parking in the intersection sight triangle.



## CHAPTER 6 – TRAFFIC IMPACT STUDIES



Image taken from Google Earth©

### 6A GENERAL

A traffic impact study (TIS) is a specialized engineering study that evaluates the effects of a proposed development on traffic conditions in an area. These studies help developers and government agencies identify the potential traffic impacts of a development and means to mitigate these impacts both on- and off-site. The District Traffic Engineer (DTE) will evaluate the study, therefore early contact with the Department by the developer is recommended. A TIS will be required for large developments such as major shopping centers, large planned-unit developments, industrial complexes, and other projects that would generate 100 or more trips during the peak hour of the traffic generator or the peak hour of the adjacent street. A change or expansion at an existing site that results in an expected increase of 100 or more trips or if the DTE determines that the proposed development will have a significant impact on the operations at the proposed access points even if the site generates fewer than 100 trips will also require a TIS. The estimate of the number of trips for the sites will be based on the latest edition of the Institute of Transportation Engineers (ITE) *Trip Generation Manual*. In [Table 6-10](#) are examples of land use size thresholds that might be expected to generate 100 peak hour trips that may be used to determine whether a study will be required (*based on 7<sup>th</sup> Edition of the ITE Trip Generation Manual*). In some instances, thresholds for rural areas and small cities may need to be lower than for urban areas.

Table 6-10: Guidelines for Determining the Need for an Impact Study

Land Use	100 Peak Hour Trips*
Single Family Home	90 units
Apartments	150 units
Condominiums/Townhouses	190 units
Mobile Home Park	170 units
Shopping Center – Gross Leasable Area (GLA)	6,000 sq. ft.
Fast Food Restaurant With drive-in – Gross Floor Area (GFA)	3,000 sq. ft.
Gas Station with Convenience Store	7 fueling positions
Banks w/drive-in (GFA)	2,000 sq. ft.
General Office	67,000 sq. ft.
Medical/Dental Office	29,000 sq. ft.
Research & Development	71,000 sq. ft.
Light Industrial / Warehousing (GFA)	185,000 sq. ft.
Manufacturing Plant (GFA)	144,000 sq. ft.

\*Rates/Equations used to calculate above thresholds are for the P.M. Peak hour of the adjacent street.

A TIS shall be under the direct charge of and sealed by a registered South Carolina Professional Engineer with expertise in traffic engineering. An impact study shall analyze traffic conditions for the existing year conditions, build-out year background “no build” conditions, and build-out year “build” conditions. The study will be used to assess the need for changes in traffic control devices and roadway improvements necessary to accommodate the new development traffic. The study must also justify the proposed access plan and demonstrate the effects of the development on public roadways. The developer of a site will be responsible for making roadway improvements and installing traffic control devices that may be necessary due to the impacts of the new development. These include impacts through the influence area of the development and not limited to those in front of the development. The Department may also require road improvements by the developer without a TIS.

## 6B STUDY REQUIREMENTS

The DTE should be contacted before a TIS is begun to discuss the requirements and determine the scope of the study. The method used for analysis should be based on the 2006 edition of ITE's "Transportation Impact Analysis for Site Development." In general, the SCDOT requires the following information be contained in a TIS:

1. **Study Area** - Description of the study area including surrounding land uses and expected development in the vicinity that would influence future traffic conditions. The study area shall include the intersections immediately adjacent to the development and those identified by the DTE. These intersections may include those not immediately adjacent to the development if significant site traffic could be expected to impact the intersection. If intersections impacted by the development are within a coordinated traffic signal system, then the entire system shall be analyzed. If the signal system is very large, a portion of the system may be analyzed if approved by the DTE. A study area site map showing the site location is required.
2. **Proposed Land Use** - Description of the current and proposed land use including characteristics such as the number and type of dwelling units, gross and leasable floor area, number of employees, accompanied with a complete project site plan (with buildings identified as to proposed use). A schedule for construction of the development and proposed development stages should also be included.
3. **Existing Conditions** - Description of existing traffic conditions including existing peak-hour traffic volumes adjacent to the site and levels of service for intersections in the vicinity, which are expected to be impacted. Existing traffic signal timings should be used. In general, AM and PM peak hour counts should be used, but on occasion other peak periods may need to be counted to determine the effects of school or special event traffic. In some cases, pedestrian counts will be required. Data should be adjusted for daily and seasonal variations. Existing counts may be used if taken within 12 months of the submittal of the TIS. In most cases, counts should be taken when school is in session unless otherwise determined by the DTE. Other information that may be required as determined by the DTE may include, but not limited to, crash data, stopping sight distances, and 50<sup>th</sup> and 85<sup>th</sup> percentile speeds.
4. **Future Background Growth** - Estimate of future background traffic growth. If the planned completion date for the project or the last phase of the project is beyond 1 year of the study an estimate of background traffic growth for the adjacent street network shall be made and included in the analysis. In general, the growth factor will be determined from local or statewide data. Also included, is the state, local, or private transportation improvement projects in the project study area that will be underway in the build-out year and traffic that is generated by other proposed developments in the study area.
5. **Estimate of trip generation** - The site forecasted trips should be based on the most recent edition of the *ITE Trip Generation Manual*. A table should be provided in the report outlining the categories and quantities of land uses, with the corresponding trip generation rates or equations, and the resulting number of trips. The reason for using the rate or equation should be documented. For large developments that will have multiple phases, the table should be divided based on the trip generation for each phase. Any reductions due to internal trip

- capture and pass-by trips, transit use, and transportation demand management should be justified and documented. All trip generation and trip reduction calculations and supporting documentation shall be included in the report appendix.
6. **Trip Distribution and Traffic Assignment** - The distribution (inbound versus outbound, left turn versus right turn) of the estimated trip generation to the adjacent street network and nearby intersections shall be included in the report and the basis should be explained. The distribution percentages with the corresponding volumes should be provided in a graphical format.
  7. **Analysis and Estimate of Impact** - A capacity analysis should be performed at each of the study intersections and access intersection locations (signalized and unsignalized) in the vicinity of the development. Intersection analysis shall include LOS determination for all approaches and movements. The levels of service will be based on the procedures in the latest edition of Transportation Research Board's *Highway Capacity Manual*. Coordination analysis will be required for the signal systems or portion of the signal systems analyzed.
  8. **Access Management Standards** - The report shall include a map and description of the proposed access including any sight distance limitations, adjacent driveways and intersections, and a demonstration that the number of driveways proposed is the fewest necessary and that they provide safe and efficient traffic operations.
  9. **Traffic signalization:** If a traffic signal is being proposed, a signal warrant analysis shall be included in the study. The approval of a traffic signal on projected volumes may be deferred until volumes meet warrants given in the MUTCD. The developer should make any laneage improvements during construction so that if in the horizon year a signal is warranted, one may be installed with little impact to the intersection.
  10. **Mitigation and alternatives** - The traffic impact study should include proposed improvements or access management techniques that will mitigate any significant changes in the levels of service. The DTE will be responsible for final determination of mitigation improvements required to be constructed by the applicant.

The applicant shall provide all supporting information to the department. Electronic copies of supporting data may be submitted along with printed documents and could expedite the review process. This information may include traffic volumes, capacity analysis, and signal warrant analysis files from software packages. The electronic files that are submitted should be named to identify the contents.

When conditions indicate that there is no need to prepare a TIS, the developer may submit a waiver request to the DTE explaining the purpose of the waiver and providing the necessary supporting information.

The following checklist is used by the SCDOT in the review process and can aid in the preparation of a traffic impact study. This checklist shows the minimum requirements for a traffic impact study to be complete and does not certify or guarantee adequacy or approval. The DTE may require additional requirements during the review process, or during the initial meeting with the developer. Incomplete traffic studies will not be reviewed and will be immediately returned to the permittee.

**Traffic Impact Study Technical Completeness Checklist****Analyst Requirements**

Yes  No South Carolina PE Stamp and Signature

Yes  No **Introduction and Executive Summary**

**Existing Conditions**

Yes  No Study Area Descriptions and Roadway Classifications  
 Yes  No Analysis Period Correct (AM, Mid-day, PM and/or Saturday)  
 Yes  No Existing Traffic Operations (LOS, Volumes, Speed Limits, Crash Data, Etc.)  
 Yes  No Other projected transportation improvements in the study area

**Impacts**

Yes  No Trip Generation Summary (ITE Trip Generation Manual, latest edition)  
 Yes  No Trip Distribution and traffic assignment (assumptions justified)  
 Yes  No LOS Analysis: Background traffic growth and site build out  
 (Identify existing and background LOS deficiencies)  
 Yes  No Analysis of Sight Distance at Access Points

**Mitigation**

Yes  No Identify need for Turn Lanes, Capacity and Storage Length  
 Yes  No Identify need for Signalization  
 Yes  No Identify Measures to Mitigate LOS deficiencies

**Figures**

Yes  No Vicinity Map  
 Yes  No Site Plan and Proposed Land Use  
 Yes  No Existing Peak hour volumes (counts conducted within the last 12 months)  
 Yes  No Projected Background Peak Hour Volumes  
 Yes  No Trip Distribution % Including Added Project Peak Hour Volumes  
 Yes  No Project Build-Out Volumes  
 Yes  No Existing and Recommended Lane Configurations  
 Yes  No Intersection LOS (existing, background, build, mitigated) (Figure or Table or both)

**Tables**

Yes  No Trip Generation  
 Yes  No Intersection LOS (existing, background, build, mitigated) (Figure or Table or both)

**Other**

Yes  No Technical Appendix (e.g. HCM and Synchro Analysis Reports, Trip Generation and Trip  
 Reduction Calculations, Signal Warrant Analysis, and etc.)  
 Yes  No Copies of any Reference Material

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## CHAPTER 7 – SIGHT DISTANCE



Source: Chapter Adapted from Section 10.4 of the SCDOT Highway Design Manual (SCHDM)

### 7A GENERAL

For an at-grade intersection to operate properly, adequate sight distance should be available. The designer should provide sufficient sight distance for a driver to perceive potential conflicts and to perform the actions needed to negotiate the intersection safely. The additional costs and impacts of removing sight obstructions are often justified. In general, intersection sight distance (ISD) refers to the corner sight distance available in intersection quadrants that allows a driver approaching an intersection to observe the actions of vehicles on the crossing leg(s). ISD evaluations involve establishing the needed sight triangle in each quadrant by determining the legs of the triangle on the two intersecting roadways. The necessary clear sight triangle is based on the type of traffic control at the intersection and on the design speeds of the two roadways. The types of traffic control and maneuvers are as follows:

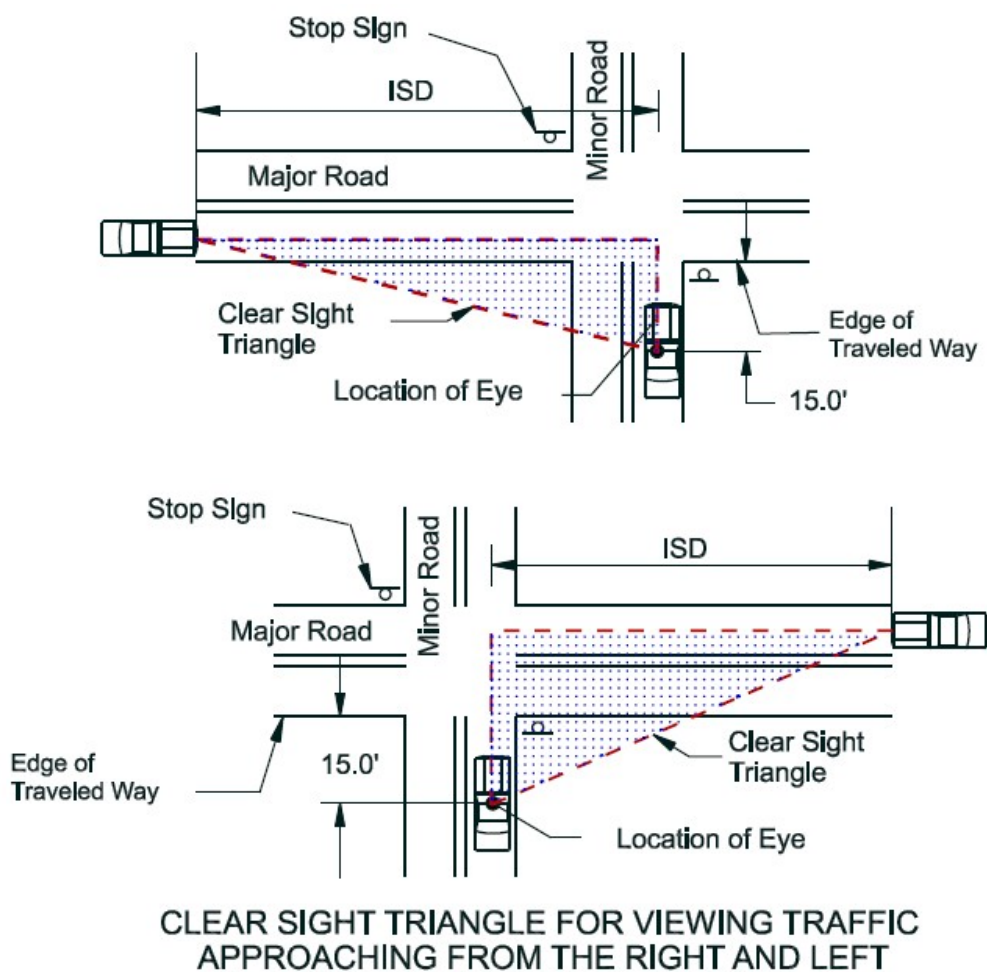
- Case A – Intersections with no control (not used by SCDOT),
- Case B – Intersections with stop control on the minor road:
  - Case B1 – Left-turn from the minor road,
  - Case B2 – Right-turn from the minor road,
  - Case B3 – Crossing maneuver from the minor road
- Case C – Intersections with yield control on the minor road:
  - Case C1 – Crossing maneuver from the minor road (not used by SCDOT),
  - Case C2 – Left or right-turn from the minor road,
- Case D – Intersections with traffic signal control,
- Case E – Intersections with all-way stop control, and
- Case F – Left turns from the major road.

For guidance on these cases, see the AASHTO *A Policy on Geometric Design of Highways and Streets* or NCHRP Report 383, *Intersection Sight Distance*.

## 7B BASIC CRITERIA

The Department uses gap acceptance as the conceptual basis for its ISD criteria at stop-controlled and traffic signal controlled intersections. The intersection sight distance is obtained by providing clear sight triangles both to the right and left as shown in Figure 7-23.

Figure 7-23: Sight Triangles



*Note: The turning radius can change the 15-foot eye location. Adjust this 15-foot dimension using a turning template, if needed.*



The lengths of legs of these sight triangles are determined as follows:

- 1) Minor Road. The length of leg along the minor road is based on two parts. The first is the location of the driver's eye on the minor road. This is typically assumed to be 15 feet from the edge of traveled way for the major road and in the center of the lane on the minor road; see [Figure 7-23](#). The second part is based on the distance to the center of the vehicle on the major road. For vehicles approaching from the left, this is assumed to be the center of the closest travel lane from the left. For vehicles approaching from the right, this is assumed to be the center of the closest travel lane for vehicles approaching from the right; see [Figure 7-23](#).
- 2) Major Road. The length of the sight triangle leg or ISD along the major road is determined using the following equation:

$$\text{ISD} = 1.47 \times V_{\text{major}} \times t_g \quad \text{Equation 7.1}$$

Where:

ISD	= length of sight triangle leg along major road (ft)
$V_{\text{major}}$	= design speed of major road (mph)
$t_g$	= gap acceptance time for entering the major road (sec)

The gap acceptance time ( $t_g$ ) varies according to the design vehicle, the maneuver type, the grade on the minor road approach, the number of lanes on the major roadway, the type of operation, and the intersection skew.

- 3) Height of Eye/Object. The height of eye for passenger cars is assumed to be 3.5 feet above the surface of the minor road. The height of object (approaching vehicle on the major road) is also assumed to be 3.5 feet. An object height of 3.5 feet assumes that a sufficient portion of the oncoming vehicle must be visible to identify it as an object of concern by the minor road driver. If there are a sufficient number of trucks to warrant their consideration, assume an eye height of 7.6 feet for a tractor/semitrailer and 6 feet for single-unit trucks and buses. If a truck is the assumed entering vehicle, the object height will still be 3.5 feet for the passenger car on the major road.

Within this clear sight triangle, if practical, the objective is to remove, lower any object, trim lower tree branches, etc., that obstruct the driver's view. These objects may include buildings, parked or turning vehicles, trees, hedges, tall crops, unmowed grass, fences, retaining walls and the actual ground line. In addition, where a crossroad intersects the major road near a bridge on a crest vertical curve, items such as bridge parapets, piers, abutments, guardrail or the crest vertical curve itself may restrict the clear sight triangle.

### 7B-1 Case B – Intersections with Stop Control on the Minor Road

Where traffic on the minor road of an intersection is controlled by stop signs, the driver of the vehicle on the minor road should have sufficient sight distance for a safe departure from the stopped position assuming that the approaching vehicle comes into view as the stopped vehicle begins its departure. At a four-leg intersection, the designer should also check the sight distance across the intersection.

#### 7B-1.1 Case B1– Left-Turn From the Minor Road

To determine the ISD for vehicles turning left onto the major road, the designer should use [Equation 7.1](#) and the gap acceptance times (tg) presented in [Table 7-11](#) for vehicles approaching from the left and right.

[Table 7-12](#) and [Table 7-13](#), which solve [Equation 7.1](#), provide the ISD values for left-turning design vehicles onto a two-lane level facility and a four-lane with a two-way left-turn lane (TWLTL) level facility, respectively. The designer should also consider the following:

- 1) Multilane Facilities. For multilane facilities, the gap acceptance times presented in [Table 7-11](#) should be adjusted (i.e., add 0.5 second for passenger cars or 0.7 second for trucks) to account for the additional distance required by the turning vehicle to cross the additional lanes or median.
- 2) Medians. The following will apply:
  - For a multilane facility which does not have a median wide enough to store a design vehicle, divide the median width by 12 feet to determine the lane value (e.g., for a 4-foot median use 0.33), and then use the criteria in [Table 7-11](#) to determine the appropriate time factor.
  - On facilities with a median wide enough to store the design vehicle (e.g., 3 feet clearance at both ends of vehicle, see table with AASHTO design vehicle lengths below), the designer should evaluate the sight distance needed in two separate steps:

Design Vehicle Type	Overall Vehicle Length
Passenger Car	19 feet
Single-Unit Truck (SU)	30 feet
School Bus (S-BUS 40)	40 feet
Semitrailer (WB-62)	68.5 feet

- First, with the vehicle stopped on the side road (the bottom portion in [Figure 7-24](#)), use the gap acceptance times and distances for a vehicle turning right ([Table 7-11](#) and [Table 7-12](#)) to determine the applicable ISD. Under some circumstances, it may be necessary to check the crossing maneuver to determine if it is the critical movement. Crossing criteria are discussed in [7C-1.3](#).
- Second, with the vehicle stopped in the median (top portion in [Figure 7-24](#)), assume a two-lane roadway design and use the adjusted gap acceptance times and distances for vehicles turning left ([Table 7-11](#), [Table 7-11](#), and [Table 7-12](#)) to determine the applicable ISD.

- 3) Approach Grades. If the approach grade on the minor road exceeds 3 percent, increase the level ISD value by 10 percent.
- 4) Design Vehicle. A passenger vehicle is used in most design ISD situations. However, at some intersections (e.g., near truck stops, interchange ramps, schools, grain elevators), the designer should use the design vehicle for determining the ISD. The gap acceptance times (tg) for passenger cars, single unit (SU) and tractor/semitrailer trucks are provided in [Table 7-11](#). ISD values for level, two-lane roadways are presented in [Table 7-12](#). The height of eye for these vehicles is discussed earlier in [Section 7B](#).

**Table 7-11: Gap Acceptance Times, Left Turns from Minor Road**

Design Vehicle	Gap Acceptance Time (tg) (sec)
Passenger Car	7.5
Single Unit Truck (SU)	9.5
Tractor/Semitrailer	11.5

1. Multilane Highways. For left turns onto two-way multilane highways, add 0.5 second for passenger cars or 0.7 second for trucks for each additional lane from the left, in excess of one, to be crossed by the turning vehicle. Assume that the left-turning driver will enter the left-travel lane on the far side of the major road.
2. Minor Road Approach Grades. If the approach grade on the minor road exceeds 3 percent, increase the level ISD value by 10 percent.
3. Major Road Approach Grade. Major road grade does not affect calculations.

**Table 7-12: Intersection Sight Distance, Vehicles Approaching from the Left and For Vehicles Approaching from the Right on a Two-Lane Highway or Street Only**

Design Speed (V <sub>major</sub> ) (mph)	Intersection Sight Distance (Feet)		
	Passenger Car	Single-Unit Truck	Tractor/Semitrailers
30	335	420	510
35	390	490	595
40	445	560	680
45	500	630	765
50	555	700	850
55	610	770	930
60	665	840	1015

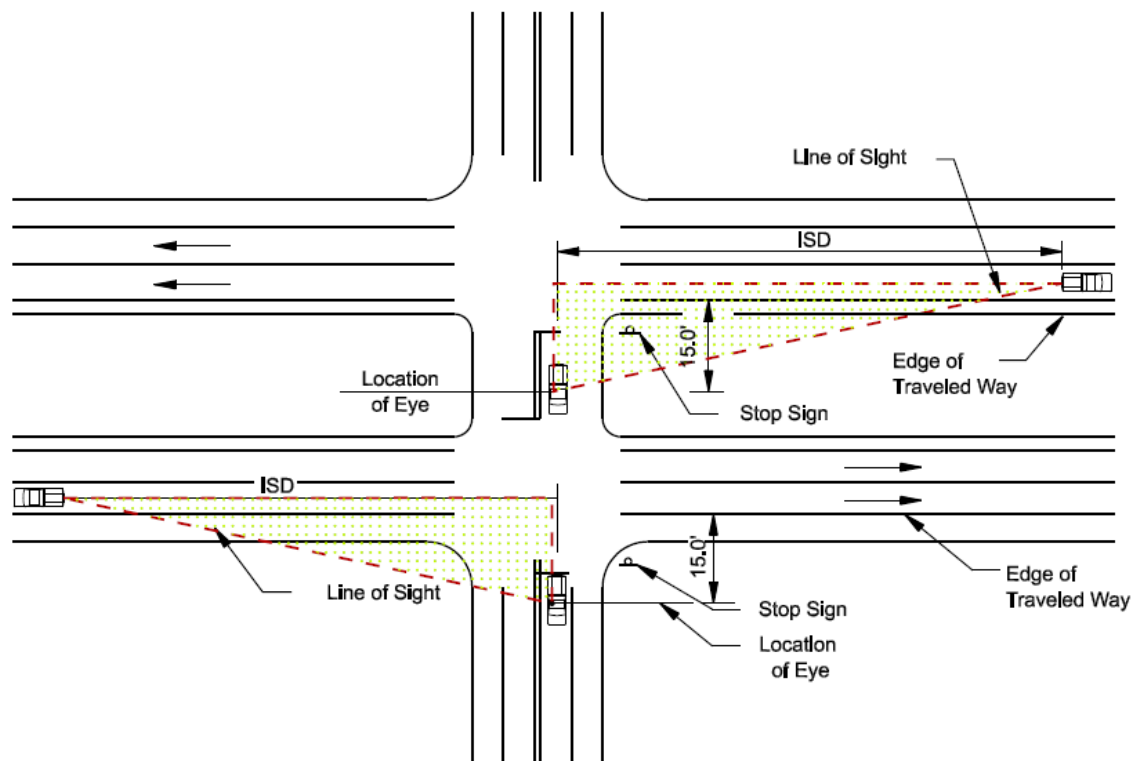
Note: These ISD values assume a minor road approach grade less than or equal to 3 percent. For grades greater than 3 percent, increase the ISD value by 10 percent.

**Table 7-13: Intersection Sight Distance For Vehicles Approaching from the Right on a Four-Lane Highway with a 15 Foot TWLTL Only**

Design Speed ( $V_{major}$ ) (mph)	Intersection Sight Distance (Feet)		
	Passenger Car	Single-Unit Truck	Tractor/Semitrailers
30	385	490	580
35	445	570	675
40	510	655	770
45	575	735	865
50	635	815	965
55	700	900	1060
60	765	980	1155

1. Calculated ISD is not shown. Values in the figure have been rounded up to the next highest 5-foot increment.
2. These ISD values assume a minor road approach grade less than or equal to 3 percent. For grades greater than 3 percent, increase the ISD value by 10 percent.
3. These ISD values assume the left-turning vehicle will enter the inside travel lane on the far side of the major road.
4. For a right turn from a minor road (i.e., ISD to the left), use the ISD values presented in [Table 7-12](#).
5. Gap acceptance time ( $t_g$ ) adjustment factors have been used for each additional lane from the left, in excess of one, to be crossed by the turning vehicle (i.e., additional 0.5 second for passenger cars, additional 0.7 second for trucks).

Figure 7-24: Sight Triangles on Divided Facilities



### 7C-1.2 Case B2 – Right-Turn From the Minor Road

ISD for right turns is determined using [Table 7-12](#). Note that there are no adjustments required for facilities with medians.

### 7C-1.3 Case B3 – Crossing Maneuver From the Minor Road

In the majority of cases, the ISD for turning vehicles typically will provide adequate sight distance to allow a vehicle to cross the major road. However, in the following situations, the crossing sight distance may be the more critical movement:

- where left and/or right turns are not permitted from a specific approach and the crossing maneuver is the only legal or expected movement (e.g., indirect left turns);
- where the design vehicle must cross more than six travel lanes or, with medians, the equivalent distance; or
- where a substantial volume of heavy vehicles cross the highway and there are steep grades on the minor road approach.

Use Equation 7.1 and the adjusted gap acceptance times ( $t_g$ ) in [Table 7-14](#) to determine the ISD for crossing maneuvers. [Table 7-15](#) presents the applicable ISD values for crossing maneuvers for a level, two-lane highway with no median. Where medians are present, include the median width in the overall length to determine the applicable gap time. Divide this width by 12 feet to determine lane value for the crossing maneuver (e.g., for a 15-foot median use 1.25).

Table 7-14: Gap Acceptance Times for Crossing Maneuvers

Design Vehicle	Gap Acceptance Time (tg) (sec)
Passenger Car	6.5
Single Unit Truck (SU)	8.5
Tractor/Semitrailer	10.5

*Adjustments:*

1. *Multilane Highway.* Where the design vehicle is crossing a major road with more than two lanes, add 0.5 second for passenger cars or 0.7 second for trucks for each additional lane in excess of two. See the discussion in Section 7C-1.3 for additional guidance.
2. *Approach Grade.* If the approach grade on the minor road exceeds 3 percent, increase the ISD value by 10 percent.

Table 7-15: Two-Lane Intersection Sight Distances

Design Speed (V <sub>major</sub> ) (mph)	Intersection Sight Distance (Feet)		
	Passenger Car	Single-Unit Truck	Tractor/Semitrailers
30	290	375	465
35	335	440	545
40	385	500	620
45	430	565	695
50	480	625	775
55	530	690	850
60	575	750	930

*Notes:*

1. These ISD values assume turns onto a two-lane facility without a median.
2. These ISD values assume a minor road approach grade of 3 percent. For grades greater than 3 percent, increase the ISD value by 10 percent.

**7C-2 Case D – Intersections with Traffic Signal Control**

Traffic signals should not be an alternative to providing adequate sight distance. Intersection sight distance as described in Section 7B-1 should be provided.

**7C-3 Case E – Intersections With All-Way Stop Control**

For intersections with all-way stop control, provide sufficient sight distance so that the first stopped vehicle on each approach is visible to all other approaches. The ISD criteria for left- or right-turning vehicles as discussed in Section 7B-1 are not applicable in this situation. Often, intersections are converted to all-way stop control to address limited sight distance at the intersection.

### **7C-4 Case F – Left Turns From the Major Road**

For all intersections, regardless of the type of traffic control, the designer should consider the sight distance for a stopped vehicle turning left from the major road. This situation is illustrated in [Figure 7-25](#). The driver will need to see straight ahead for a sufficient distance to turn left and clear the opposing travel lanes before an approaching vehicle reaches the intersection. Sight distance for opposing left turns may be increased by offsetting the left-turn lanes.

Use [Equation 7.1](#) and the gap acceptance times ( $t_g$ ) from [Table 7-16](#) to determine the applicable ISD for the left-turning vehicle. Where the left-turning vehicle must cross more than one opposing lane, add 0.5 second for passenger cars or 0.7 second for trucks for each additional lane in excess of one. Where medians are present and the left-turns are not offset, the designer will need to consider the median width in the same manner as discussed in [Section 7B-1.1](#). [Table 7-17](#) provides the ISD values for typical design vehicles and two common left-turning situations.

### **7C-5 Effect of Skew**

Where it is impractical to realign an intersection that is greater than 30 degrees from the perpendicular, adjust the gap acceptance times ( $t_g$ ) presented in the above sections to account for the additional travel time required for a vehicle to make a turn or cross a facility. For oblique-angled intersections, determine the actual path length for a turning or crossing vehicle by dividing the total distance of the lanes and/or median to be crossed by the sine of the intersection angle. If the actual path length exceeds the total width of the lanes to be crossed by 12 feet or more, apply the applicable adjustment factors; see [Figure 7-26](#).

Figure 7-25: Sight Distance for a Stopped Vehicle Turning Left on a Major Road

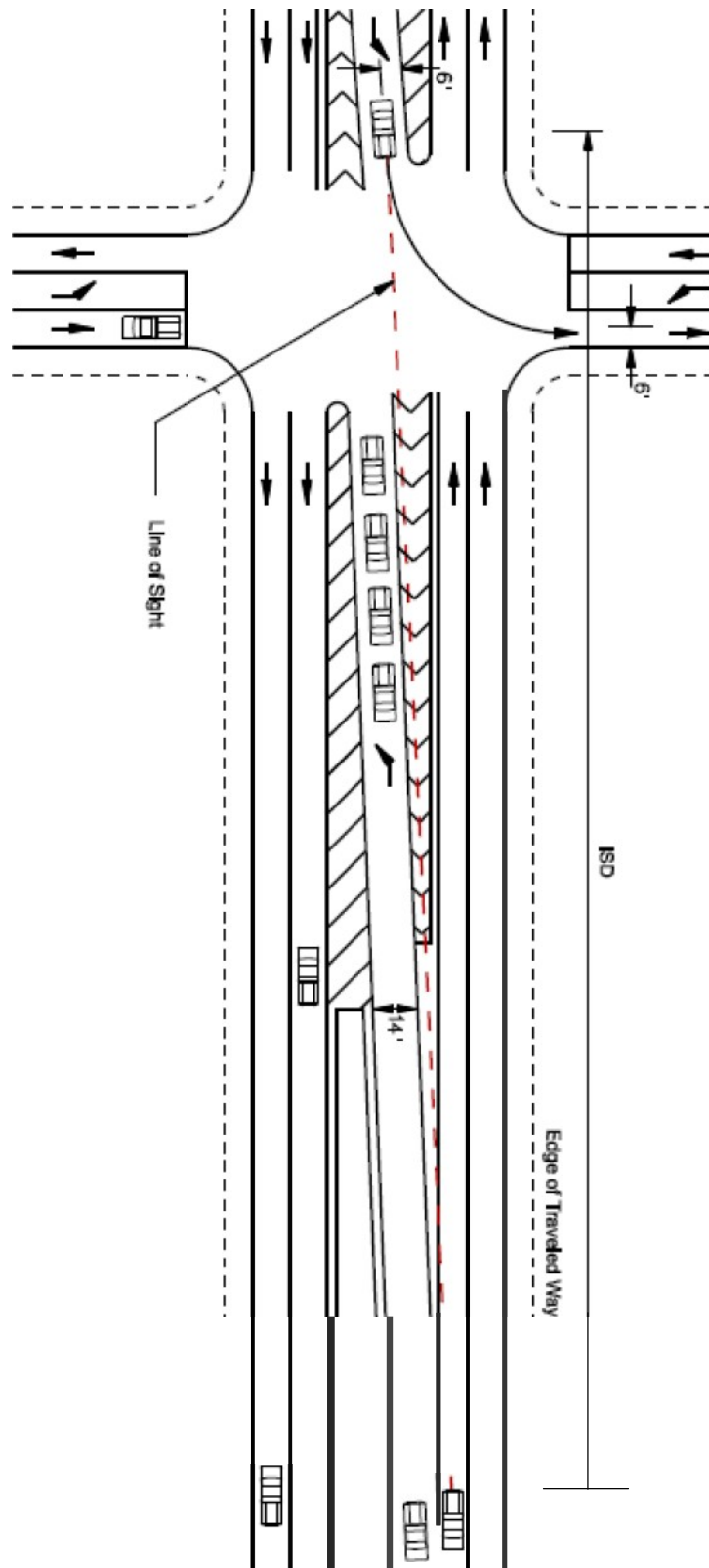




Table 7-16: Gap Acceptance Times for Left Turns on a Major Road

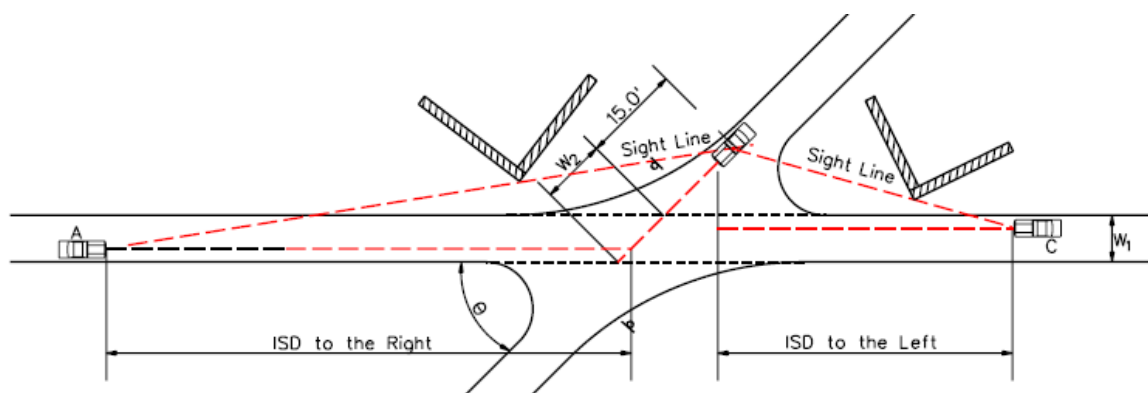
Design Vehicle	Gap Acceptance Time (tg) (sec)
Passenger Car	5.5
Single Unit Truck (SU)	6.5
Tractor/Semitrailer	7.5

Adjustments: Where left-turning vehicles cross more than one opposing lane, add 0.5 second for passenger cars or 0.7 second for trucks for each additional lane in excess of one. See Section 10.4.5 of the SCDOT Highway Design Manual for additional guidance on median widths.

Table 7-17: Intersection Sight Distances, Left Turns from Major Road

Design Speed (V <sub>major</sub> ) (mph)	Intersection Sight Distance (Feet)					
	Passenger Car		Single-Unit Truck		Tractor/Semitrailers	
	Crossing 1 Lane	Crossing 2 Lanes	Crossing 1 Lane	Crossing 2 Lanes	Crossing 1 Lane	Crossing 2 Lanes
30	245	265	290	320	335	365
35	285	310	335	370	390	425
40	325	355	385	425	445	485
45	365	400	430	480	500	545
50	405	445	480	530	555	605
55	445	490	530	585	610	665
60	485	530	575	640	665	725

Figure 7-26: Sight Distance at Skewed Intersection



## INTERSECTION SIGHT DISTANCE QUICK REFERENCE TABLE

Type of Roadway	Type of Turn from Minor Road		
	Right Turn	Thru Movement	Left Turn
Two - Lane Highway *	Table 7-12	Table 7-15	Table 7-12
Three - Lane Highway * ^	Table 7-12	Equation 7.1 with Table 7-14 for $t_g$	Equation 7.1 with Table 7-11 for $t_g$
Four - Lane Highway *	Table 7-12	Equation 7.1 with Table 7-14 for $t_g$	Equation 7.1 with Table 7-11 for $t_g$
Five - Lane Highway * ^	Table 7-12	Equation 7.1 with Table 7-14 for $t_g$	Table 7-13
Six or More Lanes	Table 7-12	Equation 7.1 with Table 7-14 for $t_g$	Equation 7.1 with Table 7-11 for $t_g$

\* - Assumed 12' Lanes

^ - Assumed 15' Median

If assumptions listed above are not correct - Equation 7.1 is to be used.

## CHAPTER 8 – TRAFFIC CONTROL DEVICES



### 8A GENERAL

Traffic control at access points shall comply with the MUTCD and *SCDOT Standard Specifications for Highway Construction* and shall be designed to accommodate the needs of traffic generated by development while minimizing interference with other traffic. Traffic control devices and pavement markings shall be installed on all streets and on driveways that have geometric and operational characteristics resembling those of a street. Design, equipment, installation, and maintenance of traffic control devices, with the exception of some traffic signals, shall be the responsibility of the owner and shall require approval by the Department. All permanent traffic control devices are to be included as part of the encroachment permit.

### 8B TRAFFIC SIGNALS

Traffic signals are a vital element in the safe and efficient movement of people and goods. Proper planning and design are critical to the operations of the road system. All traffic signal systems on the state highway system shall conform to the following guidelines and specifications: *SCDOT Traffic Signal Design Guidelines* (SCTSDG), *SCDOT Traffic Signal Specifications*, *SCDOT Traffic Signal Standard Drawings*, and the MUTCD.

### **8B-1 Traffic Signal Requests**

If a permittee is requesting a signal as part of their access, a study should be prepared by their traffic engineer at the permittee's cost and submitted to the SCDOT for review. An engineering study of traffic conditions, pedestrian characteristics, and physical characteristics of the location shall be performed to determine whether installation of a traffic signal is justified at a particular location. The study should follow the guidelines outlined in the *SCDOT Traffic Signal Design Guidelines* and the *MUTCD*. Any trip generation should also be in conformance with the *ITE Trip Generation Manual* or other accepted standard. Engineering judgment and rationale should also be applied to indicate that installing a traffic control signal would improve the overall safety and/or operation of the intersection.

The decision of whether a signal is approved is under the District Engineering Administrator's (DEA) authority.

### **8B-3 Design and Installation of Traffic Signals**

Signal Plans shall be prepared under the supervision of a professional engineer registered in South Carolina. The signal plan shall be signed and sealed under the same engineer. They should include accurate depictions of pavement markings, signal head placement, span wires, right-of-ways, driveways, sidewalks, control of access, and also should indicate signal timings, speed limits, grades, route names and numbers, adjacent development, coordination details, etc. Plans and specifications should be made part of the driveway encroachment permit and submitted to the SCDOT for review. All costs associated with the design and installation shall be the responsibility of the developer unless otherwise specified by SCDOT Engineering Directive #2 which is provided in [Appendix D](#).

SCDOT's Traffic Signal Shop shall inspect all traffic signal work and shall be notified before any traffic control signal is placed in operation. SCDOT's Traffic Signal Shop should also be included in any preconstruction conferences. Electronic cadd files of the signal plans shall be provided to the respective District Traffic Engineer (DTE).

### **8B-4 Traffic Signal Maintenance**

Fiscal and maintenance responsibilities for traffic signal installations on the State Highway System are outlined in SCDOT Engineering Directive #2. This directive has been provided in [Appendix D](#). The developer will be responsible for the recurring electric costs at the signal if it serves a private driveway.

### **8B-5 Mast Arms**

The SCDOT's *Traffic Signal Design Guidelines* and SCDOT Engineering Directives #2 and #33 has established a policy indicating that SCDOT does not install or maintain mast arms for traffic signals, as indicated below:

"Special equipment such as decorative poles or mast arms are not considered to be standard equipment and are to be paid for by the permittee or agent. If replacement for any reason is required, the Department will replace with standard equipment unless the requesting agency agrees to provide funding for special equipment."

Although, SCDOT recognizes the desire for mast arm installation by local governments for aesthetic purposes, typically mast arm costs far exceed other signal supports, such as span wire with wood, steel, or concrete poles. SCDOT will allow the installation of mast arms provided the local government having jurisdictional authority at the signalized intersection enters into an agreement with SCDOT concerning the maintenance of the mast arms.

## 8C PAVEMENT MARKINGS

General information and typical drawings regarding pavement markings can be found in the latest edition of the SCDOT *Standard Drawings for Road Construction*. This publication is available on the web at <http://www.scdot.org/doing/sddisclaimer.asp>. These standards include specific typical drawings for intersections, turn lane installations, and raised pavement marker placement. All standards are in accordance with the MUTCD. For additional information not included in the SCDOT Standard Drawings, refer to the most recent edition of the MUTCD which can be accessed via the web at <http://mutcd.fhwa.dot.gov>.

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## CHAPTER 9 –ROADSIDE ENCROACHMENTS



### 9A MAILBOXES

The location and construction of mailboxes shall conform to SCDOT Standards, the guidance given in the *AASHTO Roadside Design Guide*, and the rules and regulations of the United States Postal Service. An encroachment permit is not required for mailbox installations. Mailbox structure and location on South Carolina DOT right-of-way are governed by *SCDOT Standard Drawing* Number 203-905-00. This drawing can be accessed via the SCDOT website at <http://www.scdot.org/doing/sddisclaimer.asp>.

In accordance with Section 57-7-210 of the South Carolina Code of Laws, any mailbox construction which is considered a hazardous fixed object, such as a brick structure, shall not be allowed as a support, encasement, or housing for the mailbox. When any mailbox installation is found to violate the intent of these standards the postal patron will be advised in writing that the installation constitutes a hazard to the motoring public. A copy of the notice will be provided to the local postmaster. At the discretion of the Department, based on an assessment of danger to the public, the patron will be granted not less than 10 nor more than 30 days to remove an unacceptable mailbox installation. After the specified removal period has expired, the unacceptable mailbox may be removed by the Department.

### 9B SIGNS

Any unauthorized sign placed on the highway right-of-way by an individual or private organization constitutes a public nuisance and will be removed pursuant to Section 56-5-1020 of the Code of Laws of South Carolina (1976 as amended). By the same authority, any sign in view of a highway which purports to be or interferes with the effectiveness of an official traffic control device is likewise a public nuisance and will be removed accordingly in accordance with Engineering Directive Memorandum #9 (provided in the [Appendix D](#)).

## 9C LIGHTS AND REFLECTIVE SURFACES

When in view of a highway, any sign lighting must be constructed and maintained to prevent light from being directed at any portion of the roadway pursuant to Section 57-25-140 of the Code of Laws of South Carolina (1976 as amended). Sign lighting which causes glare, impairs vision, unduly distracts, or otherwise interferes with the operation of a motor vehicle is prohibited. These conditions also apply to individual lights, lighting or surfaces reflecting light or sun glare. Flashing or pulsing lights may not be attached to or used to illuminate any sign, except a sign giving brief messages regarding public service information such as time, temperature, weather, or similar information. Lights which change color may not be attached to or used to illuminate any sign.

## 9D ROADWAY LIGHTING

Roadway lighting should be designed to meet the requirements as outlined in the latest edition of the AASHTO *Roadway Lighting Design Guide*. More detailed requirements for interstate lighting, including exit and entrance ramps, are available from the Director of Traffic Engineering. A photometric analysis of the lighting for the section of roadway should be submitted to Director of Traffic Engineering and approved before the permit is approved.

Where roadway lighting is installed, the pole setback will vary based on the speed and cross section design of the roadway. Light standards on the right-of-way or within the clear-zone of the roadway should be equipped with breakaway supports designed so that no fixed part of the support extends further than three inches above ground level. When used, the breakaway capability of the support shall incorporate the use of breakaway electrical connectors so that no live electrical wires exist after impact by a vehicle.

The breakaway poles shall meet the criteria established in the latest edition of the AASHTO *Standard Specifications for Structural Supports for Highway Sign Luminaries and Traffic Signals* and be approved by the Federal Highway Administration as meeting the requirements of NCHRP Report 350.

## 9E LANDSCAPING GUIDELINES

### 9E-1 Setbacks

The SCDOT desires to cooperate as much as possible with organizations desiring to undertake projects to beautify certain sections of various highway rights-of-way. An encroachment permit is required for any landscaping work performed on the highway right-of-way. A sketch plan of the proposed project must be attached to the Encroachment Permit Application. This plan should show the planting arrangement and the type of plants to be used. Photographs may also be helpful.

All encroachment permit applications for landscaping should clearly state the following information:

- A) Speed limits (mph).
- B) Cut or fill slope (Check with local Resident Maintenance Engineer).
- C) Traffic volume – less or greater than 1,500 ADT (Check with local Resident Maintenance Engineer).



- D) Label guardrail; vertical face curb; sidewalks; edge of pavement and right-of-way line on sketch.
- E) State distance plant material is from curb or edge of pavement (offset).

The following guidelines establish a framework for preparing design work for projects of this nature.

- A) Applicants shall furnish, install, and maintain all plantings. They shall be responsible for maintaining all vegetation within the right-of-way that is contiguous with the landscaping. The Department shall not be responsible for providing water, fertilizer, labor, materials, or maintenance within the landscaping limits of the right-of-way.
- B) The Department will exercise care in maintenance, construction, or reconstruction to avoid unnecessary damage. It cannot, however, accept responsibility to protect plants or irrigation systems against damage or theft. If subsequent changes in the highway require removal of plants, this must be done by applicant.
- C) All landscaping work within the SCDOT right-of-way must conform to all local ordinances and all state environmental regulations.
- D) The applicant will perform installation under the supervision of the SCDOT, and shall not block traffic at any time. All traffic control devices will be the responsibility of the applicant and shall conform to section V of the MUTCD. Plantings shall not block billboards, and plantings in the vicinity of billboards will have to be approved on-site by the local District Outdoor Advertising Coordinator prior to the start of planting.
- E) No tree, shrub, etc., shall be permitted in any location where it may interfere with highway safety or traffic visibility or impair standard sight distance in any way. Plants that might prove detrimental to safety, to the highway, or to adjacent property will not be permitted. Otherwise, the selection of plants is left to the discretion of the applicant. Experience has proven that indigenous plant material is more satisfactory. Features such as autumn foliage, flower effects, etc., should be considered. If advice in landscape planning is needed, the Department's Landscape Architect may be contacted through Preconstruction Support. Applicants may want to contact the South Carolina Forestry Commission's Urban Forester for their region for advice.
- F) Minimum offsets for trees and shrubs shall be as described in [Table 9-18](#). This offset would not apply if the location does not leave at least 5 feet of a grassed area suitable for pedestrian traffic along roads without sidewalks. This area is to be seeded or sodded as needed to prevent erosion and provide stable footing for pedestrian traffic. Cross tie planters may be allowed 5 feet from any roadway structure if buried flush with the existing grade.
- G) No trees will be allowed close enough to the road to allow root systems to undermine or damage any roadway structure, such as curbing, sidewalk, or drainage components, at any time during the tree's life. A biological or physical root barrier system may be considered in extenuating circumstances, on a case-by-case basis, as determined by the Department's Landscape Architect.
- H) Trees, shrubs, or earthen mounds shall not block the line of sight along the roadway. This means that no planting shall occur in the area

- D) Label guardrail; vertical face curb; sidewalks; edge of pavement and right-information shall be determined on a local level by the Resident Maintenance Engineer or his designee.
- I) Landscape lighting on the right-of-way shall be flush with the ground.
- J) If in the future a plant's growth obstructs the view of signs or interferes with the sight distances of approaching traffic, the Department will require the applicant to remove, relocate, or prune the plants to eliminate this obstruction at his expense.
- K) On a case-by-case basis, plantings may be allowed in sight triangle areas, but in these cases the plants must be kept to a maximum height of 2½ feet. Generally, all grass should be removed in these triangles and groundcovers planted.
- L) All trees shall be de-limbed and kept limbless for the first 6 feet in height and up to 7 feet in height where trees are near pedestrian walkways.
- M) Trees shall be selected and placed so that, even when they are fully matured, their limbs shall not overhang into the roadway and block vehicles. The applicant agrees that the trees shall be kept trimmed (not by or at the expense of the SCDOT), if this is required to keep limbs from overhanging into the road.
- N) Crape Myrtles-The department recommends the planting of hybrid-type crape myrtles over the older indica-type. Many, but not all hybrid crape myrtles can be identified by indian-tribe names. We consider crape myrtles and fringetree to have a smaller than 4-inch diameter at maturity.

There are several trees available for planting on the right-of-way that we know will cause future problems. A complete list of trees not recommended for planting on SCDOT rights-of-way is provided on the SCDOT website. (See [Appendix E](#) for details). Some common examples are listed below:

- A) Trees with weak wood. The tree's limbs break during storms. Examples:
  - Silver Maple
  - Bradford Flowering Pear-poor branching during life cycle
  - Minosa
  - Most pine tree types
- B) Trees with forms that are unsuitable for many street tree-planting situations.
  - Live Oak- form of tree (low limbs) may cause problems with vehicular and pedestrian traffic in rural planting situations and is a poor choice in urban street tree situations. The SCDOT usually request a setback distance in excess of minimum setback in this manual.
  - Pin Oak-form of tree (low limbs that hang down at 45 degree angle) may cause problems with vehicular and pedestrian traffic. Also, note that this type of tree is pH sensitive.
- C) Messy trees.
  - Ginkgo trees - Avoid planting the female forms because the fruit is a nuisance.
  - Sweetgum – The fruit is a nuisance and the tree is over planted; the new fruitless varieties haven't grown well in South Carolina.
  - Tulip Poplar – Trees are huge and weak and leaves are a nuisance.

- Sycamore – Trees are enormous and overplanted. The leaves, fruit, and bark are messy and a nuisance.
- D) Trees that decline and die after planting.
- Thornless Honeylocust- Poor choice for South Carolina's climate.
  - Red Maples - Have a problem with the heat in this state; the named varieties are a little better but thought should be given to selection and placement
- E) Some trees are planted where they should not be planted.
- Cabbage Palmetto- Tree is not suitable for planting throughout the state beyond the coast.
  - In general, evergreen trees, such as Southern Magnolias, tree Hollies, Live Oaks, are not approved in urban street tree situations.
  - Both Dogwoods and Redbuds are poor choices for urban street trees.

Additional information on landscaping is provided in [Appendix E](#).

### **9E-2 Irrigation Systems**

Irrigation systems for landscaping should be designed so that irrigation can be achieved without any system components encroaching on the right-of-way. When encroachment is unavoidable, details of the irrigation system shall be included in the landscaping plan. In any case, the landscaping plan shall detail provisions for the drainage of water used to irrigate the right-of-way. In no case shall water used to irrigate the right-of-way drain or be sprayed onto the roadway. The correction of any problem involving irrigation water draining or spraying onto the roadway will be the responsibility of the permittee, regardless of the Department's approval of the permit and landscaping plan.

### **9E-3 Offset of Trees and Shrubs**

A tree or shrub that will attain a 4-inch or greater diameter at maturity (measured 4 inches above grade) shall have the edge of its trunk offset from the edge of the travel way a minimum distance as specified in [Table 9-18](#). When a tree or shrub with multiple trunks or a group of small trees close together will have at maturity a combined cross-sectional area equivalent to that of a 4-inch diameter tree, it shall be offset likewise.

Landscaping work may be allowed on the Interstate system on a case-by-case basis. The FHWA's guidance on placement of landscaping features on the Interstates is as follows:

- Brick construction, fountains and ponds: 45 feet from edge of travel way
- Fencing (Breakaway PVC construction): 40 feet from edge of travel way
- Trees (ultimate trunk diameter over 4 inches in diameter): 45 feet from edge of travel way
- Small plants/shrubs: 30 feet from edge of travel way

For plantings on ramps, FHWA accepts a 5 feet reduction in the above listed dimensions for trees with an ultimate trunk diameter over 4 inches in diameter.

Table 9-18: Minimum Offset of Trees and Shrubs at Maturity

Roadside Feature	Roadway Design Speed	Offset from Edge of Travel way for Current Volume (ADT) of:	
		< 1,500	> 1,500
		ft.	ft.
<b>Non-Interstate Routes</b>			
Guardrail *	All speeds	4	4
Vertical face curb and gutter*	40 mph (60 km/hr) and less	1.5	1.5
	45 and 50 mph (70 and 80 km/h)	6	8
	55 mph (90 km/h)	10	12
6:1 or flatter cut slope ** (Metric 1:6)	40 mph (60 km/hr) and less	10	14
	45 and 50 mph (70 and 80 km/h)	14	18
	55 mph (90 km/h)	16	22
6:1 or flatter fill slope (Metric 1:6)	40 mph (60 km/hr) and less	10	14
	45 and 50 mph (70 and 80 km/h)	14	18
	55 mph (90 km/h)	16	22
4:1 to 5:1 cut slope (Metric 1:4 to 1:5)	40 mph (60 km/hr) and less	10	14
	45 and 50 mph (70 and 80 km/h)	12	18
	55 mph (90 km/h)	14	20
4:1 to 5:1 fill slope (Metric 1:4 to 1:5)	40 mph (60 km/hr) and less	12	16
	45 and 50 mph (70 and 80 km/h)	16	24
	55 mph (90 km/h)	20	26
3:1 cut slope (Metric 1:3)	40 mph (60 km/hr) and less	10	14
	45 and 50 mph (70 and 80 km/h)	10	14
	55 mph (90 km/h)	10	16
3:1 fill slope*** (Metric 1:3)	40 mph (60 km/hr) and less	12	16
	45 and 50 mph (70 and 80 km/h)	16	24
	55 mph (90 km/h)	20	26
<b>Interstate Routes</b>			
Without Guardrail	All speeds	45 (for trees $\geq$ 4" caliper at maturity)	
	All Speeds	30 (for trees $\leq$ 4" caliper at maturity)	
With Guardrail	All speeds	4	
<p>* Where vertical face curb or guardrail exists, offset is measured from face of curb or guardrail. Please note that a vertical face curb and gutter in the median does not allow a 4" or greater diameter tree to be planted</p> <p>**Use for all medians with curbing.</p> <p>*** The 3:1 fill slope is not to be used as part of the offset distance. Proper offset should be achieved by utilizing the distances specified as a total offset measured before and after the 3:1 fill</p>			

## 9F UTILITIES

Public Utility lines may be located within the highway right-of-way provided they are constructed so as not to endanger the safety of persons or to interfere with the use of the highway. Utility lines over bridge rights-of-way must be at a height sufficient to accommodate bridge maintenance, improvements and reconstruction. The Department must approve such an encroachment. Applications from the utility companies are reviewed for acceptance using the latest edition of the Department's "A Policy for Accommodating Utilities on Highway Rights-of-Way" as a guide. A copy of this document is available from the SCDOT Utilities Office or online at [http://www.scdot.org/doing/ua\\_policy.shtml](http://www.scdot.org/doing/ua_policy.shtml).

A permit will not be required for aerial service connections from an existing distribution line on Department Rights-of-way unless it is anticipated that there will be an interference with the normal flow of vehicular traffic on or along the highway or a new pole is to be placed on the Department's rights-of-way. Also, a permit will not be required for normal maintenance such as replacing existing poles, cables, pedestals, marker, etc. unless such repairs will entail alterations of normal traffic flow, or the maintenance activities require the relocation of the existing utility.

## 9G VISIBILITY ENHANCEMENT

Selective removal of vegetation for the purpose of making commercial and industrial sites more visible is governed by the Department's Engineering Directive 29. (See [Appendix D](#))

## 9H HISTORICAL MARKERS AND BLUE STAR MEMORIAL HIGHWAY SIGNS

SCDOT recommends that Historical Markers and Blue Star Memorial Highway Markers be placed off of the highway right-of-way. If it is not possible to place the marker off of the right-of-way, an encroachment permit must be approved prior to installation. The permit should indicate the location of the marker and include a copy of the marker approval letter from the South Carolina Department of Archives and History (SCDAH). To determine if a proposed marker location is within the highway right-of-way and if the location is feasible, the permittee should contact the SCDOT Resident Maintenance Engineer in the county where the marker will be located.

If located within the highway right-of-way, a marker must be installed on a single breakaway post or post/breakaway slip base coupling that has been tested and certified as meeting the requirements of NCHRP 350. Submit certifications for the breakaway post or post system as part of the encroachment permit. Typically, an alternate round post must be substituted for the standard octagonal-shaped post supplied with the marker when the breakaway slip base coupling system is used. The marker sponsor

should notify the manufacturer when ordering that the post must be breakaway so that the alternate post can be substituted and shipped with the marker. The manufacturer may require the sponsor to obtain a post from a separate vendor/local retailer when breakaway is required. Vendor contact information for the breakaway slip base couplings can be obtained from Traffic Operations in the Headquarters Traffic Engineering office.

In cases where the highway right-of-way may be wider than usual or in other special cases, the clear zone distance for the roadway in accordance with AASHTO's *Roadside Design Guide* (Latest Edition) may be used to determine if a breakaway post is required instead of the right-of-way line/distance. In urban areas or areas with curb and sidewalk, where vehicle speeds are low (35 mph or less) and pedestrian activity is significant, SCDOT prefers that posts for markers be direct burial instead of breakaway, to decrease the chances of pedestrian injuries if a marker is struck by a vehicle. Coordination with the District Traffic Engineer is required in these urban area cases. If a marker is installed off of SCDOT right-of-way, no encroachment permit is required.

SCDOT does NOT accept delivery of Historical Markers nor Blue Star Memorial Highway Markers from the manufacturer, does NOT install the markers, and does NOT maintain the markers. The marker sponsor or permittee is responsible for providing the necessary arrangements for delivery, installation, and maintenance.

## CHAPTER 10 — DRAINAGE



### 10A GENERAL REQUIREMENTS

Each access point shall be constructed in a manner that prevents water from flowing onto the roadway and from adversely affecting the existing storm drainage system. For example, driveways and paved areas sloping down toward the roadway should have provisions for water to be intercepted off the right-of-way and shall not have a low point within the shoulder break line. The driveway's slope between the shoulder break line and roadway edge shall be the same as the slope of the shoulder as specified in [Chapter 3 subsection 3G-3](#).

### 10B DESIGN AND DISCHARGE

Drainage collected from off the right-of-way shall not be discharged onto the highway right-of-way unless discharge is approved by the Department's issuance of an encroachment permit. The applicant shall submit a drainage study that details the existing and proposed drainage for the site and compares the pre and post discharges at the point of release onto Department right-of-way. The applicant must follow the drainage design requirements as given in the latest edition of the SCDOT *Hydraulic Design Requirements*, which can be found on the SCDOT website at <http://www.scdot.org/doing/pdfs/requirements.pdf>.

Post-development release rates to the highway right-of-way for the 2-year, 10-year, and 25-year storm events shall be equal to or less than those calculated for the pre-development condition for the 2-year, 10-year, and 25-year storm events, respectively, as determined in accordance with Department design policy for the given site conditions. If the post-development discharges for the 2-year, 10-year, and 25-year

storm events exceed the pre-development discharges for the given storm event to the Department right-of-way, the applicant will be required to provide flow detention on site so that the pre-developed discharge condition is met. When the proposal is to connect directly to a SCDOT crossline pipe, the applicant will be required to meet the pre- and post-development rates for the 50-year storm if the roadway is a Primary (SC, US) or Interstate route. Details for detention structures and means of discharge, as well as design calculations, shall be approved by a registered professional engineer in compliance with Sections 40-21-10 and 40-21-30 of the Code of Laws of South Carolina (1976 as amended).

For cases where a driveway or new road intersects the state highway system, sag and catch basins will be required prior to the intersection to collect the water from the new road prior to the highway right-of-way in order to prevent flooding of the state highway system.

All of the aforementioned items shall be submitted with the Application for Encroachment Permit. Approval by a professional engineer or the Department does not preclude the need for compliance with any applicable federal, state, or local regulations or ordinances.

## 10C MAINTENANCE AND SAFETY CONSIDERATIONS

Pipes or ditches discharging into the highway drainage system shall join the system at an appropriate angle and have other provisions as necessary to prevent scour, erosion, or blockage of the existing drainage components.

The design of drainage structures shall be in conformance with the latest edition of the SCDOT *Standard Drawings*. New drainage components that would create maintenance problems or compromise safety shall not be permitted. These may include, but are not limited to, vertical wingwalls/headwalls, grates, pipes, and aboveground catch basin covers which are within 30 feet of the roadway. Curbing on driveways or streets shall not extend beyond the right-of-way line or ditch line when the driveway or street connects to a roadway not having curbing. Culverts shall extend at least the full distance from the toe of one side of a fill to the toe of the opposite side. All drainage components shall conform to the existing roadway cross-section and profile. All structures shall be brought to a final grade flush with the existing profile and cross section. Catch basins are strongly discouraged in curved sections and within intersection radii.

Sediment and erosion control measures shall be shown on the application and constructed as the first phase of construction to prevent any sediment from reaching the highway right-of-way or drainage system.

## 10D NPDES CONSIDERATIONS

With the implementation of the Municipal Separate Storm Sewer System (MS4) permit, the Department is now responsible for the water quality of its storm water discharges. Therefore, the applicant will be required to be responsible for the water quality of their discharges if their encroachment permit is approved. The permittee must evaluate the SCDOT system they intend to discharge to and document whether or not that system discharges to a water body listed on the 303(d) Impaired water bodies list which can be found at [www.scdhec.net/environment/water/docs/06\\_303d.pdf](http://www.scdhec.net/environment/water/docs/06_303d.pdf). If so, the applicant must determine what pollutant(s) the water body is/are impaired for. In



addition, the permittee must establish whether or not the system discharges to a body of water with a Total Maximum Daily Load (TMDL). If so, the permittee must ascertain what the pollutant(s) of concern is/are for that TMDL. South Carolina Total Daily Maximum Loads can be found at [www.scdhec.net/environment/water/tmdl/tmdlsc.htm](http://www.scdhec.net/environment/water/tmdl/tmdlsc.htm).

These analyses must be performed for both the construction and the post-construction phases of the project and the impacts to water quality of the impaired waters from the SCDOT system must be documented. The permittee must implement Best Management Practices (BMPs) if it is determined that the discharges will have adverse impacts to the impaired water body during either the construction or post-construction phases. The water quality analysis for the system in question must demonstrate that the selected BMPs meet the requirements of the TMDL. In addition, stormwater management devices and BMPs placed within SCDOT right-of-way should conform to SCDOT requirements. Applicants must also comply with all applicable federal and state storm water management and sediment and erosion control guidelines.

## 10E PERMIT APPLICATION REQUIREMENTS

The applicant's encroachment permit package for the hydraulic engineering reviews should include the following as a minimum:

- A statement by applicant that no work will begin until concurrence letter from DHEC or OCRM and any other governmental agency whose concurrence is required is received, if applicable,
- A set of detailed engineer's pre- and post-development drawings of the site that includes grading and drainage,
- Detailed hydraulic and stormwater management design studies that show the calculations, including a well-written narrative that explains existing conditions, they study, and what is to be done,
- A CD with the computer input and output files used by the engineer,
- A determination of whether or not the proposed construction causes any impacts to downstream roads, buildings, bridges, etc.,

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## CHAPTER 11 — ENVIRONMENTAL



### 11A GENERAL REQUIREMENTS

Any encroachment or access requests shall be evaluated by the permittee with respect to impacts to Water of the United States (e.g. rivers, creeks, streams, swamps, ponds, marshes, roadside ditches, etc.). If impacts to these jurisdictional resources will occur as result of an access point request, authorization from a state or federal agency may be required. Coordination with the SCDOT Environmental Management Office shall be completed prior to approving any requests that potentially impact these resources.

### 11B PERMITTING REQUIREMENTS

If the requested access impacts a jurisdictional resource, a delineation of the impacted area must be completed and submitted to the Corps of Engineers for their review and approval. Once the delineation is approved, the applicant, or his designee, will prepare and submit a permit application package to the appropriate state and federal regulatory agencies. The applicant will be responsible for obtaining the appropriate permits prior to beginning of the encroachment work. A copy of the approved permits will be submitted to the SCDOT Environmental Management Office for review and verification prior to commencement of construction. Information concerning permitting requirements may be obtained from the SCDOT Environmental Management Office.

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## CHAPTER 12 — BRIDGES, CULVERTS, AND RETAINING WALLS



### 12A GENERAL REQUIREMENTS

When an encroachment permit application includes the construction of a bridge, culvert, or retaining wall, replacement of one of these structure types, modifications to one of these structure types, or construction activities immediately adjacent to one of these structure types, the design and details of the proposed construction are subject to the requirements of the latest editions of all applicable SCDOT design and construction manuals as well as SCDOT policies and standard practices. Design and construction criteria may be found in the most current editions of the following:

- AASHTO LRFD Bridge Design Specifications
- AASHTO LRFD Bridge Construction Specifications
- AASHTO Policy on Geometric Design of Highways and Streets
- SCDOT Bridge Design Manual
- SCDOT Seismic Design Specifications for Highway Bridges
- SCDOT Geotechnical Design Manual
- SCDOT Highway Design Manual
- SCDOT Requirements for Hydraulic Design Studies
- SCDOT Plan Preparation Guide
- SCDOT Bridge Design Memoranda
- SCDOT Bridge Design Drawings and Details
- SCDOT Standard Specifications for Highway Construction
- SCDOT Supplemental Specifications
- SCDOT Standard Drawings
- SCDOT Construction Manual

Information regarding the applicable SCDOT publications can be found on the SCDOT website at: <http://www.scdot.org/doing/default.shtml>.

Five copies of the following shall be included along with the application:

- Geotechnical Report
- Hydrology Report (required for structures crossing or conveying water)
- Construction Plans (22" x 36") including Traffic Control Plans and Contract Special Provisions
- Structural Design Calculations

The Geotechnical Report, Hydrology Report, Structural Design Calculations, Construction Plans, and Special Provisions shall be signed and sealed by a registered professional engineer, registered in the State of South Carolina. The title sheet of the construction plans must include a location map and state the firm or persons that will perform the construction inspection and certification to ensure that the Contractor's work is performed in accordance with the contract plans, special provisions, and the current edition of the *SCDOT Standard Specifications for Highway Construction*. The title sheet must also include any necessary municipality and/or county approval including any state or federal permits when applicable.

The application shall also include a letter indicating that maintenance of the structure is the responsibility of the Permittee, unless there is a signed agreement between the SCDOT and the Permittee stating otherwise.

After the completion of the construction, the Permittee shall provide the Department two copies (22" x 36") of the as-built construction plans. One copy shall be kept in the District and one copy forwarded to the As-Built Plans Office in Preconstruction Support to be scanned and placed in the SCDOT Plan Library.

## 12B PRELIMINARY COORDINATION

Prior to submitting a permit application that involves construction of significant sized or complex bridges, culverts, or retaining walls, it is recommended that the applicant contact the Structural Design Support Engineer at (803) 737-4814 to arrange a meeting to discuss the scope of the structural work. It is also recommended that the Applicant, prior to finalizing the required attachments for the permit application, provide preliminary plans and 95% Plans to the Structural Design Support Engineer for review and comment.

## CHAPTER 13 — CONSTRUCTION



### 13A GENERAL

All construction performed on SCDOT rights-of-way, including modification to existing features, shall be subject to the terms and conditions of the approved encroachment permit along with accompanying plans, drawings, sketches, special provisions, specifications, or other attachments. No work shall be performed on highway rights-of-way by the applicant or his contractor prior to approval of the encroachment permit by the Department and a notice to proceed has been issued by the Resident Maintenance Engineer (RME). The permittee or his contractor shall maintain a copy of the approved encroachment permit on site during construction. Verbal permission to begin work cannot be given.

The permittee shall have the responsibility to determine and comply with all applicable federal, state, and local laws and ordinances in connection with all work associated with the approved encroachment permit. This obligation shall include but not be limited to procurement of all permits and licenses. The permittee shall be responsible for all charges, fees, taxes, and etc. associated with all work in the approved encroachment permit.

The permittee shall be responsible for ensuring that all work performed on SCDOT's rights-of-way is constructed in conformance with the encroachment permit and other specifications as directed below in this chapter.

The permittee shall indemnify and hold SCDOT harmless from any and all claims, liabilities, and causes of action for any fines or penalties imposed on SCDOT arising from work associated with the encroachment permit.

## 13B INSPECTION AND APPROVAL

The level of inspection, certification, and ultimate acceptance of work by SCDOT will vary depending on the type of work specified in the encroachment permit. All work on SCDOT's rights-of-way associated with encroachment permits will require a notice to proceed from the RME prior to work beginning and a letter of final acceptance upon completion of the project prior to opening for public use.

For the purposes of construction, encroachment permits for access shall be divided into three categories; residential driveways, commercial driveways, and large commercial driveways. The following standards and guidelines are to be used for each specific category.

### 13B-1 Residential Driveways

Residential driveways are driveways installed by the property owner or his contractor at his expense to serve low volume land uses such as 1 to 2 single family homes. The approved encroachment permit shall serve as the notice to proceed. The permittee shall adhere to all special provisions listed in the encroachment permit. The *Manual of Uniform Traffic Control Devices* (MUTCD – latest edition) and the latest edition of the SCDOT *Standard Drawings* shall be used in the development of the traffic control plan.

Upon completion of all work, the permittee shall contact the RME for a final inspection of the work. If the work has been completed satisfactorily, a letter of acceptance will be issued. If the work is not completed satisfactorily, a punch list will be developed noting all deficiencies. Once the deficiencies have been corrected by the permittee, a follow up inspection will be conducted for verification. Upon correction of all deficiencies, a letter of acceptance will be issued.

### 13B-2 Medium Volume Commercial Driveways

Medium Volume commercial driveways are those driveways installed by the permittee or the permittee's contractor to serve land uses such as small subdivisions and apartment complexes, or small businesses. There are no other items to be installed per encroachment permit onto SCDOT's rights-of-way other than the driveway, associated driveway pavement markings, channelization devices, and curb & gutter associated with the driveway. All items are transverse to the rights-of-way and no longitudinal items are included.

Prior to the permittee beginning work, a traffic control plan and sediment and erosion control plan shall be submitted to the RME for approval or included in the encroachment permit package. Also, a preconstruction meeting shall be held with the RME prior to the commencement of work. The agenda for the preconstruction conference should include, at a minimum, the work schedule to include the start work and end work dates within SCDOT's rights-of-way and a contact list of names and phone numbers of the Permittee and superintendent in charge of the daily activities. After the preconstruction conference is held and the traffic control plan and sediment & erosion control plan have been approved, the RME will issue a notice to proceed. The *Manual of Uniform Traffic Control Devices* (MUTCD – latest edition) and the latest edition of the SCDOT *Standard Drawings* shall be used in the development of the traffic control plan.

Upon completion of all work, the permittee shall contact the RME for a final inspection of the work. If the work has been completed satisfactorily, a letter of acceptance will be issued. If the work is not completed satisfactorily, a punch list will be developed noting all deficiencies. Once the deficiencies have been corrected by the



permittee, a follow up inspection will be conducted for verification. Upon correction of all deficiencies, a letter of acceptance will be issued.

### **13B-3 High and Major Volume Commercial Access Encroachments**

High and major volume commercial access encroachments are commercial encroachments that include additional work items within SCDOT's rights-of-way above and beyond driveway construction included in the encroachment permit. These additional items include but are not limited to the following: traffic signals, turn lanes, roadway signage, drainage, resurfacing, roadway widening, cross walks, roadway pavement markings, roadway channelization devices, and etc.

For large commercial access encroachments, the permittee shall use a SCDOT pre-qualified contractor for all work to be completed within SCDOT's rights-of-way. The permittee's contractor shall be responsible for the Quality Control testing and sampling and material certifications as per the SCDOT *Construction Manual* (latest edition) and SCDOT's *Standard Specifications for Highway Construction* (latest edition).

A traffic control plan and sediment & erosion control plan shall be included in the encroachment permit package and must be approved prior to the beginning of the work. Also, a preconstruction meeting shall be held with the RME prior to the commencement of work. The agenda for the preconstruction conference should include, at a minimum, the work schedule to include the start work and end work dates within SCDOT's rights-of-way and a contact list of names and phone numbers of the Permittee and superintendent in charge of the daily activities. After the preconstruction conference is held and the traffic control plan and sediment & erosion control plan have been approved, the RME will issue a notice to proceed. The *Manual of Uniform Traffic Control Devices* (MUTCD – latest edition) and the latest edition of the SCDOT *Standard Drawings* shall be used in the development of the traffic control plan.

Upon completion of all work, the permittee shall contact the RME for a final inspection of the work. If the work has been completed satisfactorily, a letter of acceptance will be issued. If the work is not completed satisfactorily, a punch list will be developed noting all deficiencies. Once the deficiencies have been corrected by the permittee, a follow up inspection will be conducted for verification. Upon correction of all deficiencies and all materials are certified, a letter of acceptance will be issued.

# APPENDIX

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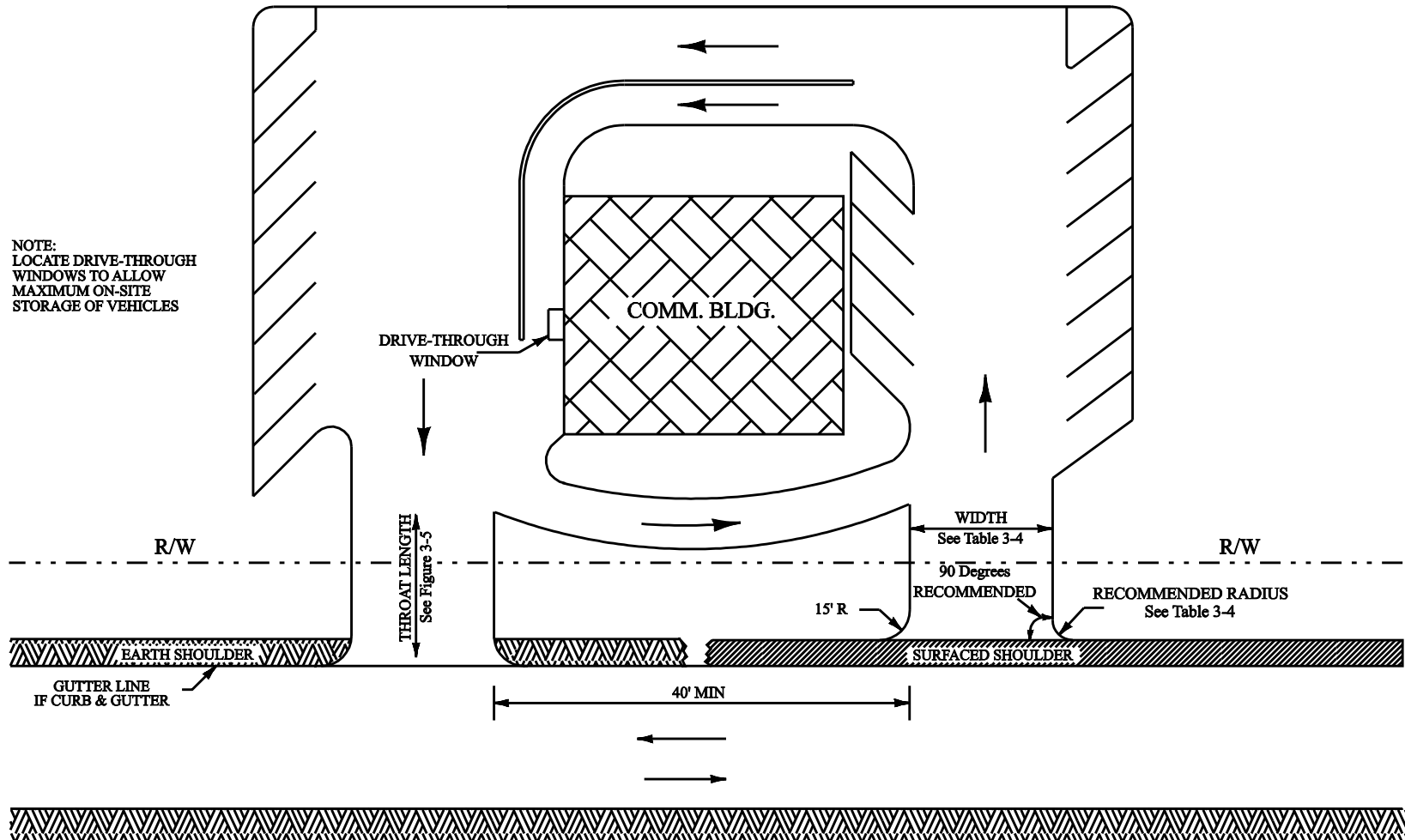
## Appendix A

### *Drawings*

Typical Commercial One-Way Driveway.....	A-1
Typical Access to Outparcel – #1.....	A-2
Typical Access to Outparcel – #2.....	A-3
Median Opening Design.....	A-4
Median Nose Design.....	A-5
Vertical Profile of Intersection of Street or High Volume Driveway .....	A-6
Channelizing Island Design.....	A-7
Typical Right-In, Right-Out Driveway Design.....	A-7.1
Left-Turn Lane Widening.....	A-8
Roadway Widening Typicals Adjacent to School Sites .....	A-9
Roadway Widening Typicals Adjacent to School Sites .....	A-10
On-Street Parking Configurations .....	A-11

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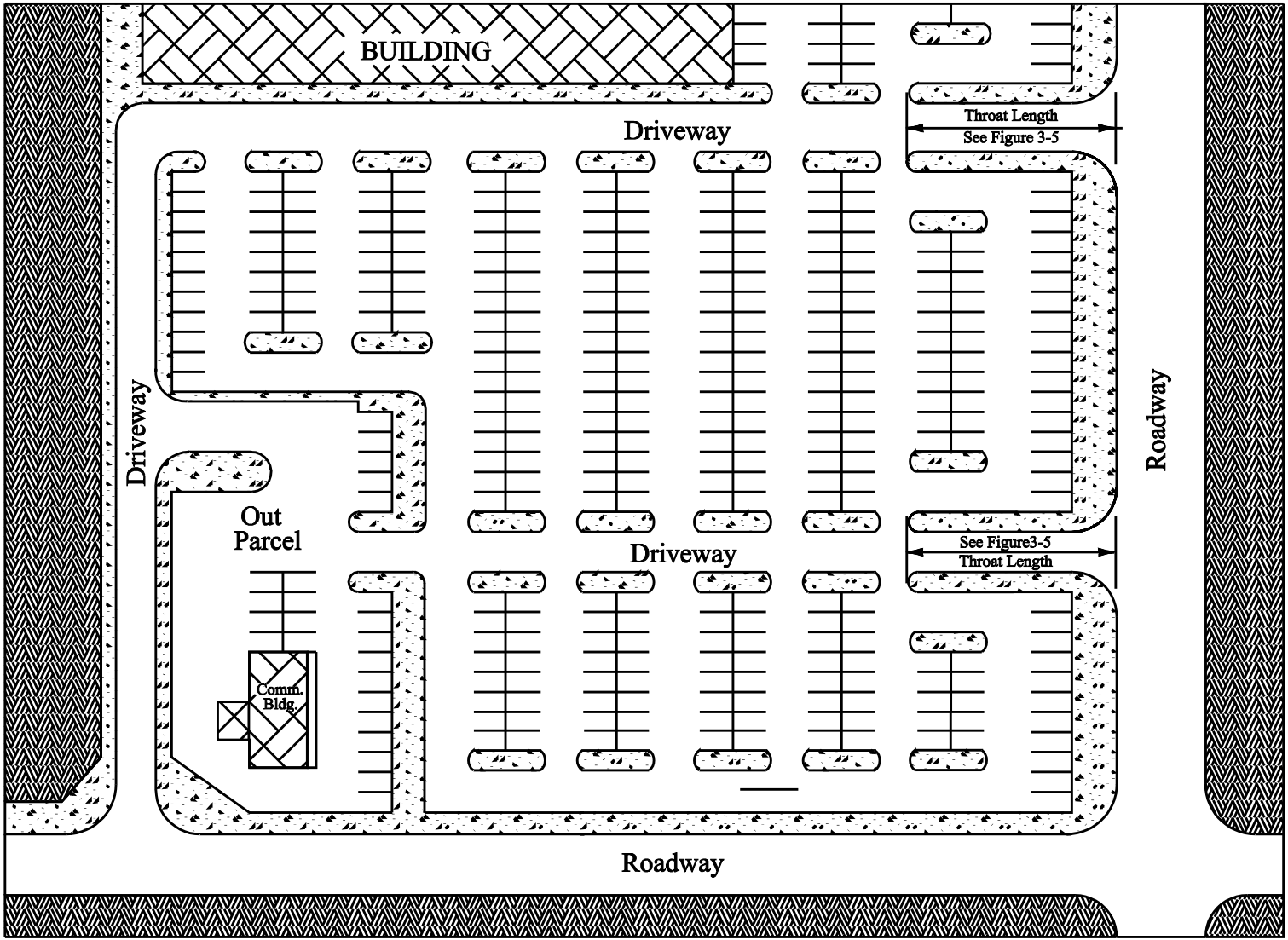
NOTE:  
LOCATE DRIVE-THROUGH  
WINDOWS TO ALLOW  
MAXIMUM ON-SITE  
STORAGE OF VEHICLES



(DRAWING NOT TO SCALE)

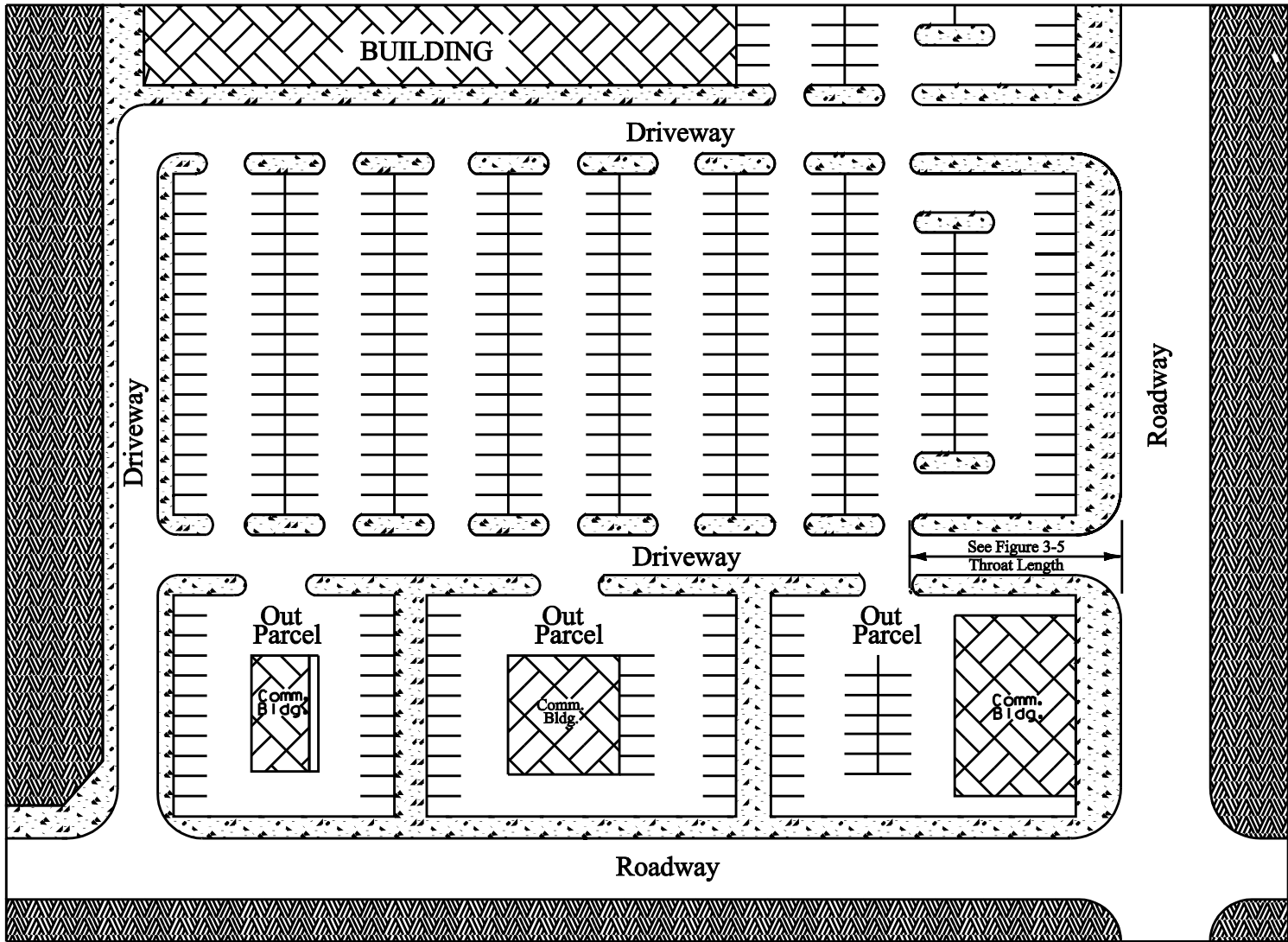
TYPICAL COMMERCIAL HIGH TURNOVER  
OR ONE WAY DRIVEWAY

FIGURE A-1



TYPICAL ACCESS TO OUTPARCEL #1

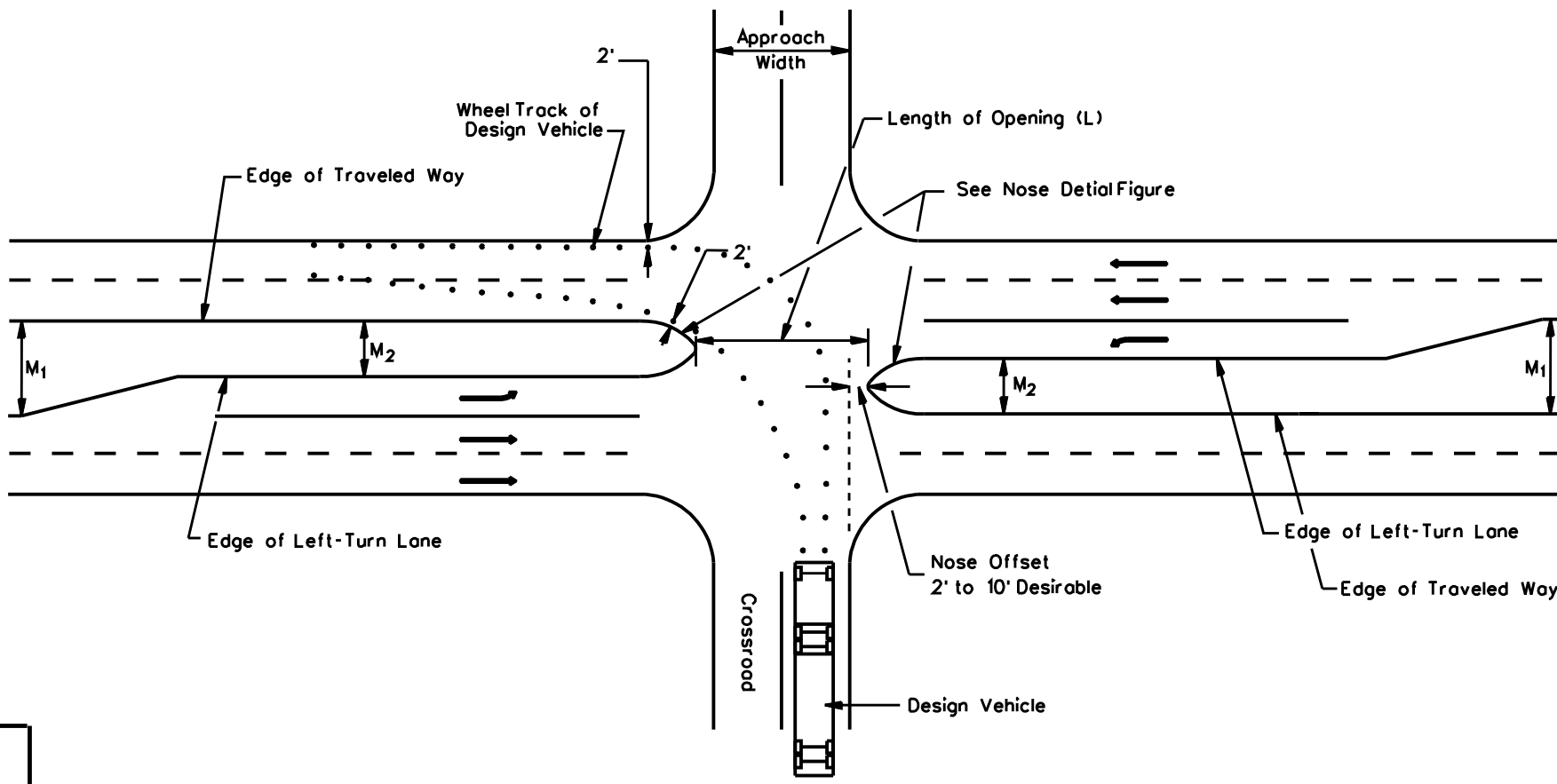
FIGURE A-2



TYPICAL ACCESS TO OUTPARCEL #2

FIGURE A-3

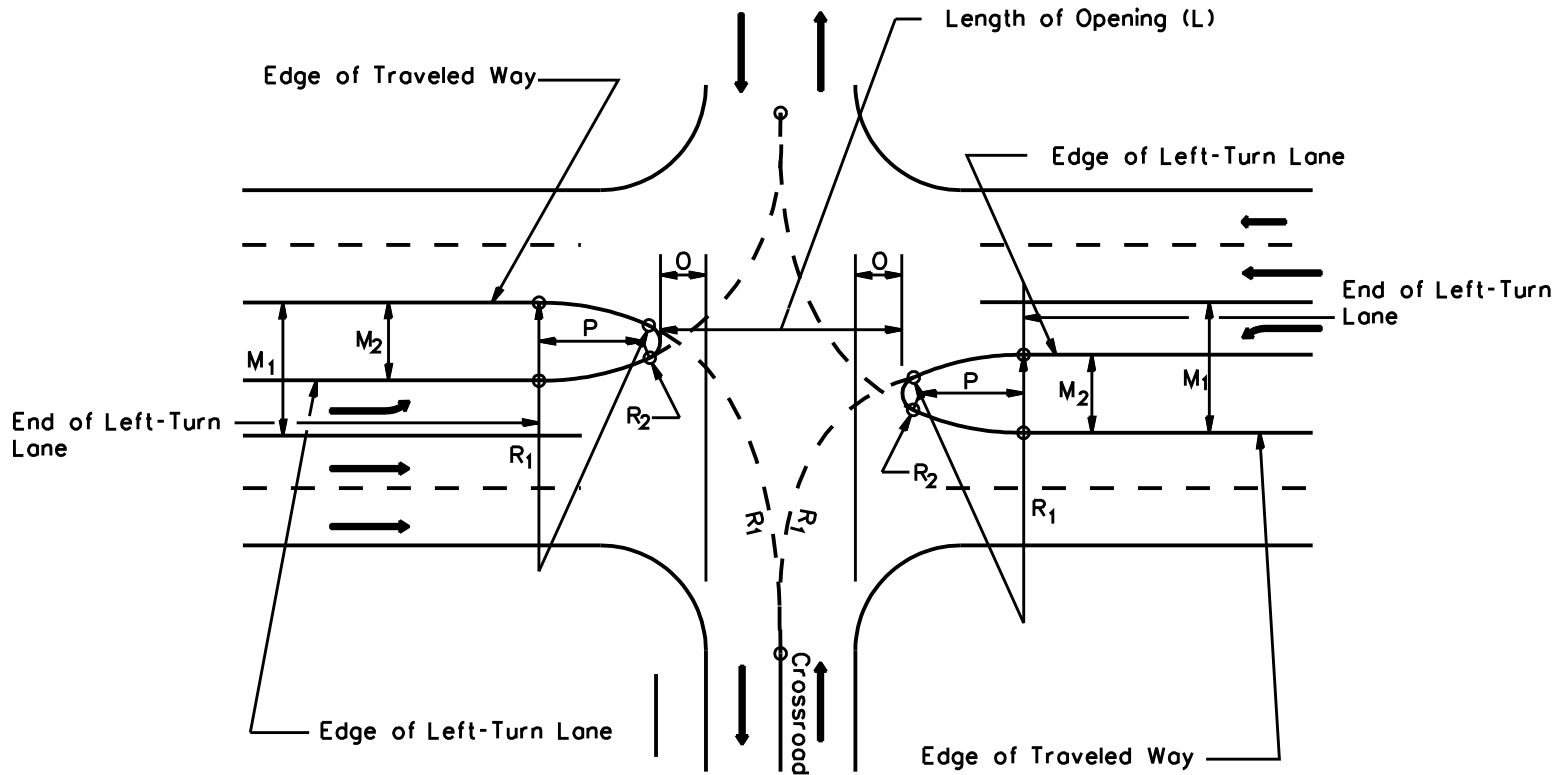




M1 = Median Width measured between the two edges of the inside travel lane.  
M2 = Width of divisional island (flush, raised-curb, depressed) remaining after the width of the left-turn (if present) has been subtracted from the median width (M1).

### MEDIAN OPENING DESIGN

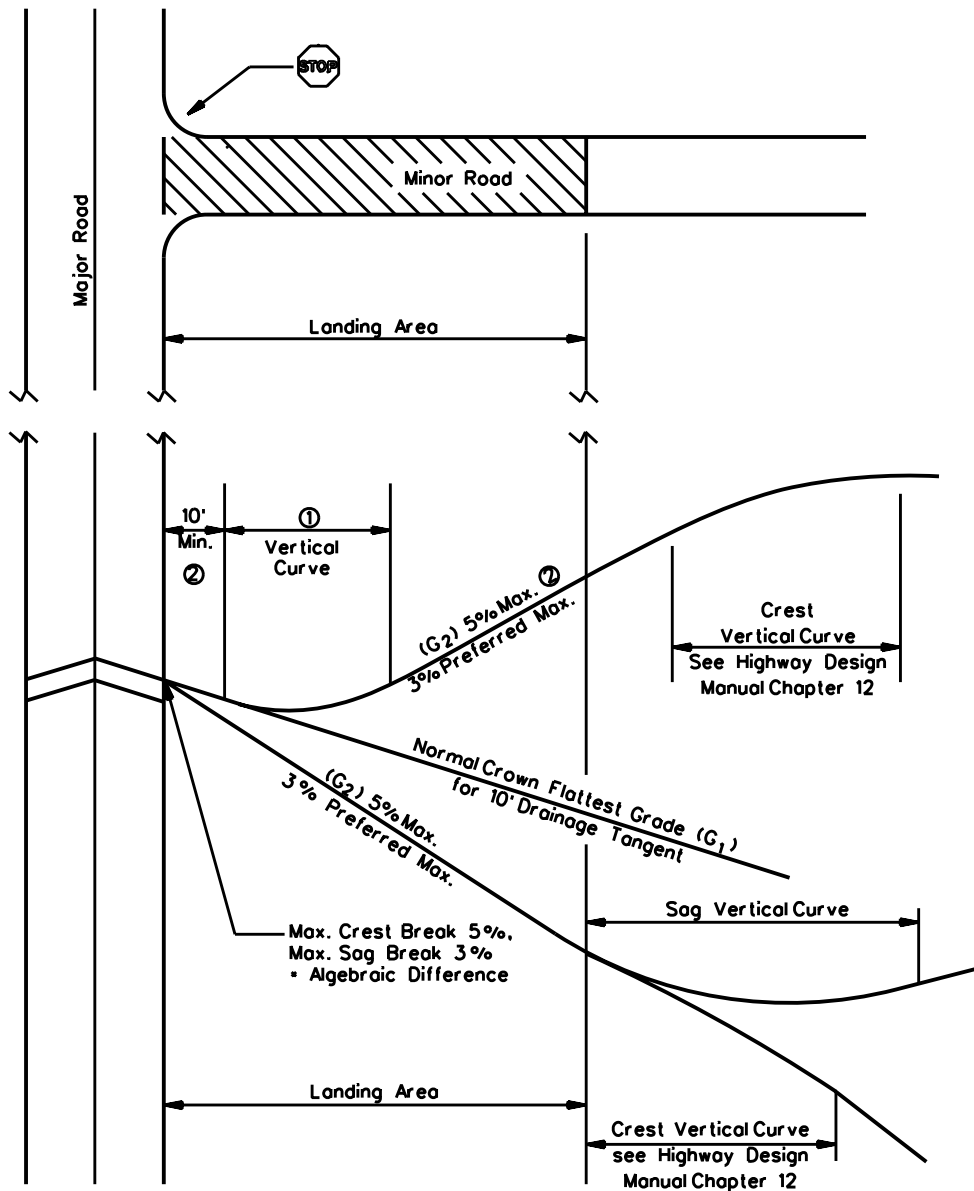
FIGURE A-4



- L = Length of median opening.
- M1 = Median Width measured between the two edges of the inside travel lane.
- M2 = Width of divisional island (flush, raised-curb, depressed) remaining after the width of the left-turn (if present) has been subtracted from the median width (M1).
- O = Nose offset.
- R1 = Variable, based on design vehicle and median width (M2).
- R2 =  $M2/5$  to edge of left-turn lane, where present.
- P = As shown in the figure.

## MEDIAN NOSE DESIGN

FIGURE A-5



- 1 See Chapter 15 of the Highway Design Manual for vertical curve options.
- 2 If practical, the gradient of the landing area where vehicles may be stored should not exceed 3 percent.
- 3 Actual field conditions will determine final design .

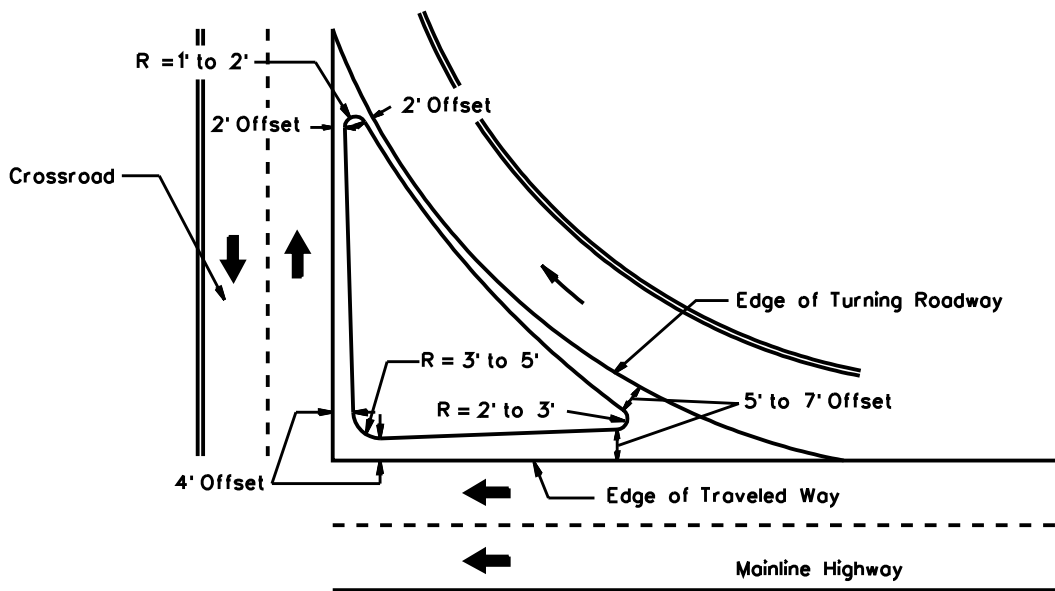
## VERTICAL PROFILE OF INTERSECTION OF STREET OR HIGH / MAJOR VOLUME DRIVEWAY

**FIGURE A-6**

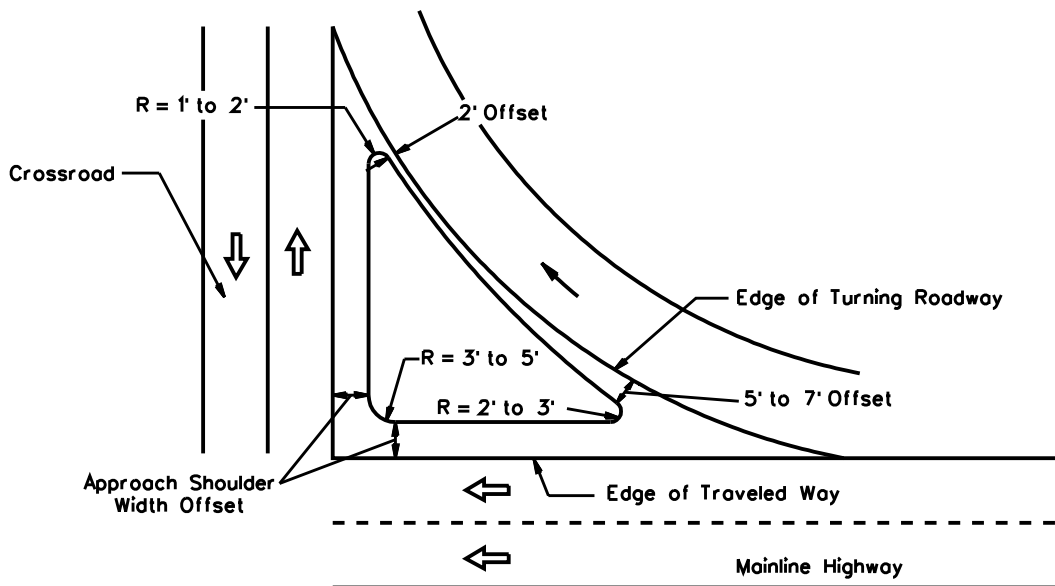


South Carolina Department of Transportation

Access and Roadside  
Management Standards



(a) Street with Curb and Gutter



(b) Road with Shoulders

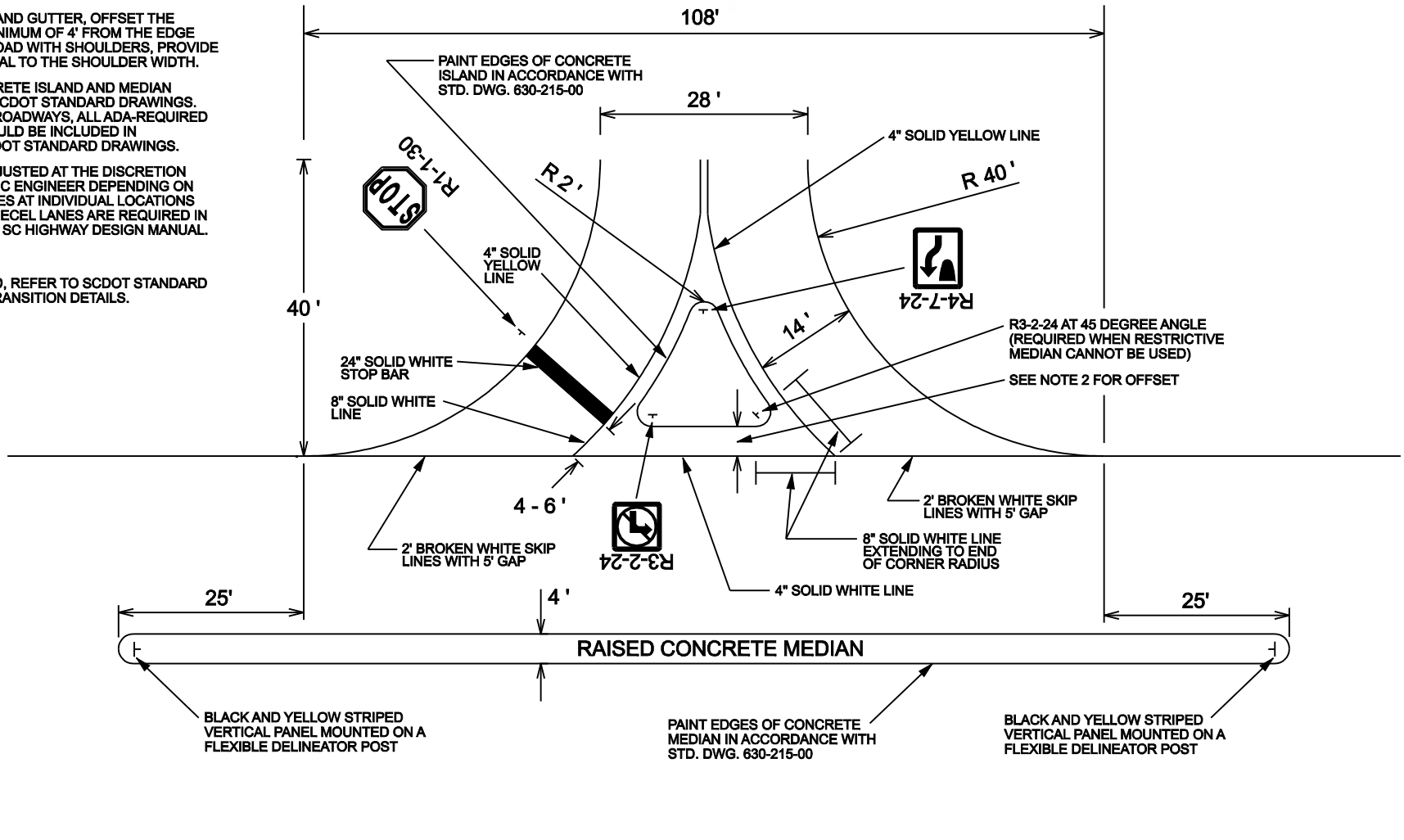
## CHANNELIZING ISLAND DESIGN

FIGURE A-7

# NOTES

- 100 S.F. MINIMUM AREA OF CONCRETE ISLAND.  
150 S.F. MINIMUM AREA OF CONCRETE ISLAND WHERE PEDESTRIAN ACCOMMODATIONS ARE REQUIRED.  
MINIMUM 12' SIDES AFTER ROUNDING OF CORNERS.
- ON A ROAD WITH CURB AND GUTTER, OFFSET THE CONCRETE ISLAND A MINIMUM OF 4' FROM THE EDGE OF TRAVELWAY. ON A ROAD WITH SHOULDERS, PROVIDE A MINIMUM OFFSET EQUAL TO THE SHOULDER WIDTH.
- CONSTRUCT THE CONCRETE ISLAND AND MEDIAN IN ACCORDANCE WITH SCDOT STANDARD DRAWINGS. ON CURB AND GUTTER ROADWAYS, ALL ADA-REQUIRED DESIGN ELEMENTS SHOULD BE INCLUDED IN ACCORDANCE WITH SCDOT STANDARD DRAWINGS.
- THIS DESIGN MAY BE ADJUSTED AT THE DISCRETION OF THE DISTRICT TRAFFIC ENGINEER DEPENDING ON VARYING CIRCUMSTANCES AT INDIVIDUAL LOCATIONS SUCH AS WHEN ACCEL/DECEL LANES ARE REQUIRED IN ACCORDANCE WITH THE SC HIGHWAY DESIGN MANUAL.

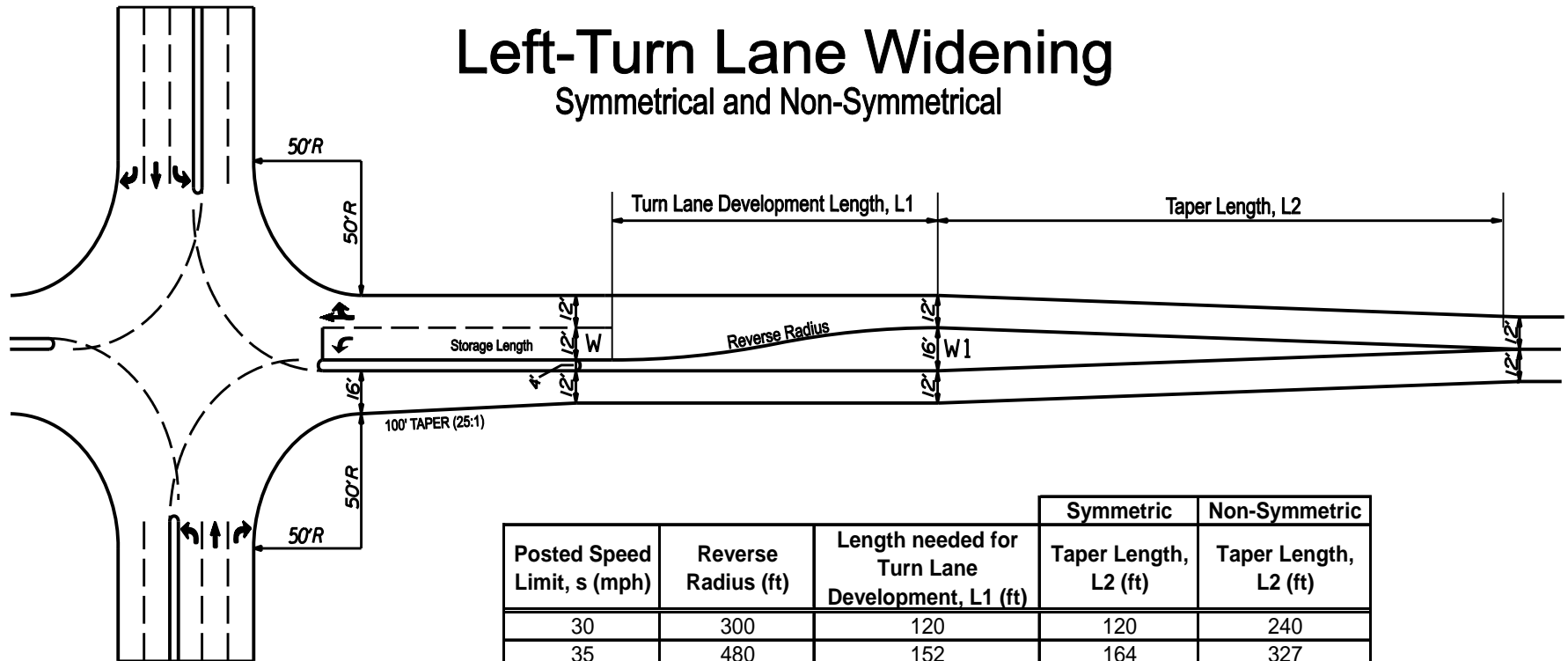
WHEN CURB IS DROPPED, REFER TO SCDOT STANDARD DRAWINGS FOR CURB TRANSITION DETAILS.



## TYPICAL RIGHT-IN RIGHT-OUT DRIVEWAY DESIGN

# Left-Turn Lane Widening

## Symmetrical and Non-Symmetrical



Posted Speed Limit, s (mph)	Reverse Radius (ft)	Length needed for Turn Lane Development, L1 (ft)	Symmetric	Non-Symmetric
			Taper Length, L2 (ft)	Taper Length, L2 (ft)
30	300	120	120	240
35	480	152	164	327
40	480	152	213	427
45	670	179	360	720
50	670	179	400	800
55	840	201	440	880
60	840	201	480	960

Notes: This table provides the design values for the development of a 12 ft. left turn lane with 16 ft. of widening. The formulas provided can be used to determine the design values for other scenarios.

### Symmetrical Widening

$$L1 = \sqrt{W(4R - W)}$$

$$L2 = \frac{W1 * s^2}{60} \quad S \leq 40 \text{ mph}$$

$$L2 = \frac{W1}{2} * s \quad S \geq 45 \text{ mph}$$

### Non-symmetrical Widening

$$L1 = \sqrt{W(4R - W)}$$

$$L2 = \frac{W1 * s^2}{60} \quad S \leq 40 \text{ mph}$$

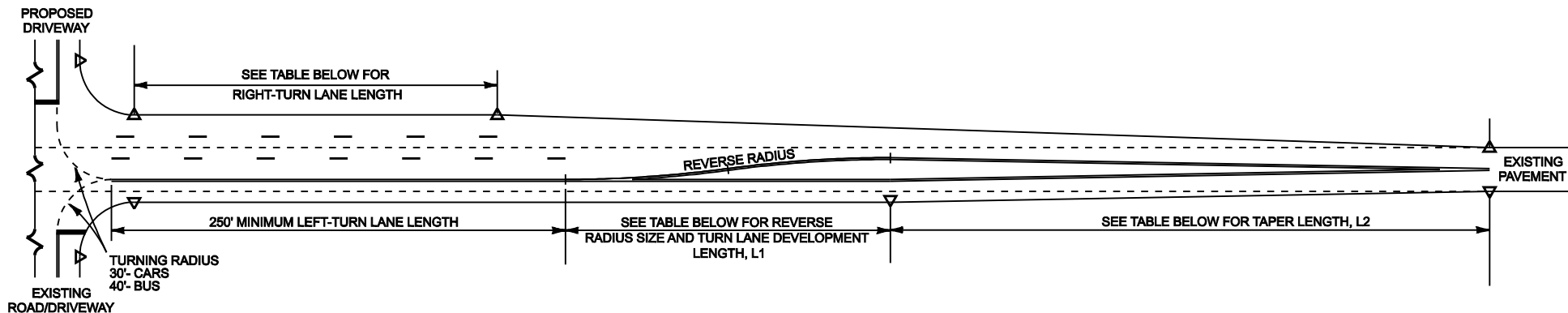
$$L2 = W1 * s \quad S \geq 45 \text{ mph}$$

L1= Turn Lane Development Length  
 L2= Taper Length  
 W= Storage Lane Width  
 W1= Amount of Widening  
 s= Speed Limit

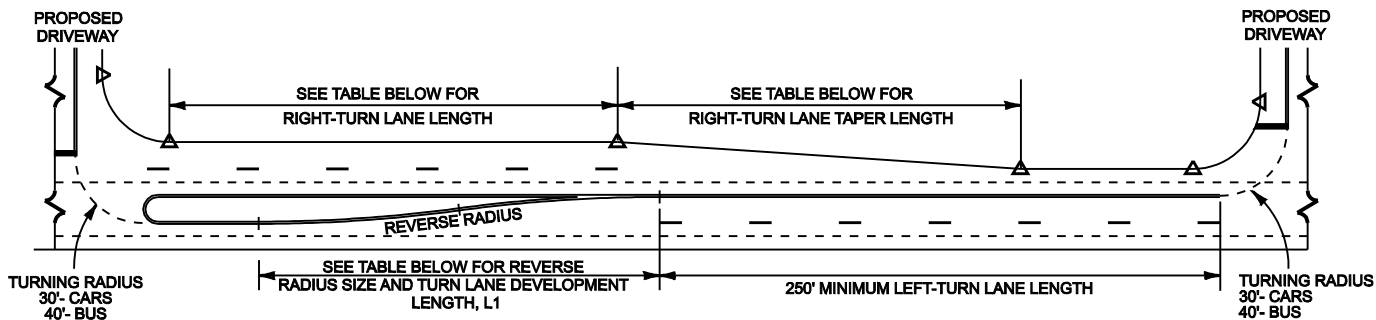
FIGURE A-8

# ROADWAY WIDENING TYPICALS ADJACENT TO SCHOOL SITES

## LEFT/RIGHT TURN LANES FOR NEW ACCESS OPPOSITE EXISTING ROAD/DRIVEWAY



## LEFT/RIGHT TURN LANES BETWEEN MULTIPLE ACCESS



Reverse Radius and Taper Length Requirements

Speed (mph)	Reverse Radius (ft)	Turn Lane Development Length, L1 (ft)	Amount of Widening and Associated Taper (L2) (Symmetrical)					Amount of Widening and Associated Taper (L2) (Non-Symmetrical)						
			11 ft	12 ft	14 ft	16 ft	18 ft	11 ft	12 ft	14 ft	16 ft	18 ft		
30	300	120	*	*	*	*	*	*	210	240	270			
35	480	152	*	*	*	*	*	225	245	286	327	368		
40	480	152	*	*	*	213	240	293	320	373	427	480		
45	670	179	248	270	315	360	405	495	540	630	720	810		
50	670	179	275	300	350	400	450	550	600	700	800	900		
55	840	201	303	330	385	440	495	605	660	770	880	990		

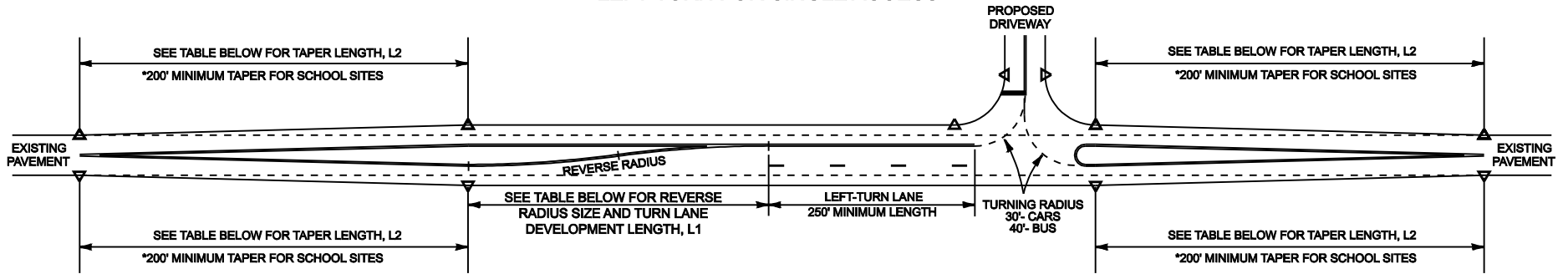
\*200 ft. minimum taper length

Right-Turn Lane and Associated Taper Length

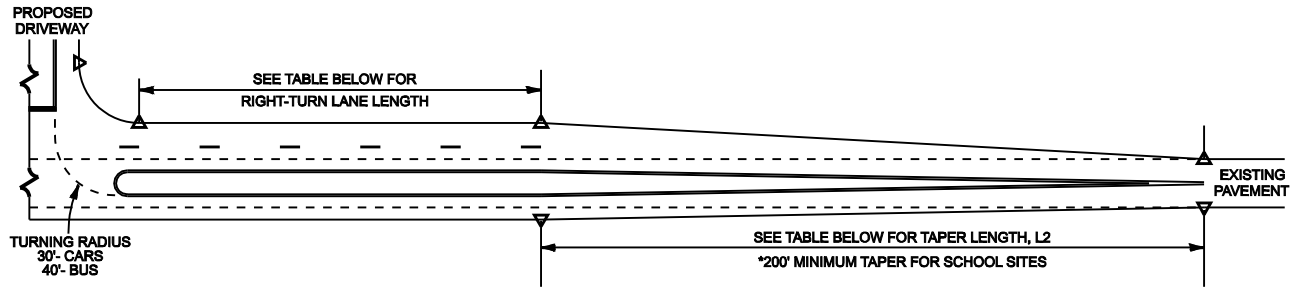
Posted Speed Limit	Taper Length (ft)	Turn Lane Length (ft)
< 40 MPH	150	150
45 MPH	180	200
50 MPH	180	200
≥ 55 MPH	200	250

# ROADWAY WIDENING TYPICALS ADJACENT TO SCHOOL SITES

## LEFT-TURN FOR SINGLE ACCESS



## RIGHT-TURN FOR SINGLE ACCESS



Reverse Radius and Taper Length Requirements

Speed (mph)	Reverse Radius (ft)	Turn Lane Development Length, L1 (ft)	Amount of Widening and Associated Taper (L2) (Symmetrical)					Amount of Widening and Associated Taper (L2) (Non-Symmetrical)				
			11 ft	12 ft	14 ft	16 ft	18 ft	11 ft	12 ft	14 ft	16 ft	18 ft
30	300	120	*	*	*	*	*	*	*	210	240	270
35	480	152	*	*	*	*	*	225	245	286	327	368
40	480	152	*	*	*	213	240	293	320	373	427	480
45	670	179	248	270	315	360	405	495	540	630	720	810
50	670	179	275	300	350	400	450	550	600	700	800	900
55	840	201	303	330	385	440	495	605	660	770	880	990

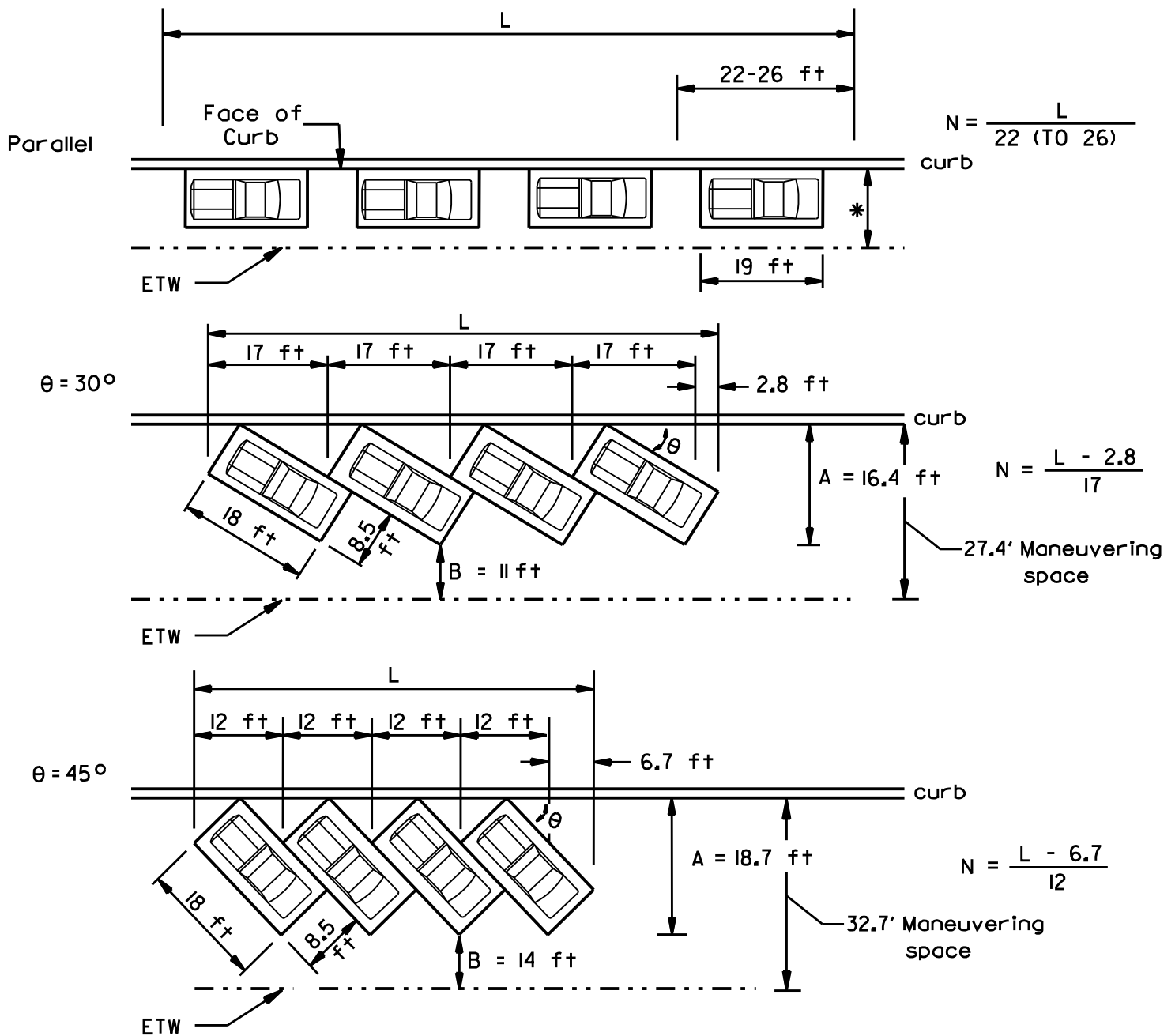
\*200 ft. minimum taper length

Right-Turn Lane and Associated Taper Length

Posted Speed Limit	Minimum Taper Length L2 (ft)	Turn Lane Length (ft)
≤ 40 MPH	150	150
45 MPH	180	200
50 MPH	180	200
≥ 55 MPH	200	250

FIGURE A-10





$L$  = given curb length with parking spaces, ft  
 $N$  = number of parking spaces over distance  $L$   
 $A$  = required distance between face of curb and back of stall assuming that bumper of parked car does not extend beyond curb face, ft  
 $B$  = minimum clear distance needed for a parked vehicle to back out of stall while clearing adjacent parked vehicle, ft  
 ETW = Edge of Traveled Way

• See SCHDM Figures 21.3A and 21.3C for parking lane widths

## ON-STREET PARKING CONFIGURATIONS

FIGURE A-11

## Appendix B

### *SCDOT Personnel Contact Information*

#### HEADQUARTERS:

South Carolina Department of Transportation  
955 Park Street  
Post Office Box 191  
Columbia, South Carolina 29202-0191

The following officials are located in the headquarters building:

Deputy Director for Construction, Engineering, and Planning.....	(803) 737-7900
Director of Traffic Engineering .....	(803) 737-1462
Director of Maintenance .....	(803) 737-1290
Director of Construction .....	(803) 737-1308
Director of Preconstruction.....	(803) 737-1350
Utilities Engineer .....	(803) 737-1293

#### DISTRICT ENGINEERING ADMINISTRATORS AND OTHER DISTRICT PERSONNEL:

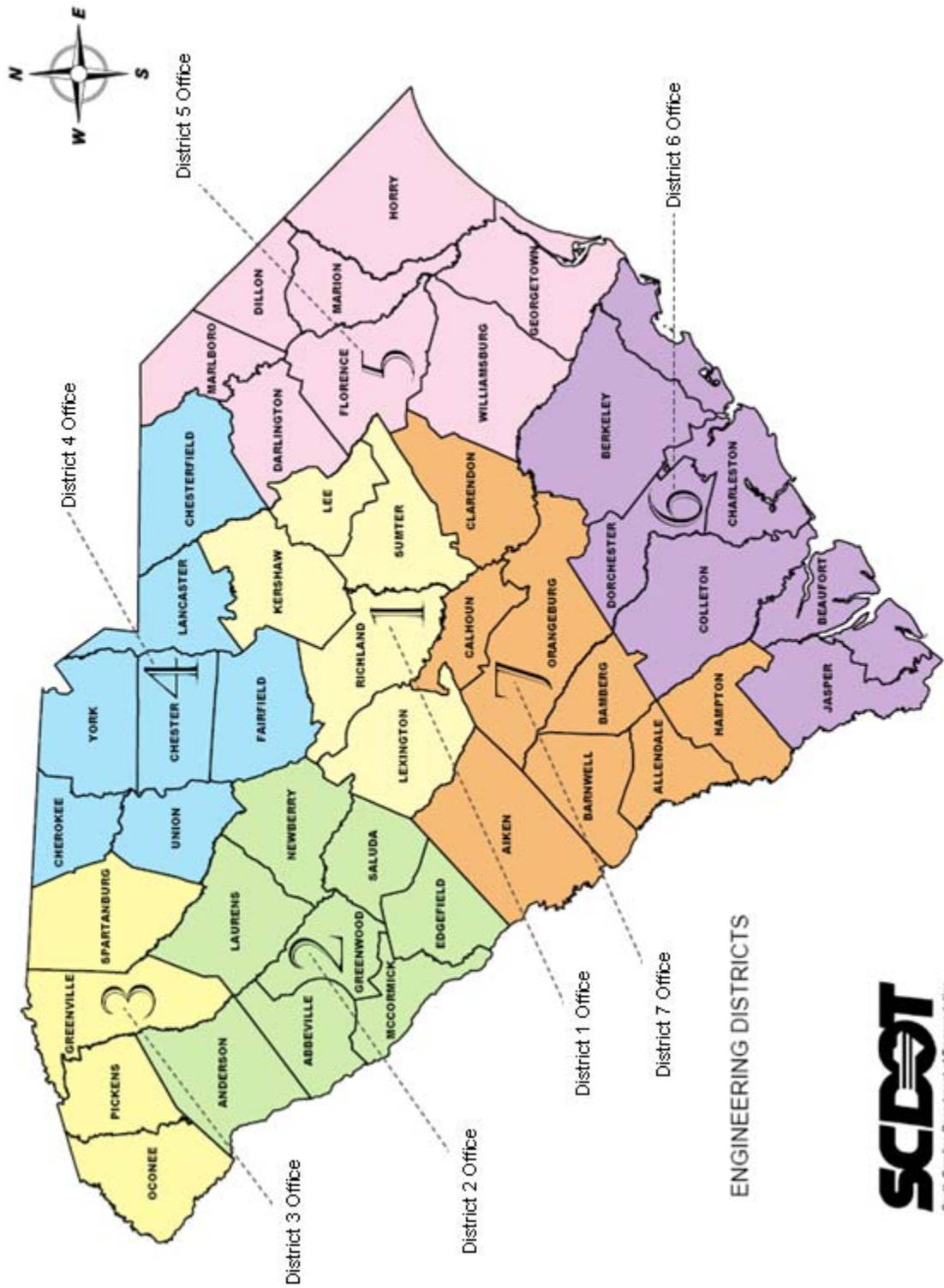
District One	1400 Shop Road Columbia, SC 29201	(803) 737-6660
District Two	510 W. Alexander Avenue Greenwood, SC 29646	(864) 227-6971
District Three	252 South Pleasantburg Drive Greenville, SC 29607	(864) 241-1010
District Four	J. A. Cochran Bypass Post Office Box 130 Chester, SC 29706	(803) 377-4155
District Five	Post Office Box 1911 Florence, SC 29501	(843) 661-4710
District Six	6355 Fain Blvd. North Charleston, SC 29406-4989	(843) 740-1665
District Seven	US Route 178 East Bowman Road Drawer 1086 Orangeburg, SC 29116-1086	(803) 531-6850

## RESIDENT MAINTENANCE ENGINEERS:

County	Street Address	City, State, Zip	Telephone
01 Abbeville	127 McGowan Avenue	Abbeville, SC 29620	(864) 459-4206
02 Aiken	P. O. Box 2010	Aiken, SC 29801	(803) 641-7665
03 Allendale	P. O. Box 296	Allendale, SC 29810	(803) 584-3465
04 Anderson	4740 Liberty Highway	Anderson, SC 29621	(864) 260-2215
05 Bamberg	P. O. Box 545	Bamberg, SC 29003	(803) 245-5181
06 Barnwell	P. O. Box 366	Barnwell, SC 29812	(803) 259-1141
07 Beaufort	13 Munch Drive	Beaufort, SC 29902	(843) 524-7255
08 Berkeley	P. O. Box 698	Moncks Corner, SC 29461	(843) 761-8481
09 Calhoun	P. O. Box 406	St. Matthews, SC 29135	(803) 874-3231
10 Charleston	6355-C Fain Blvd.	N. Charleston, SC 29406	(843) 740-1655
11 Cherokee	P. O. Box 237	Gaffney, SC 29342	(864) 489-5622
12 Chester	P. O. Box 386	Chester, SC 29706	(803) 377-8101
13 Chesterfield	P. O. Box 649	Chesterfield, SC 29706	(843) 623-2543
14 Clarendon	P. O. Box 26	Manning, SC 29102	(803) 435-4431
15 Colleton	P. O. Box 169	Walterboro, SC 29488	(843) 538-8031
16 Darlington	P. O. Drawer 495	Darlington, SC 29532	(843) 393-6171
17 Dillon	P. O. Box 1009	Dillon, SC 29536	(843) 774-7376
18 Dorchester	P. O. Box 96	St. George, SC 29477	(843) 563-3451
19 Edgefield	P. O. Box 490	Edgefield, SC 29824	(803) 637-6511
20 Fairfield	P. O. Box 261	Winnsboro, SC 29180	(803) 635-4222
21 Florence	P. O. Box 1911	Florence, SC 29501	(843) 661-4715
22 Georgetown	P. O. Box 593	Georgetown, SC 29442	(843) 546-2405
23 Greenville	13 Saluda Dam Road	Greenville, SC 29611	(864) 241-1224
24 Greenwood	510 W. Alexander Ave.	Greenwood, SC 29646	(864) 227-6701
25 Hampton	P. O. Box 278	Hampton, SC 29924	(803) 943-3721
26 Horry	P. O. Box 1663	Conway, SC 29526	(843) 365-2130
27 Jasper	P. O. Box 490	Ridgeland, SC 29936	(843) 726-3431
28 Kershaw	P. O. Box 509	Camden, SC 29020	(803) 432-4358
29 Lancaster	P. O. Box 929	Lancaster, SC 29721	(803) 283-3397
30 Laurens	P. O. Box 750	Laurens, SC 29360	(864) 984-7632
31 Lee	P. O. Box 191	Bishopville, SC 29010	(803) 484-6236
32 Lexington	P. O. Box 70	Lexington, SC 29071	(803) 359-4103
33 Marion	P. O. Box 986	Marion, SC 29571	(843) 431-1130
34 Marlboro	P. O. Box 276	Bennettsville, SC 29512	(843) 479-4161
35 McCormick	Route 2, Box 83T, Road 53	McCormick, SC 29835	(864) 465-2216
36 Newberry	P. O. Drawer 39	Newberry, SC 29108	(803) 276-0554
37 Oconee	P. O. Box 38	Richland, SC 29675	(864) 647-0798
38 Orangeburg	P. O. Box 508	Orangeburg, SC	(803) 531-6870
39 Pickens	P. O. Box 877	Pickens, SC 29671	(864) 859-0039
40 Richland	7201 Fairfield Rd	Columbia, SC 29203	(803) 786-0128
41 Saluda	P. O. Box 715	Saluda, SC 29138	(864) 445-2586
42 Spartanburg	P. O. Box 5706	Spartanburg, SC 29304	(864) 587-4725
43 Sumter	P. O. Box 417	Sumter, SC 29150	(803) 778-5466
44 Union	P. O. Box 458	Union, SC 29379	(864) 427-3575
45 Williamsburg	PO Box 180	Kingstree, SC 29556	(843) 354-7491
46 York	P. O. Box 2932 CRS	Rock Hill, SC 29731	(803) 327-6186

**DISTRICT TRAFFIC SIGNAL SUPERVISORS:**

District 1	(803) 737-6974
District 2	(864) 227-8651
District 3	(864) 241-1117
District 4	(803) 581-8551
District 5	(843) 365-8251
District 6	(843) 740-1668
District 7	(803) 531-6870
Headquarters	(803) 737-1050



ENGINEERING DISTRICTS



## Appendix C

### *Directions for Completion of Permit Application*

**Note:** Reference the following eight guidelines to the sample permit applications on pages B-2 through B-3. See pages B-4 and B-5 for a checklist and sample sketches.

- 1) A permit number will be assigned by the Department.
- 2) Fill in name and address of applicant (owner or his or her agent). Provide telephone number(s) at which the contact person may be reached 24 hours a day, 7 days a week. Give name of contact person if different from applicant
- 3) Provide name of county, road or route number, and road name if known.
- 4) Provide a detailed description of the type of encroachment (driveway, landscape, subdivision street, etc.).
- 5) Provide description of location. For example, "2.1 miles north of intersection of road S-04-22" or "300 feet west of road S-04-66." This information shall also be included on the drawing as instructed in the permit application checklist.
- 6) Provide applicant's name, signature, and date of application.
- 7) The Department will provide the date by which the work is to be completed.
- 8) The Department will add any special provisions to the permit. For example, "applicant shall erect Department approved stop signs" or "work shall only be done between hours of 9 A.M. and 4 P.M. on weekdays."

Application for Encroachment Permit

S.C. Department of Transportation  
Form 637 (Rev 11/2003)

Permit Nbr: 1

Applicant: _____ Street: _____ City: _____ State & Zip: <u>2</u> _____ Phone: _____	County: _____ Enter <u>Road/Route</u> And then the corresponding <u>Road Name</u> below: 1. _____ 1. _____ 2. _____ 2. _____ 3. _____ 3. <u>3</u> _____ 4. _____ 4. _____ 5. _____ 5. _____
---	---

1. The undersigned applicant hereby applies to the South Carolina Department of Transportation (SCDOT) for a permit for encroachment on State Highway Right of Way as shown and described below:

2. Type of Encroachment: 4  
 \_\_\_\_\_  
 \_\_\_\_\_

3. Description of Location:  
 \_\_\_\_\_  
 \_\_\_\_\_  
5  
 \_\_\_\_\_  
 \_\_\_\_\_

(Attach sketch indicating roadway features such as: pavement width, shoulder width, sidewalk and curb and gutter location, significant drainage structure, north arrow, right of way width, and location of the proposed encroachment with respect to the roadway centerline and the nearest intersecting road on the State system.)

4. The undersigned applicant hereby requests the SCDOT to permit encroachment on the SCDOT right of way as described herein. It is expressly understood that the encroachment, if and when constructed, shall be installed in accordance with the sketch attached hereto and made a part hereof.

**The applicant agrees to comply with and be bound by the SCDOT's "A Policy for Accommodating Utilities on Highways Rights of way", "Standard Specifications for Highway Construction", the "General Provisions" and "Special Provisions", attached hereto or made a part hereof by reference, during the installation, operation and maintenance of said encroachment within the SCDOT's Right of Way.**

The applicant hereby further agrees, and binds his/her/its heirs, personal representatives, successors, assigns, to assume any and all liability for accidents or injuries to persons, or damage to property, including the highway, that may be caused by the construction, maintenance, use, moving or removing of the physical appurtenances contemplated herein, and the applicant agrees to indemnify and hold SCDOT harmless from and against any and all claims for personal injury and/or property damage which may be sustained by any person by reason of the construction, maintenance or existence of said encroachment on the SCDOT's right of way.

Applicant's Name: 6 \_\_\_\_\_ Date: \_\_\_\_\_  
 (Please print or type)

Applicant's Sig: \_\_\_\_\_ Title: \_\_\_\_\_

In accordance with your request and subject to all the provisions, terms, conditions and restrictions stated in the application and the general and special provisions attached hereto, the SCDOT hereby approves your application for an encroachment permit. This permit shall become null and void unless the work contemplated herein shall have been

completed prior to: \_\_\_\_\_ 7,8

_____ (Date received by Res. Maint. Engr.)	_____ (SCDOT Approval) <input type="checkbox"/> Resident Maintenance Engineer <input type="checkbox"/> District Engineering Administrator	_____ (Date) <input type="checkbox"/> State Highway Engineer <input type="checkbox"/> District Maint./Constr. Engineer
---	--	---

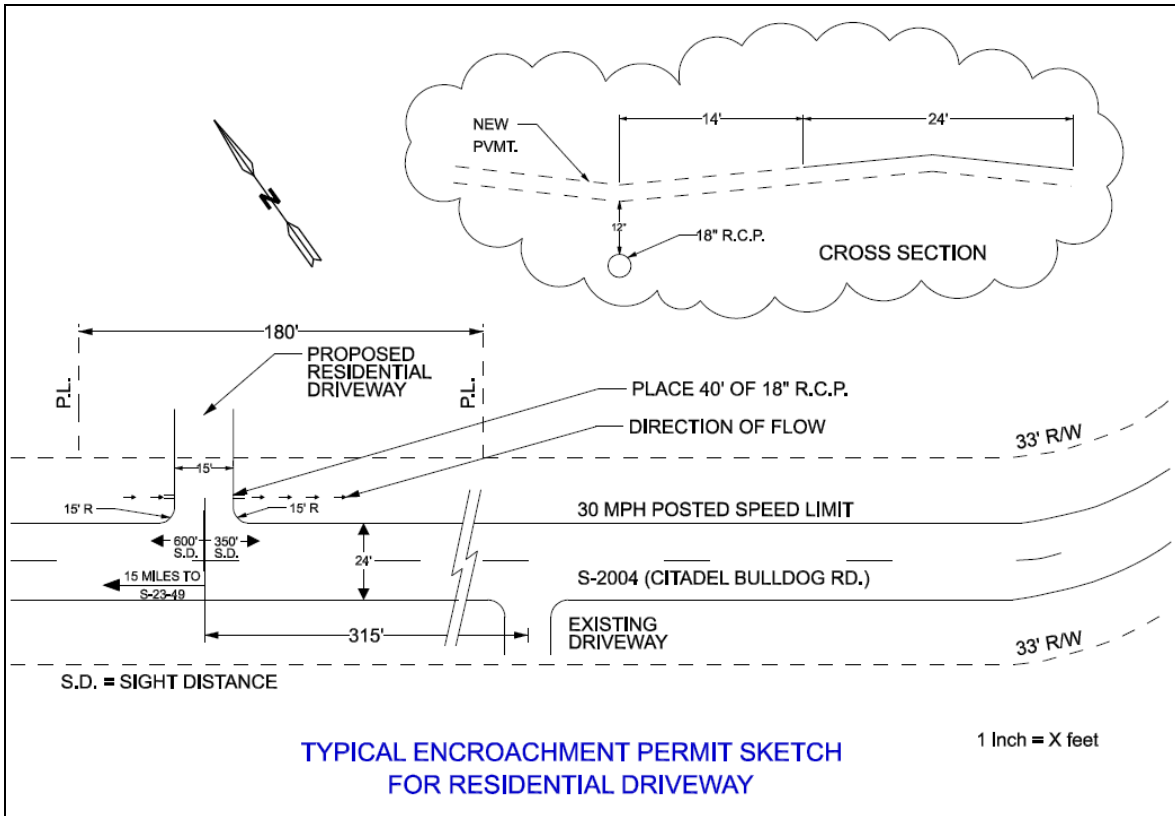
Available online at [http://www.scdot.org/doing/encroachment\\_permit.shtml](http://www.scdot.org/doing/encroachment_permit.shtml)

**Encroachment Permit Application Checklist**

- I. Permit Form: The appropriate completed quadruplicate form is required.
- II. Drawing: At least four copies of a drawing are to be included, giving details of the proposed work and existing conditions and including but not limited to the following:
  - 1) Roadway on which the encroachment is located.
  - 2) Direction and distance to the nearest intersecting State and county roadways, if applicable.
  - 3) North arrow.
  - 4) Drawing to be to scale. For example, 1" = 20' (1:250), 1" = 50' (1:600), etc.
  - 5) Existing and proposed roadway geometry including pavement widths, curves, driveways, etc.
  - 6) Existing and proposed pavement design, if applicable.
  - 7) Existing and proposed drainage features with flow direction.
  - 8) Existing right-of-way and associated property lines.
  - 9) Existing sight distance, if applicable.
  - 10) Existing and proposed structures.
  - 11) Proposed utility work.
  - 12) Traffic Control Plan, if applicable.
  - 13) Erosion control.
- III. Proof of Bonding: Evidence of any required bond must accompany the permit application.
- IV. Stormwater Management and Sediment Control Plan: All applications for encroachment permits that involve bringing stormwater runoff or sediment to the highway for a developed area of 2 acres or more must include a copy of a Stormwater Management and Sediment Control Plan approved by DHEC, the local government, or the conservation district responsible for approving such plans pursuant to The Stormwater Management and Sediment Reduction Act. See S. C. Code Ann. Section 48-14-10, et seq. (Supp. 1995). The plan should include drainage design computations. If the area is less than 2 acres, the application must include a drainage plan with supporting design computations limiting the post construction 10-year peak discharge to the pre-developed 10-year peak.
- V. Bridges, culverts, retaining walls or other significant structures: All applications for encroachment permit that involve these type of structures must include five signed and sealed copies of the Geotechnical Report, Hydrology Report, Construction Plans and Documents, and Structural Design Calculations as outlined in Chapter 13.



Note: Drawing should be submitted on 8½" x 11" or 11" x 17" size paper. A 36" x 22" site plan showing the relationship of the driveways to the circulation plan and the site development may be required. When readily available, a 36" x 22" site plan should be submitted initially to facilitate review of the application. An example sketch has been provided below.



# SCDOT ACCESS WAIVER

This form is a request for approval of waiver from the access guidelines found in SCDOT's *Access and Roadside Management Standards*. This form shall be accompanied by an Encroachment Permit Application.

Submitted By: \_\_\_\_\_ Date: \_\_/\_\_/\_\_

To: \_\_\_\_\_  
Resident Maintenance Engineer

## **PROJECT CHARACTERISTICS**

County: \_\_\_\_\_ City: \_\_\_\_\_

Road/Route: \_\_\_\_\_ Description of Location: \_\_\_\_\_

Work Type: \_\_\_\_\_

Type of Terrain: (Level / Rolling / Mountainous)

Posted Speed Limit of Road: \_\_\_\_\_ (mph)

Average Daily Traffic of Road: \_\_\_\_\_

Driveway Classification:

- |                                     |  |                                      |                                       |
|-------------------------------------|--|--------------------------------------|---------------------------------------|
| <input type="checkbox"/> Low Volume | <input type="checkbox"/> Medium Volume | <input type="checkbox"/> High Volume | <input type="checkbox"/> Major Volume |
| 1-20 trips/day                      | 21-600 trips/day                       | 601-4,000 trips/day                  | >4,000 trips/day                      |
| 1-5 trips/hour                      | 6-60 trips/hour                        | 61-400 trips/hour                    | >400 trips/hour                       |

Site Land Use: \_\_\_\_\_

## **CHECK APPROPRIATE BOX(ES) FOR ACCESS WAIVER(S)**

- |  |  |
|--|--|
| <input type="checkbox"/> Sight Distance    | <input type="checkbox"/> Driveway Grade          |
| <input type="checkbox"/> Driveway Spacing  | <input type="checkbox"/> Driveway Width / Radius |
| <input type="checkbox"/> Corner Clearance  | <input type="checkbox"/> Driveway Throat Length  |
| <input type="checkbox"/> Driveway Location | <input type="checkbox"/> _____                   |

## **DESCRIBE ELEMENT(S) FOR ACCESS WAIVER(S)**

(Attach additional sheets as needed) \_\_\_\_\_

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## Appendix D

### Engineering Directives

All SCDOT Engineering Directives are available on the SCDOT internet website at the following web address:

<http://www.scdot.org/doing/edm.asp>

The screenshot shows the SCDOT website interface. At the top, there is a navigation bar with links for Home, DOT Resources, Disclaimer, Contact Us, Site Map, and Search. Below this is a secondary navigation bar with links for Inside SCDOT, Getting Around in SC, Doing Business with SCDOT, Public Forum, and Community Service. The main content area is titled 'State Highway Engineer Engineering Directive Memorandums'. It includes a description of the role, contact information for the State Highway Engineer's office, and a table of engineering directive memorandums. A sidebar on the left contains various links categorized by topic, such as Construction Letting, Permits, Contractor/Consultant, Construction, Materials and Research, Road Design, and Bridge Design.

**State Highway Engineer**

**Engineering Directive Memorandums**

The SCDOT state highway engineer sets engineering policy and direction, which requires compliance by the appropriate engineering divisions and all other providers of service to the Engineering Division, such as consultants and contractors. The state highway engineer issues engineering directive memorandums containing the procedures for carrying out engineering policy. Engineering directive memorandums are reviewed annually.

If you have questions about engineering directive memorandums, please call the State Highway Engineer's office at (803)737-7900 or fill out the [EDM help form](#).

A [index of the engineering directive memorandums](#) as well as all engineering directive memorandums are provided in [Adobe Reader Format](#).

Select a engineering directive memorandum category from the list below. Then select the view button. Your changes will appear in the table below.

All Directives

EDM	Effective Date	Revision Date	Title
1	11/21/2003	None	<a href="#">Development of Department of Transportation Engineering Directives</a>
2	11/21/2003	None	<a href="#">Fiscal and Maintenance Responsibilities for Traffic Signal Installations on the State Highway System</a>

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## Appendix E

### *Frequently Asked Questions for Landscaping Irrigation and Maintenance*

As SCDOT moves forward to enhance SC highways, we have considered the need for irrigation and long-term maintenance. In this regard, our State Highway Engineer is requiring that all landscaping projects on the Department's R/W with extensive landscaping have provisions for maintenance including irrigation systems. We encourage the use of irrigation systems that will reduce hand watering of landscaping on our R/W. Applicants for encroachment permits should refer to the requirements in Section 4E-2 in the Access & Roadside Standards handbook.

1. What determines an extensive landscape project, the size of the project or the dollars spent on the project? *Both--SCDOT determines this on a case-by-case basis. **When it is practical and cost effective to install an irrigation system, the system should be incorporated into your project. The cost of the irrigation system can be included in the itemized list of the Project Cost. If the cost of the irrigation system exceeds the cost of the total landscaping, then it may be more cost effective to hand water the landscaping.***

#### ***Irrigation Recommendations for Sample Enhancement Projects***

- A. My streetscape enhancement project (on DOT R/W) includes some street tree planting, but a majority of the cost of the project involves new sidewalks, light poles and other street furniture. Do I need to include a sprinkler irrigation system? *A sprinkler irrigation system (or a drip system) is recommended. If the landscaping is not spread out over several blocks, the irrigation system would probably be cost-effective during the sidewalk construction. If an irrigation system is not included, then you will need to stipulate some type alternative watering of the landscaping. These alternatives include watering by city crews on a regular basis or using "gatorbags" to assist in long-term watering operations.*
  - B. My bikeway/landscaping or recreational path/landscaping enhancement project involves street tree planting, but it is spread over a length of several miles. Do I need to include a sprinkler irrigation system? *A sprinkler irrigation system (or a drip system) probably would not be cost effective over that distance. If an irrigation system is not included, then you will need to stipulate some type alternative watering of the landscaping. These alternatives include watering by city crews on a regular basis or using "gatorbags" to assist in long-term watering operations.*
  - C. My railroad depot restoration project contains a substantial amount of landscaping on the grounds. Do I need to include a sprinkler irrigation system? *Yes. A location such as this would already have a water hook up and there would be no need for a well to supply water.*
2. My enhancement project is not on SCDOT right-of-way. Am I still required to include arrangements for irrigation for extensive landscaping in my project? *Yes, in order for us to ensure that the landscaping will be watered.*
  3. What will the SCDOT require if the area is in a location where there is no water hook up/connection? *In this type of situation, a well can be dug, and the cost can be included in the itemized list of the Project Cost. For example, Adopt-An-Interchange projects often involve extensive landscaping in a concentrated area, and therefore sprinkler irrigation systems are strongly recommended.*

- Will the SCDOT allow us to include the cost of water and the long-term cost of the maintenance of the sprinkler irrigation system in the expenses in our cost estimate? No, the SCDOT can only provide funds for initial installation costs. Any type of long-term maintenance, including landscape maintenance, should not be included in the itemized list of the Project Cost.

Additional guidance on landscaping can be found on the SCDOT website at <http://www.scdot.org/community/Landscapeguidelines.shtml>

**SCDOT** Home | DOT Resources | Disclaimer | Contact Us | Site Map | Search  Go!

Inside SCDOT | Getting Around in SC | Doing Business with SCDOT | Public Forum | Community Service

Community Service Quicklinks  Go!

**Motorist Assistance**  
[SCDOT Incident Response](#)

**Youth Outreach**  
[Youth Corps Program](#)  
[Summer Trans. Inst. Program](#)  
[Tech. & Trans. Futures Prog.](#)  
[Coop. Education Program](#)  
[Safe Routes to School](#)

**Adopt-A-Highway**  
[Getting Started](#)  
[Group Leader Guidelines](#)  
[County Coordinators](#)  
[One Time Pick-Up Program](#)

**Transportation Enhancement Program**  
[General Information](#)  
[Application & Instructions](#)  
[Metropolitan Area](#)  
[Rural Area Projects](#)  
[Adopt an Interchange](#)

**Touring Routes**  
[Heritage Corridor](#)  
[Scenic Byways](#)  
[Bicycle and Pedestrian Routes](#)

**Roadside Beautification**  
[Wildflower Program](#)  
[Anticipated Blooming](#)  
[Wildflower Directory](#)  
[Wildflower Photo Gallery](#)  
[Keep It Beautiful Tag](#)  
[Landscaping Guidelines](#)

**Highway Beautification Landscaping Guidelines**

The South Carolina Department of Transportation cooperates with organizations desiring to undertake projects to beautify sections of highway rights-of-way. The guidelines contained in the Access and Roadside Access Manual establish a framework for preparing design work for such projects. For more information about these guidelines download our [Access and Roadside Management Manual \(54Kb\)](#).

**Related Topics**

[Access and Roadside Management Manual \(roadsidemanual.pdf 54Kb\)](#)

[Adopt-an-Interchange](#)

[Suggestions for Street Trees/Sidewalk Plantings \(street\\_tree\\_selection\\_guide.pdf 266Kb\)](#)

[Roadside Plants to Avoid \(plants\\_to\\_avoid.pdf 18Kb\)](#)

[South Carolina Forestry Commission "Tree Care and Urban Forestry"](#)

You will need [Adobe Reader](#) to view the pdf files above.

## Appendix F

Land Use	50 Peak Hour Directional Trips*
Single Family Home	45 units
Apartments	75 units
Condominiums/Townhouses	95 units
Mobile Home Park	85 units
Shopping Center – Gross Leasable Area (GLA)	3,000 sq. ft.
Fast Food Restaurant With drive-in – Gross Floor Area (GFA)	1,500 sq. ft.
Gas Station with Convenience Store	4 fueling positions
Banks w/drive-in (GFA)	1,000 sq. ft.
General Office	33,500 sq. ft.
Medical/Dental Office	14,500 sq. ft.
Research & Development	35,500 sq. ft.
Light Industrial / Warehousing (GFA)	92,500 sq. ft.
Manufacturing Plant (GFA)	72,000 sq. ft.

\*Rates/Equations used to calculate above thresholds are found in the 7<sup>th</sup> Edition of the *ITE Trip Generation Manual* for the P.M. Peak hour of the adjacent street.



***Recommended Motion***

***(DSO Repeal and Replace)***

***“I make the motion to recommend:  
Approval of the Text Amendment to the  
Town of Yemassee Development Standards  
Ordinance, to repeal the existing Ordinance as  
a standalone manual and to incorporate the  
DSO and changes into the Code of Ordinances  
of the Town of Yemassee, South Carolina”.***

*Mayor*

*Peggy Bing-O'Banner*

*Mayor Pro Tempore*

*Matthew Garnes*

*Town Administrator*



*Council Members*

*Alfred Washington*

*Stacy Pinckney*

*David Paul Murray*

## Committee / Commission Agenda Item

**Subject:** Consideration of Adoption of Planning Commission Rules of Procedure

**Submitted by:** Matthew Garnes, Town Administrator

### Attachments:

	Ordinance		Resolution		Other
√	Support Documents	√	Motion		

---

**Summary:** Staff have completed drafting the Planning Commission Rules of Procedure. The commission shall review and adopt Rules of Procedure and forward the adopted Rules of Procedure to the Town Council for adoption by Resolution.

**Recommended Action:** If no corrections or modifications, request approval.

---

### Council Action:

- Approved as Recommended
- Approved with Modifications
- Disapproved
- Tabled to Time Certain
- Other

**Town of Yemassee**  
**Planning Commission**  
**Rules of Procedure**

**Section 1. Establishment**

The Town of Yemassee Planning Commission is established under the provisions in the Code of Ordinances for the Town of Yemassee, South Carolina.

**Section 2. Rules**

The Commission is adopting these Rules of Procedure by Resolution in accordance with the South Carolina Local Government Comprehensive Planning Act of 1994. S.C. Code Ann. § 6-29-790.

**Section 3. Membership**

- A. Appointment: The Board shall consist of five (5) members appointed by the Town Council in accordance with the Code of Ordinances for the Town of Yemassee, South Carolina. A vacancy in membership must be filled for the unexpired term by Town Council appointment. Commission members shall serve without compensation. No member of the Commission shall hold any other public office or elected position in the Town, other municipalities within Beaufort or Hampton County, or Beaufort or Hampton County.
- B. Officers: The Chair and Vice-Chair shall be elected annually by a majority vote of the members present and qualified to vote and shall perform the following duties:
  - a. The Chair shall be a voting member of the Commission and shall:
    - i. Call meetings of the Commission to order.
    - ii. Call Special Meetings of the Commission.
    - iii. Preside over meetings and hearings.
    - iv. Sign documents for the Commission
    - v. Have orders of the Commission served on parties.
    - vi. Perform other duties approved by the Commission.
  - b. The Vice-Chair shall preside over the meeting or hearing and perform the required duties set forth in Section 3.B.(a) of these Rules and Procedures in the absence of the Chair. In the absence of the Chair and Vice-Chair, an acting Chair shall be elected by a majority of the members present and qualified to vote.

- C. Secretary: The Town Administrator or their designee, shall serve as the Secretary and Staff Liaison to the Committee and shall perform the following duties:
1. Provide notice of the Meetings and Public Hearings
  2. Assist the Chair in preparation of the agenda.
  3. Keep minutes of the meetings and hearings
  4. Maintain Commission records as public records.
  5. Attend to Commission correspondence.
  6. Serve orders of the Commission on parties
  7. Perform other duties normally carried out by a Secretary.

#### **Section 4. Education and Training**

- A. State Boards and Commission Member Training: Members of Boards, Commissions, Committees, and Staff liaisons are required to attend mandatory training pursuant to Article 9 of the South Carolina Local Government Comprehensive Planning Act of 1994. Failure to complete the mandatory training by the required date may result in removal.

#### **Section 5. Voting / Quorum**

- A. Quorum: A majority of the members present shall constitute a quorum. A quorum shall be present before and business is conducted other than rescheduling the meeting.
- B. Voting: A member must be present at the meeting or attending by telephone or virtual conference to vote. The Commission may deliberate and make final disposition of a matter by a majority vote of members present and qualified to vote. Deliberating and voting shall be done in public.

#### **Section 6. Ethics**

- A. Ethics Reform Act: The Commission shall adhere to the South Carolina Ethics Reform Act (S.C. Code of Laws, Title 8, Chapter 13).
- B. Disqualification: The question of disqualification shall be decided by the member affected, who shall announce the reason for the disqualification,

- provide the Secretary with an executed recusal form, have it placed in the minutes, and refrain from deliberating or voting on the question in any way.
- C. Ex Parte Contact: Any ex parte contacts with applicants, opponents, or other parties of interest in a matter to come before the Commission shall be reported at the earliest opportunity to the Chair. It shall be considered the duty of the Commission members to conduct themselves in a manner that will discourage such contact.
  - D. Expressions of Bias: Commission members shall avoid all situations and circumstances that may lead to bias or prejudice in manners presented to the Commission.

## **Section 7. Meetings**

- A. Roberts Rules of Order: The current edition of Roberts Rules of Order shall govern the conduct of meetings except as otherwise provided by these Rules of Procedure.
- B. Meeting Schedule: Meetings of the Commission must be scheduled at least once (1) per month. Each December, the Commission shall adopt their annual meeting schedule and forward it to the Town Council for adoption by Resolution. Meetings shall be held at the Yemassee Municipal Complex, Council Chambers, 101 Town Cir, Yemassee, SC 29945-3363 at 3:00PM, unless otherwise noticed. All meetings are open to the public. Meetings may be cancelled by the Town Administrator if there is no business before the Commission.
- C. Agendas: The Secretary shall notify the Chair of items for inclusion on the agenda. Agendas shall be published no later than twenty-four (24) hours prior to the meeting date and time. Special Meetings may be held at the call of the Chair or a majority of the Commission upon twenty-four (24) hours by notice delivered to the local news media, interested citizens and posting at the Town Hall.
- D. Agenda Amendment: Items may be added to the agenda at a meeting by a majority vote of members present and qualified to vote.
- E. Public Comment: Members of the public desiring to appear before the Commission must complete the prescribed form and provide it to the Secretary no later than five (5) minutes prior to the meeting's start time. Public Comment is limited to two (2) minutes and individuals making comments should address the attending commission, public and Staff with respect.

- F. Workshops: The Commission may periodically hold workshops to discuss issues and general policies to determine the necessity for future action. No formal action shall be taken at the workshop.
- G. Minutes: The Secretary shall maintain the minutes of the meeting, present draft minutes for approval, and upon approval, post the minutes of the meeting to the Town website.

**Section 8. Public Hearing**

- A. Public Hearing Notice: Public Notice of Public Hearings shall be posted in a newspaper of general circulation at least fifteen (15) days prior to the Public Hearing date, on the town website and town sign board. In the case of an Annexation, the property shall be posted. In the case of a Zoning Map Amendment, the property shall be posted and certified mail notice to adjacent property owners notifying them of the meeting date and time shall be mailed.

**Section 9. Appeals of Commission Decisions**

Appeals of Commission Decisions shall be in accordance with the provisions set forth in the South Carolina Local Government Comprehensive Planning Act of 1994.

**Section 10. Amendment and Adoption**

Once initially adopted by the Commission and approved by Resolution by the Town Council, these rules may be amended at any regular meeting of the Commission by a majority vote of members present and qualified to vote at least seven (7) days after the written amendment is delivered to members.

These rules were adopted by vote of a majority of members present and qualified to vote at a regular public meeting on \_\_\_\_\_, 2023.

Attest: \_\_\_\_\_

Secretary

Chair

***Recommended Motion***

***(Rules of Procedure)***

***“I make the motion to:***

- Adopt***
- Adopt with Additions / Corrections***

***The Planning Commission Rules of Procedure and to forward to the Town Council”.***

*Mayor*

Peggy Bing-O'Banner

*Mayor Pro Tempore*

Matthew Garnes

*Town Administrator*



***Council Members***

Alfred Washington

Stacy Pinckney

David Paul Murray

## Committee / Commission Agenda Item

**Subject:** A request by Charlotte Reeves of Riveted, LLC. for approval of a Zoning Map Amendment for approximately 3.00 acres of land located at 105 Le Creuset Rd from its current zoning of Office Commercial District (OCD) to Regional Commercial District (RCD). (ZONE-06-23-1052)

**Submitted by:** Matthew Garnes, Town Administrator

### Attachments:

	Ordinance		Resolution		Other
√	Support Documents	√	Motion		

---

**Summary:** Staff have received a Zoning Map Amendment application requesting rezoning of one parcel of land totaling 3.0 acres located at 105 Le Creuset Road and further identified by Beaufort County TMS: R700 012 000 0037 0000 from the current zoning designation of Office Commercial District (OCD) to Regional Commercial District (RCD).

**Recommended Action:** Staff request Planning Commission advance application and schedule a Public Hearing.

---

### Council Action:

- Approved as Recommended
- Approved with Modifications
- Disapproved
- Tabled to Time Certain
- Other



Colin J Moore

*Mayor*

Peggy Bing-O'Banner

*Mayor Pro Tempore*

Matthew Garnes

*Town Administrator*



*Council Members*

Alfred Washington

Stacy Pinckney

David Paul Murray

**Town of Yemassee Administration Department  
Rezoning Analysis (ZONE-05-23-1052)  
105 Le Creuset Rd / R710 001 000 0037 0000 (Beaufort County)  
Meeting Date: June 6, 2023**

**Applicant:** Charlotte Reeves

**Owner:** Rivetted, LLC.

**Address(es):** 105 Le Creuset Rd

**Tax Map Number(s):** R710 001 000 0037 0000

**County:** Beaufort

**Site Description:** The parcel is three acres of wooded upland with a single building on the property.

**Present Zoning and Existing Conditions:**

Currently, the parcel is zoned Office Commercial District pursuant to the Town of Yemassee Zoning Ordinance

**Proposed Zoning:**

The applicant is seeking a zoning map amendment to change to Regional Commercial District (RCD).

**Land Use Compatibility:** The eastern border of the property is adjacent to Le Creuset Road, a north/south connector that traverses between River Road and Old Sheldon Church Road. On the opposite side of the street is a hunting area for Brewton Plantation. To the north, is a telecommunications tower owned by Global Signal. On the west, is the former River Road PUD, which is now under a private conservation easement.

**Environmental Issues:** There are wetland surrounding the property with most of them being protected properties. Staff are comfortable with the Regional

Commercial District (RCD) as the applicant is seeking to eventually develop a boutique campground with mainly pervious surfaces.

**Public Service Issues:** Lowcountry Regional Water System (LRWS) is the franchised provider within the Town of Yemassee. Currently, this parcel is not served by LRWS with the nearest line roughly 700ft west of the property through River Road PUD. The applicant would be required to design and construct infrastructure necessary to develop the property into a campground at her cost to alleviate the placement of septic tanks in the ground in such a sensitive area.

**Staff Review:** Overall, Staff support the proposed rezoning to RCD which would allow the applicant to develop a campground. The location is ideal for low intensity use with the property being flanked by large specimen trees. The parcel is surrounded by largely protected properties with no residences nearby.

**Staff Recommendation:** Staff request Planning Commission recommend accepting the application and to schedule a Public Hearing for the July 2023 Planning Commission Meeting. Public notice will be made in the newspaper, the property will be posted, and mailers sent to adjacent property owners.



**TOWN OF YEMASSEE  
ZONING MAP/TEXT AMENDMENT APPLICATION**

Town of Yemassee  
JUN - 1 2023  
Received

Town of Yemassee  
Attn: Administration Department  
101 Town Circle  
Yemassee, SC 29945-3363  
(843)589-2565 Ext. 3  
www.townofyemassee.org

Applicant		Property Owner	
Name: CHARLOTTE REEVES	Name: SAME	Name: SAME	Name: SAME
Phone: 843-343-7779	Phone:	Phone:	Phone:
Mailing Address: 1166 HAYES BLUFF RD. WADMALAW ISLAND, SC 29407	Mailing Address:	Mailing Address:	Mailing Address:
E-mail: CHARLOTTE@CR2DESIGN	E-mail:	E-mail:	E-mail:
Town Business License # (if applicable): .NET			
Project Information			
Project Name: LE CREUSET RV PARK	Acreage: 3	Comprehensive Plan Amendment <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Project Location: 105 LE CREUSET RD.	Existing Zoning: OGD	Proposed Zoning: RCD	
Type of Amendment: <input type="checkbox"/> Text <input checked="" type="checkbox"/> Map			
Tax Map Number(s): R710 001 000 0037 0000			
Project Description: SEE ATTACHED			
Minimum Requirements for Submittal			
<input checked="" type="checkbox"/> 1. Two (2) full sized copies and digital files of the maps and/or plans depicting the subject property. SURVEY <input checked="" type="checkbox"/> 3. Project Narrative and digital file describing reason for application and compliance with the criteria in Article 8 of the DSO. <input checked="" type="checkbox"/> 4. An Application Review Fee as determined by the Town of Yemassee Schedule of Rates & Fees. Checks made payable to the Town of Yemassee.			
<b>Note: A Pre-Application Meeting is required prior to Application submittal.</b>			
<b>Disclaimer: The Town of Yemassee assumes no legal or financial liability to the applicant or any third party whatsoever by approving the plans associated with this permit.</b>			
I hereby acknowledge by my signature below that the foregoing application is complete and accurate and that I am the owner of the subject property. As applicable, I authorize the subject property to be posted and inspected.			
Property Owner Signature: Charlotte Reeves		Date: 06/01/23	
Applicant Signature: Charlotte Reeves		Date: 06/01/23	
For Office Use			
Application Number: ZONE-06-23-1052		Date Received: 6/1/23	
Received By: M. Garne		Date Approved:	

## Letter of Intent 105 Le Creuset Road

Our intention is to provide a Boutique destination RV Park within the city limits of Yemassee South Carolina. Our RV Park lends itself to an intimate, quiet experience. We are positioned less than 4 miles from I-95 a major thoroughfare for north and south traffic. Our property is unique in that we are located within the city limits yet positioned without any neighbors, surrounded by conservation land and a federal bird sanctuary. These material facts are great marketing points.

Each RV space would have a pervious aggregate parking pad along with a space for a picnic table and seating. Individual Bathrooms along with laundry facility and dog wash station under one roof. A small open air pavilion with fireplace, grilling stations, and luxury swimming pool would complete the boutique amenity filled park. Our camp store would have necessary supplies along with some grab and go meals and of course gourmet coffee. Weekly activities for our guests such as local live music, oyster roasts, and campfire storytelling would make our park unique to current local campgrounds. We would align ourselves with established businesses for area attraction tickets and discounts that can all be purchased at our Campground office.

We recognize a deficit in RV parking inventory along the I-95 corridor. We will create a guest experience unlike any other competitors park. This all starts with a thoughtfully designed layout, first class amenities, and planned activities. Our main objective is to have happy campers that come back to see us year after year making family memories.

Meet Charlotte: Charlotte Reeves owner of 105 Le Creuset Rd. has owned this property since January 2021. She graduated from Clemson University with a BLA (bachelor landscape architecture). For 23 years she has designed countless landscape master plans, Outdoor Kitchens, and for about 18 years designed/remodeled luxury kitchen and bath projects. Her eye for detail is impeccable. This professional background of high design pairs seamlessly with the intention of building a Boutique RV Park. Charlotte also is an Airstream travel trailer aficionado. She actually has three Airstream travel trailers, vintage to brand new. For over 10 years, she has pulled her own trailer to campsites all over the southeast. Being an avid camper and understanding land planning is a skill set most other surrounding campground owner operators do not have.

We are excited to get this project started, and be an active part of the Yemassee community.

Charlotte Reeves  
Riveted LLC



# Beaufort County, South Carolina

generated on 5/2/2023 11:07:17 AM EDT

Property ID (PIN)	Alternate ID (AIN)	Parcel Address	Data refreshed as of	Assess Year	Pay Year
R710 001 000 0037 0000	12920969	105 LE CREUSET RD, Yemassee	4/28/2023	2023	2022

### Current Parcel Information

Owner	RIVETED LLC	Property Class Code	ComImp Trade Other
Owner Address	PO BOX 64 HOLLYWOOD SC 29449	Acreage	3.0000
Legal Description	SUBJ TO ROLL BACK TAX LIEN PB112 P100		

### Historic Information

Tax Year	Land	Building	Market	Taxes	Payment
2022	\$70,800	\$116,000	\$186,800	\$3,809.16	\$3,923.43
2021	\$70,800	\$148,300	\$219,100	\$2,869.61	\$3,400.05
2020	\$70,800	\$148,300	\$219,100	\$2,808.84	\$2,808.84
2019	\$70,800	\$148,300	\$219,100	\$2,409.57	\$2,771.01
2018	\$70,800	\$148,300	\$219,100	\$2,306.44	\$2,306.44
2017	\$85,200	\$159,400	\$244,600	\$2,110.99	\$2,110.99
2016	\$85,200	\$159,400	\$244,600	\$2,072.33	\$2,072.33
2015	\$85,200	\$159,400	\$244,600	\$1,995.92	\$1,995.92
2014	\$85,200	\$159,400	\$244,600	\$1,978.63	\$1,978.63
2013	\$85,200	\$159,400	\$244,600	\$1,928.72	\$1,928.72

### Sales Disclosure

Grantor	Book & Page	Date	Deed	Vacant	Sale Price
TANQUERAY TRUST	3965 2611	1/15/2021	Ge		\$140,000
MACNUTT LOWELL	3903 2186	7/20/2020	De		\$0
BEAUFORT COUNTY DEVE CORP % DAVID L HARPER PA	2345 116	3/13/2006	Fu		\$30,000
		12/31/1776	Or		\$0

### Improvements

Building	Type	Use Code Description	Constructed Year	Stories	Rooms	Square Footage	Improvement Size
R01	ATTCP	Attached Carport	2006	0	0		525
R01	STEELUTL	General Purpose Bldg Steel Fra	2006	0	0		2,925

ADMINISTRATIVE INFORMATION

OWNERSHIP

Tax ID 12920969

Printed 05/02/2023 Card No. 1 of 1

TRANSFER OF OWNERSHIP

PARCEL NUMBER  
R710 001 000 0037 0000

RIVETED LLC  
PO BOX 64  
HOLLYWOOD, SC 29449  
SUBJ TO ROLL BACK TAX LIEN PB112 P100

Date		
01/15/2021	TANQUERAY TRUST Bk/Pg: 3965, 2611	\$140000
07/20/2020	MACNUTT LOWELL Bk/Pg: 3903, 2186	\$0
03/13/2006	BEAUFORT COUNTY DEVE CORP % DAVID L Bk/Pg: 2345, 116	\$30000
12/31/1776		\$0

Parent Parcel Number

Property Address  
105 LE CREUSET RD

Neighborhood  
1318 YEMASSEE ZONED LT.IND. & DISTR

Property Class  
669 ComImp Trade Other

TAXING DISTRICT INFORMATION

Jurisdiction 07  
Area 001  
District 710

# COMMERCIAL

VALUATION RECORD

Assessment Year		12/31/2006	12/31/2007	12/31/2008	12/31/2012	12/31/2017	12/31/2021	Worksheet
Reason for Change			CONVERTCAP	REVAL	REVAL	REVAL	ATI MKT VAL	
VALUATION	L	22500	22500	121666	85200	70800	70800	150000
0	B	72600	72600	139210	159400	148300	116000	116400
	T	95100	95100	260876	244600	219100	186800	266400
VALUATION	L	0	0	0	0	0	0	0
0	B	72600	72600	139210	159400	148300	116000	116400
	T	72600	72600	139210	159400	148300	116000	116400

Site Description

Topography:

Public Utilities:  
Water

Street or Road:

Neighborhood:

Zoning:

Legal Acres:  
3.0000

LAND DATA AND CALCULATIONS

Rating	Measured	Table	Prod. Factor						
Soil ID	Acreage		-or-						
-or-	-or-		Depth Factor						
Actual	Effective	Effective	-or-	Base	Adjusted	Extended	Influence	Value	
Frontage	Frontage	Depth	Square Feet	Rate	Rate	Value	Factor		
1	COMMERCIAL (SECONDARY ROADS)	3.0000	1.00	50000.00	50000.00	150000		150000	

T21N: Reviewed, No ATI for 2021  
ILA  
03/04/2021  
T22Y: ATI for Tax Year 2022  
ILA  
11/17/2021  
NVC

Supplemental Cards

TRUE TAX VALUE 150000

Supplemental Cards  
TOTAL LAND VALUE

150000

PHYSICAL CHARACTERISTICS

IMPROVEMENT DATA



(LCM: 100.00)

SPECIAL FEATURES

SUMMARY OF IMPROVEMENTS

Description	Value	ID	Use	Stry Hgt	Const Type	Grade	Year Const	Eff Year	Cond	Base Rate	Feat-ures	Adj Rate	Size or Area	Computed Value	Phys Depr	Obsol Depr	Market Adj	% Comp	Value
		G01	ATTCP	0.00		Good	2006	2006	AV	27.84	N	27.84	525	14620	25	0	100	100	11000
		01	STEELUTL	10.00	51A	Avg	2006	2006	AV	48.06	N	48.06	1x2925	140580	25	0	100	100	105400

Data Collector/Date

Appraiser/Date

Neighborhood

Supplemental Cards

Neigh 1318 AV

TOTAL IMPROVEMENT VALUE

116400

# Invoice



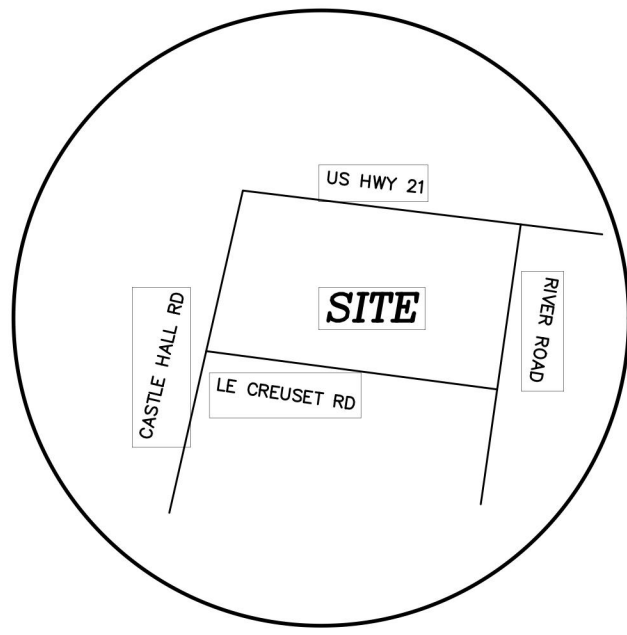
Town of Yemassee  
Attn: Administration Department  
Yemassee Municipal Complex  
101 Town Cir  
Yemassee, SC 29945-3363  
P: (843) 589-2565 Ext. 3  
www.townofyemassee.org

Date	Invoice #
06/01/2023	2023YEM4433

Bill To
Charlotte Reeves 1166 Harts Bluff Rd Wadamalaw Island, SC 29487 United States of America

Description	Amount
ZONING TEXT AMENDMENT APPLICATION / ZONE-06-23-1052 105 LE CREUSET RD / TMS: R710 001 000 0037 0000  Please make checks payable to: Town of Yemassee	<b>\$250.00</b>
<b>Total</b>	<b>\$250.00</b>





LOCATION MAP (Not To Scale)

**LEGEND**

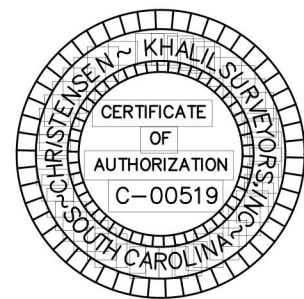
- IP(O) = OLD IRON PIPE FOUND
- CM(O) = OLD CONCRETE MONUMENT FOUND
- RB(N) = NEW REBAR SET 1/2" DIA.
- CI(O) = OLD CRIMP TOP IRON PIPE
- OE(O) = OLD OPEN END IRON PIPE FOUND
- RB(O) = OLD REBAR FOUND
- P.P. = POWER POLE
- O.H.P. = OVERHEAD POWER LINES
- = CALCULATED POINT

**GENERAL NOTES:**

- 1.) PRESENT OWNER OF PROPERTY SHOWN HEREON:  
JONATHAN STERNS MACNUTT
- 2.) TOTAL ACRES SURVEYED AND SHOWN HEREON:  
AS SHOWN
- 3.) ACREAGE DETERMINED BY RECTANGULAR COORDINATES.
- 4.) TMN # 710 01-37
- 5.) IT IS EXPRESSLY UNDERSTOOD THAT CHRISTENSEN SURVEYING CO. DOES NOT CERTIFY TO THE EXISTENCE OR ABSENCE OF ANY FRESHWATER WETLANDS ON THE PROPERTY SHOWN HEREON.
- 6.) THE BEARINGS SHOWN HEREON ARE MAGNETIC AND AS SUCH SUBJECT TO LOCAL ATTRACTION.
- 7.) PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE "A" (N/A) PER FEMA MAP PANEL 450103-0005-B DATED: SEPT. 1, 1986
- 8.) THIS PLAT REPRESENTS A SURVEY BASED ON THE LISTED REFERENCES ONLY AND IS NOT THE RESULT OF TITLE RESEARCH.

**REFERENCE PLATS & DEEDS**

- 1.) DEED 3903/2188
- 2.) PLAT BK 112/100 & 123/18



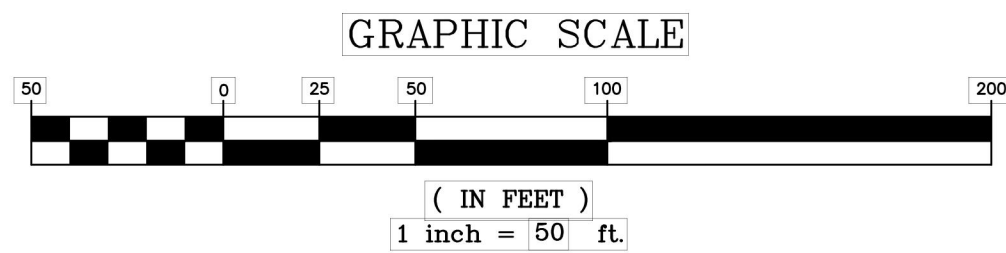
UNITED STATES OF AMERICA

**CERTIFICATION:**

I, ZYAD A. KHALIL, HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "B" SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

ZYAD A. KHALIL RLS  
S.C. REG. NO. 15176

[ THIS SURVEY IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE AND AN EMBOSSED SEAL ]



**CHRISTENSEN ~ KHALIL SURVEYORS, INC.**

3 FACULTY DRIVE, BEAUFORT SC 29907  
(843) 524-4148



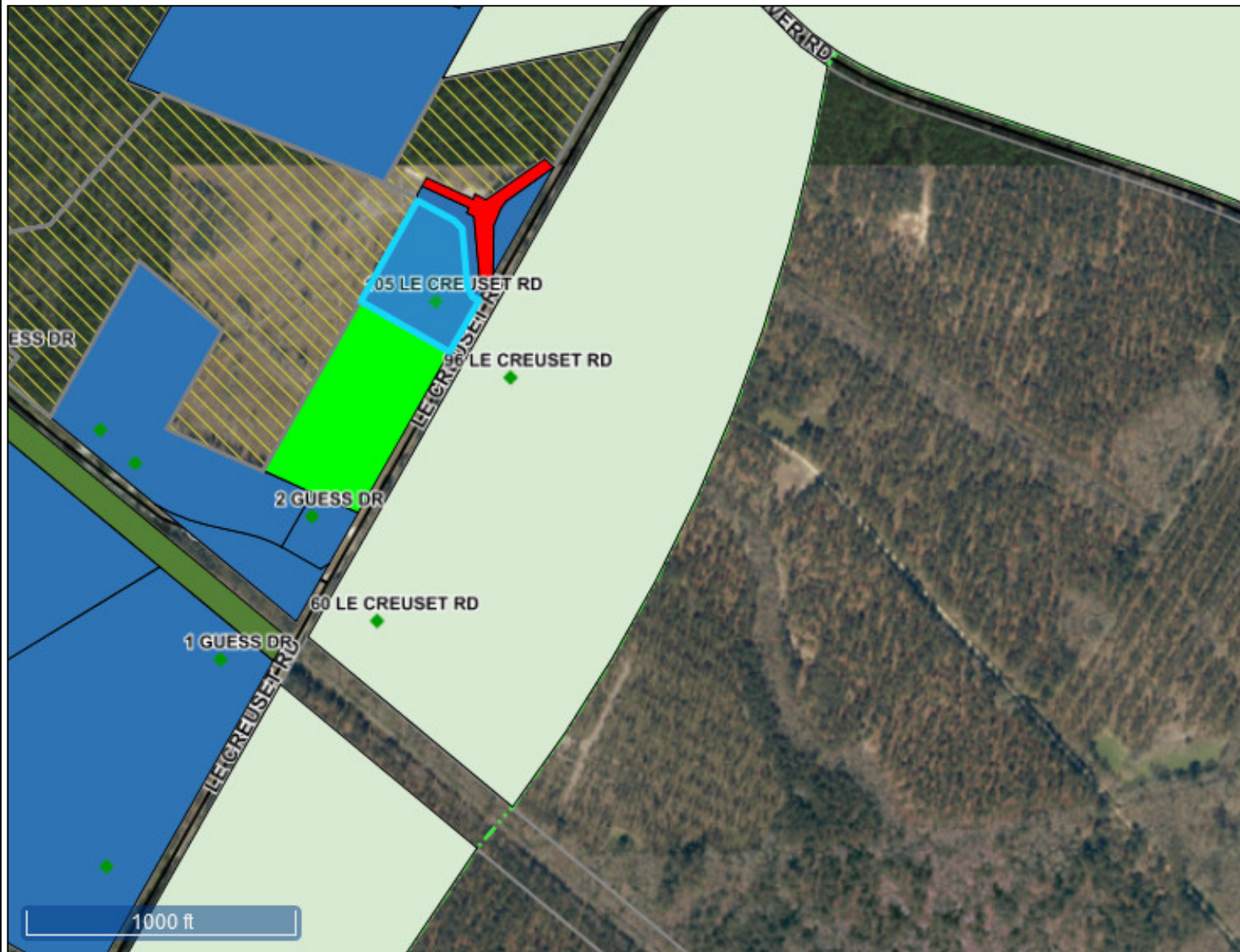
**PLAT SHOWING**  
R710 001 000 0037 0000  
**PREPARED FOR:**  
JONATHAN STERNS MACNUTT  
TOWN OF YEMASSEE  
BEAUFORT COUNTY, SOUTH CAROLINA  
DATED: DEC. 24, 2020  
SCALE: 1"=50'

L-10161





# 105 Le Creuset Rd



### Legend

- Address Points Beaufort
- Parcels Beaufort
- Address Points Hampton
- Parcels Hampton
- Address Points Jasper
- Parcels Jasper

### Zoning

- Office Commercial District
- Conservation Preservation District
- General Residential
- Residential 1 Acre
- Residential 1/2 Acre
- Residential 1/3 Acre
- Residential 1/4 Acre
- Village Commercial District
- Mixed Use
- Light Industrial District
- Agricultural
- Telecommunications Tower
- Transitional
- Utility
- General Residential Townhouse
- Regional Commercial District
- Planned Unit Development
- To Be Determined

### Beaufort Road Names

#### Beaufort Roads

- Roads
- Major Roads

### Hampton Road Names

#### Hampton Roads

- Roads
- Major Roads

#### Interstate

- Interstate

### Jasper Road Names

...

1 Jun, 2023

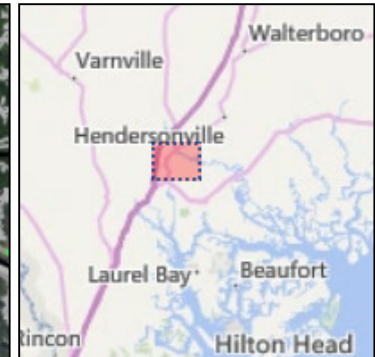
**Note:**  
Area map

This map is a user generated static output from [rightspot.spateng.com](https://rightspot.spateng.com) website and is for reference use only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

**THIS MAP IS NOT TO BE USED FOR NAVIGATION**



# 105 Le Creuset Rd



## Legend

- ◆ Address Points Beaufort
- Parcels Beaufort
- ◆ Address Points Hampton
- Parcels Hampton
- ◆ Address Points Jasper
- Parcels Jasper
- Beaufort Road Names
- Beaufort Roads
- Major Roads
- Hampton Road Names
- Hampton Roads
- Major Roads
- Interstate
- Jasper Road Names
- Jasper Roads
- Major Roads
- Interstate
- Railroads
- County Boundary Beaufort
- County Boundary Hampton
- County Boundary Jasper
- Yemassee Boundary
- Beaufort Contour Labels
- Beaufort Contours
- Major
- Minor

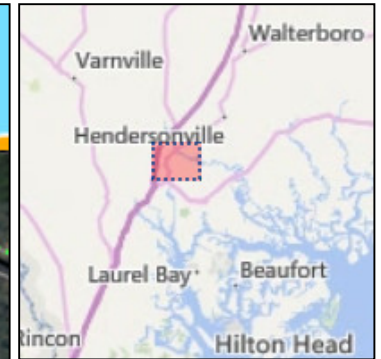
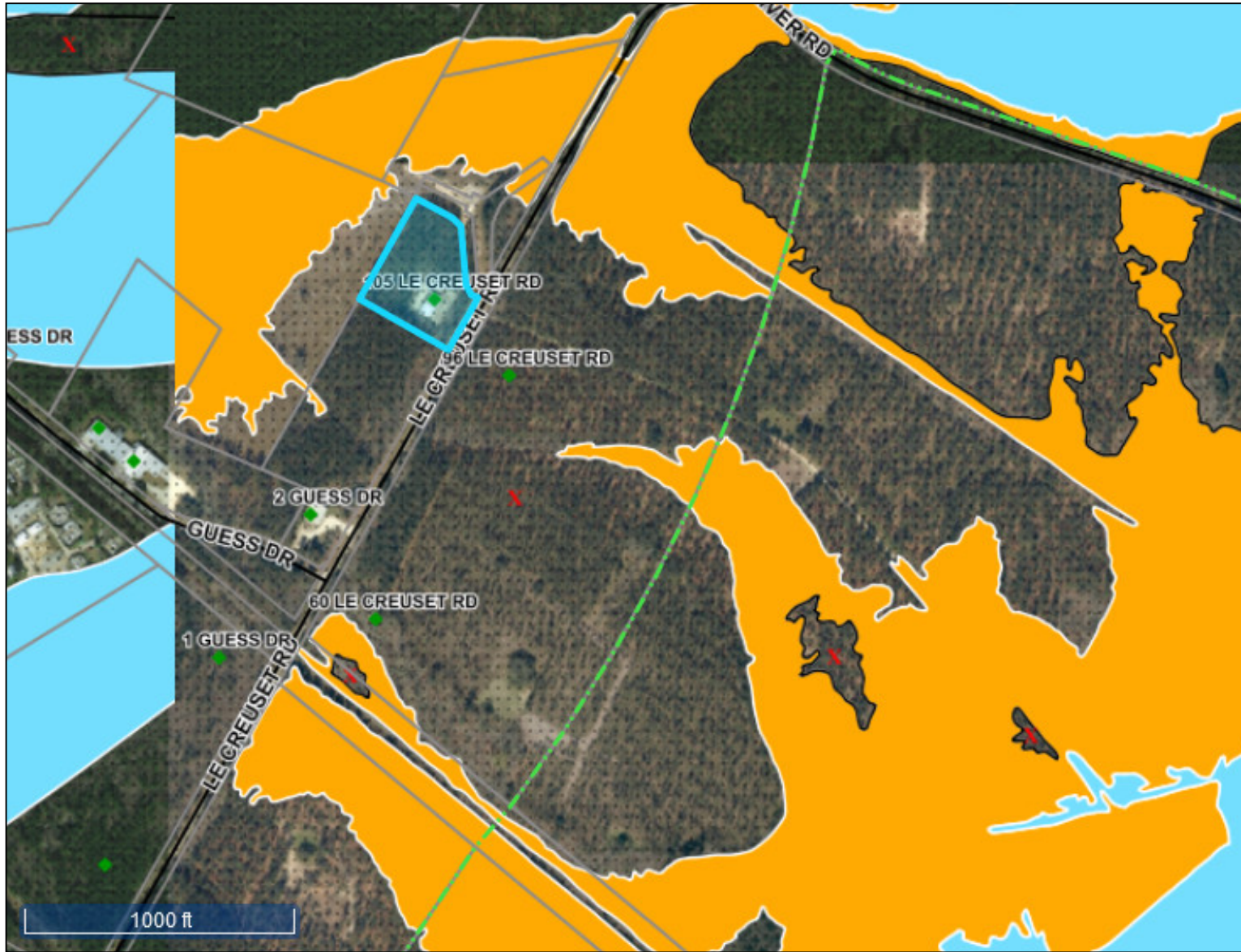
**Note:**  
Elevation Contours

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**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

1 Jun, 2023



# 105 Le Creuset Rd



### Legend

- ◆ Address Points Beaufort
- Parcels Beaufort
- ◆ Address Points Hampton
- Parcels Hampton
- ◆ Address Points Jasper
- Parcels Jasper
- Beaufort Road Names
- / Roads
- / Major Roads
- Hampton Road Names
- Hampton Roads
- / Roads
- / Major Roads
- / Interstate
- Jasper Road Names
- Jasper Roads
- / Roads
- / Major Roads
- / Interstate
- ✕ Railroads
- County Boundary Beaufort
- County Boundary Hampton
- County Boundary Jasper
- Yemassee Boundary
- Base Flood Elevations Beaufort
- Base Flood Elevations Hampton
- Base Flood Elevations Jasper...

1 Jun, 2023

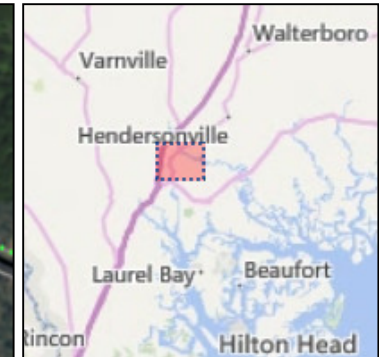
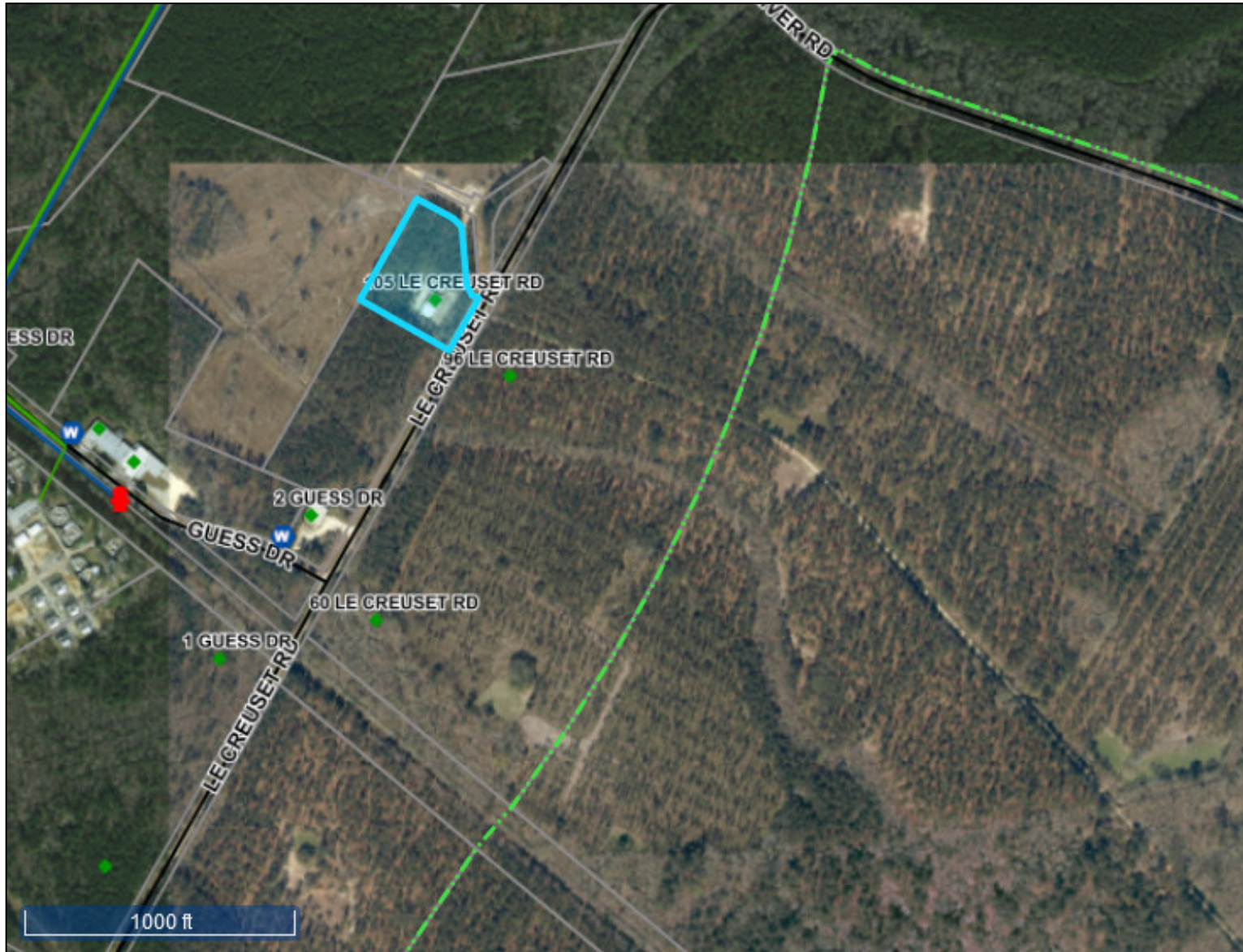
**Note:**  
**FEMA Floodplain**

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# 105 Le Creuset Rd



## Legend

- ◆ Address Points Beaufort
- Parcels Beaufort
- ◆ Address Points Hampton
- Parcels Hampton
- ◆ Address Points Jasper
- Parcels Jasper
- Sewer Lift Stations

### Sewer Lines

- Main
- Service
- Force Main
- Effluent Line
- - - Inactive Main
- - - Inactive Service
- - - Inactive Force Main
- - - Inactive Effluent Line
- - - Abandoned Main
- - - Abandoned Service
- - - Abandoned Force Main
- - - Abandoned Effluent Line

### Fire Hydrants

- Fire Hydrants

### Water Meters

- Water Meters

### Water Lines

- Water Main Line
- Water Service Line
- Water Fire Line
- - - Inactive Water Main Line
- - - Inactive Water Service Line
- - - Inactive Water Fire Line
- - - Abandoned Water Main Line
- - - Abandoned Water Service Line
- - - Abandoned Water Fire Line

### Beaufort Road Names

#### Beaufort Roads

- Roads
- Major Roads

1 Jun, 2023

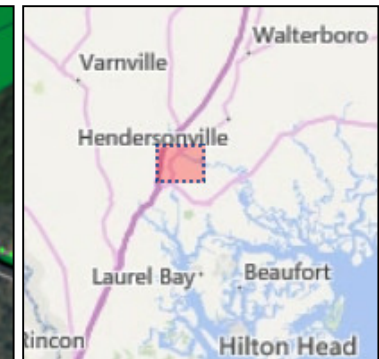
Note:  
LRWS

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**THIS MAP IS NOT TO BE USED FOR NAVIGATION**



# 105 Le Creuset Rd



## Legend

- ◆ Address Points Beaufort
- Parcels Beaufort
- ◆ Address Points Hampton
- Parcels Hampton
- ◆ Address Points Jasper
- Parcels Jasper
- Parcels Jasper
- Beaufort Road Names**
- / Roads
- / Major Roads
- Hampton Road Names**
- Hampton Roads**
- / Roads
- / Major Roads
- / Interstate
- Jasper Road Names**
- Jasper Roads**
- / Roads
- / Major Roads
- / Interstate
- ✕ Railroads
- ▬ County Boundary Beaufort
- ▬ County Boundary Hampton
- ▬ County Boundary Jasper
- ▬ Yemassee Boundary
- Beaufort NWI**
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

1 Jun, 2023

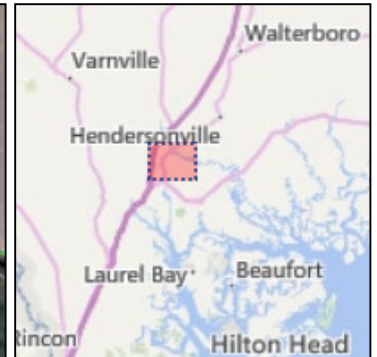
**Note:**  
National Wetland Inventory

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# 105 Le Creuset Rd



### Legend

- ◆ Address Points Beaufort
- Parcels Beaufort
- ◆ Address Points Hampton
- Parcels Hampton
- ◆ Address Points Jasper
- Parcels Jasper

1 Jun, 2023

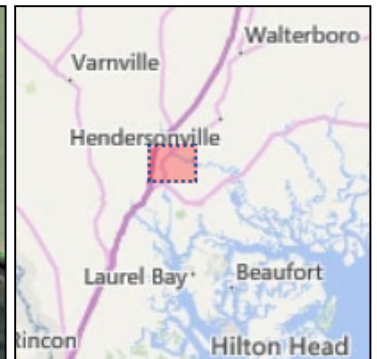
**Note:**  
Police Patrol Grids

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# 105 Le Creuset Rd



## Legend

- ◆ Address Points Beaufort
- Parcels Beaufort
- ◆ Address Points Hampton
- Parcels Hampton
- ◆ Address Points Jasper
- Parcels Jasper
- Police Patrol Zones**
- Zone A
- Zone B
- Zone C - Yemassee Core
- Zone C - Sheldon
- Zone D
- Beaufort Road Names**
- Beaufort Roads**
- Roads
- Major Roads
- Hampton Road Names**
- Hampton Roads**
- Roads
- Major Roads
- Interstate
- Jasper Road Names**
- Jasper Roads**
- Roads
- Major Roads
- Interstate
- Railroads
- County Boundary Beaufort
- County Boundary Hampton
- County Boundary Jasper
- Yemassee Boundary

1 Jun, 2023

**Note:**  
Police Patrol Zones

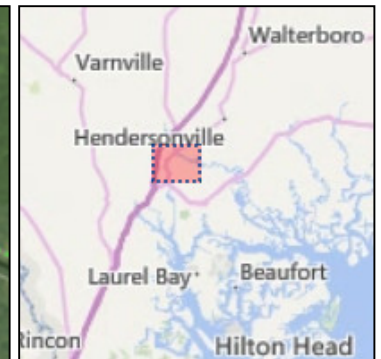
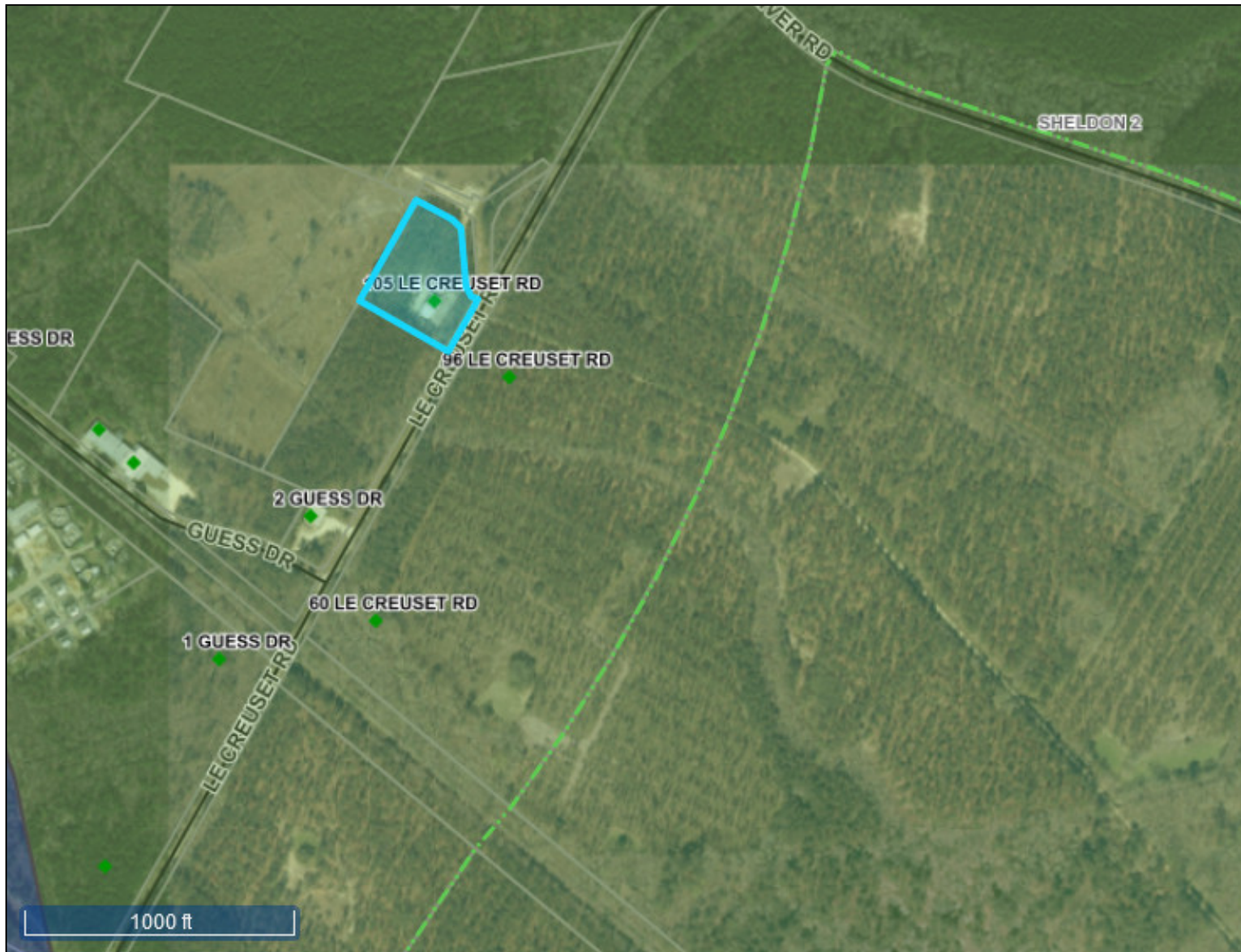
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**THIS MAP IS NOT TO BE USED FOR NAVIGATION**





# 105 Le Creuset Rd



### Legend

- ◆ Address Points Beaufort
- Parcels Beaufort
- ◆ Address Points Hampton
- Parcels Hampton
- ◆ Address Points Jasper
- Parcels Jasper
- Beaufort Road Names**
- / Roads
- / Major Roads
- Hampton Road Names**
- / Roads
- / Major Roads
- / Interstate
- Jasper Road Names**
- / Roads
- / Major Roads
- / Interstate
- ✕ Railroads

1 Jun, 2023

**Note:**  
Polling Precincts

This map is a user generated static output from [rightsplot.spateng.com](https://rightsplot.spateng.com) website and is for reference use only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

**THIS MAP IS NOT TO BE USED FOR NAVIGATION**



# 105 Le Creuset Rd - Zoning Map



### Legend

- ◆ Address Points Beaufort
- Parcels Beaufort
- ◆ Address Points Hampton
- Parcels Hampton
- ◆ Address Points Jasper
- Parcels Jasper

### Zoning

- Office Commercial District
- Conservation Preservation District
- General Residential
- Residential 1 Acre
- Residential 1/2 Acre
- Residential 1/3 Acre
- Residential 1/4 Acre
- Village Commercial District
- Mixed Use
- Light Industrial District
- Agricultural
- Telecommunications Tower
- Transitional
- Utility
- General Residential Townhouse
- Regional Commercial District
- Planned Unit Development
- To Be Determined

### Road Names

#### Roads

- Roads
- Major Roads
- Interstate

#### Road Names Jasper

- Roads
- Major Roads
- Interstate

...

1 May, 2023

Note:  
Zoning Map

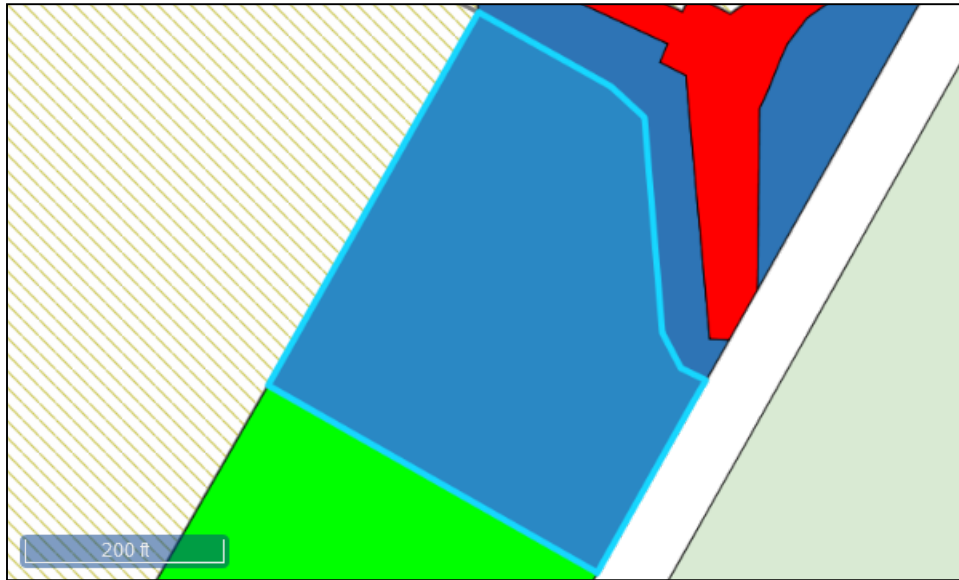
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**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

# Town of Yemassee

## Property Zoning Report - Beaufort County

1 May 2023




### Parcels Beaufort

**PIN:** R710 001 000 0037 0000  
**Owner City State ZIP Code:** SARASOTA FL 34239  
**Owner:** TANQUERAY TRUST  
**Owner Street Address:** 3431 PINE VALLEY DR  
**Parcel Street Address:** 105 LE CREUSET RD

### Town of Yemassee Zoning Designations

Count	Zoning Description	Overlapping Quantities
1.	1 Office Commercial District	137,250.13sf (3.00acres)

This document is for reference only. Please contact the Town of Yemassee Planning & Zoning Department for specific ordinance language

	<p style="text-align: center;"><b>Regional Commercial District (RCD) Zoning District</b></p> <p>RCD is designed to reserve land for business purposes of a regional scope; encouraging the formation and continuance of a compatible and economically healthy environment for business, financial and professional uses which benefit from being located in close proximity to each other.</p> <p style="text-align: center;"><b>Section 5.12, Town of Yemassee Zoning Ordinance</b></p>
<p><b>Standards for the RCD District 5.12.14</b></p>	
<ul style="list-style-type: none"> <li>• Minimum Lot Width: One Hundred Fifty (150) feet, measured at the building line.</li> <li>• Maximum Building Size: 10,000sqft per acre.</li> <li>• Front, Side &amp; Rear Yard Setbacks: 50 feet from residential uses, 15 feet from commercial or industrial uses and 50 feet from major thoroughfares.</li> <li>• Maximum Building Height: Thirty-five (35) feet above base flood elevation to a maximum of fifty (50) feet above base flood elevation with approval from the Fire Marshall’s Office.</li> <li>• Equipment and Materials must be stored completely within enclosed buildings.</li> <li>• All trash, garbage or waste must be retained in containers located inside the building or within a screening enclosure at least fifty (50) feet from the property line of any residential zoning district.</li> <li>• All loading berths shall be located at the side or rear of building.</li> </ul>	
<p><b>Permitted Uses for the RCD District 5.12.2</b></p>	
<ul style="list-style-type: none"> <li>• Retail, Wholesale, or Storage Business (excluding open yard storage)</li> <li>• Club, Lodge, Union Hall, or Social Center</li> <li>• Church or Religious Institution</li> <li>• Off-Street Commercial Parking or Garage</li> <li>• Hotel, Bed and Breakfast Inns, and Motels</li> <li>• Commercial Recreation Facility &amp; Vocational Schools</li> <li>• Eating or Drinking Establishments with Drive-Through Windows</li> <li>• Public Utility Installation or Sub-Installation including Water Towers</li> <li>• Office Buildings for Government, Professional or Business Purposes</li> <li>• Horse Riding / Training Facility provided site is a minimum of three acres and a minimum of one acre per horse.</li> <li>• Temporary Office or Storage building for construction project.</li> <li>• Motion Picture Studio and/or Video Commercial Preparation</li> <li>• Mini-Warehouse or Self-Service Storage Facility</li> </ul>	
<p><b>Conditional Uses for the RCD District</b></p>	
<ul style="list-style-type: none"> <li>• Automobile Service Station or Garage</li> <li>• Newspaper Publishing Plant</li> <li>• Car Wash</li> <li>• Animal Hospital</li> <li>• Solid Waste Transfer Facility</li> <li>• Campgrounds and Recreational Vehicle Parks with conditions.</li> </ul>	

- F. All trash, garbage, or other waste must be retained in sanitary containers located inside the building or within a screening enclosure. Any such enclosure must be located a minimum of fifty (50) feet from the property line of any residential use or residential zoning district; and
- G. All loading berths shall be located at the side or rear of the building.

5.12.5 Prohibited Uses:

- A. Adult Entertainment Establishments.
- B. Any business, person, entity or service offering Adult Entertainment.

**Section 5.13 Office Commercial District [OCD]**

5.13.1 The purpose of this District is to provide a suitable environment for, and enhancing the locational flexibility of, business, professional, and governmental offices and low impact institutional uses and for the purpose of providing a transitional area between intensive commercial uses and residential uses. These purposes are accomplished in the Office Commercial District by fostering a low key commercial character that is more compatible with residential uses, preventing encroachment by trade and higher impact service operations, and requiring high site design standards.

5.13.2 The following uses and similar uses shall be permitted in the OCD:

- A. Single-family dwelling;
- B. Offices for general administrative functions including operations management, sales and marketing, clerical service, personnel management, accounting/finance, data processing, and design/engineering;
- C. Offices for business use including, but not limited to: insurance, real estate, travel, advertising agencies, and business consulting;

- D. Offices for professional use including, but not limited to: accounting, architecture, engineering, surveying, law, medicine, chiropractic, and dentistry;
- E. Offices for governmental or institutional purposes;
- F. Bank or financial institution;
- G. Governmental post office;
- H. Radio or television studio excluding telecommunications tower;
- I. School or day care center;
- J. Public emergency service facilities;
- K. Library;
- L. Museum;
- M. Church, synagogue, temple, or other place of worship provided that such use is housed in a permanent structure;
- N. Club; business or civic association;
- O. Conference center, retreat house;
- P. Clothing tailoring operation;
- Q. Farm or establishment for the growing, care, and harvesting of field crops and vegetables, but not including processing and packing of such products, nor the commercial raising, care, or processing of poultry, cattle, swine, goats, or sheep;
- R. Tree farm, timber area, or forest management area;
- S. Horticultural nursery;
- T. Public parks;
- U. Unlighted, regulation size, or par-three golf course;

V. Cemetery, provided that such use does not include a funeral home or crematorium; and

W. Accessory uses customarily appurtenant to a permitted use.

5.14.3 The following uses shall be permitted on a conditional basis in the OCD:

A. Restaurant provided that it is not located within one hundred (100) feet of the property line of a residential use or zoning district and there is no drive-in window; and

B. Dry cleaning establishment for pick-up and drop-off service only (no dry cleaning or laundering on the premises).

5.14.4 Other Requirements:

A. The sale, rental, repair, or servicing of goods or equipment on the premises shall not be permitted unless such activity is either specifically included as, or clearly incidental and customarily accessory to, a permitted or conditional use;

B. In addition to the specific standards of this Section, all pertinent landscaping, screening, buffering, and parking lot provisions contained in the Highway Corridor Overlay District shall apply (regardless of whether or not the property is located in the HCOD);

C. Equipment and materials must be stored within completely enclosed buildings;

D. All trash, garbage, or other waste must be retained in sanitary containers located inside the building or within a screening enclosure. Any such enclosure must be located a minimum of fifty (50) feet from the property line of any residential use or residential zoning district; and

E. All loading berths shall be located at the side or rear of the building.

5.14.5 Standards:

A. General Requirements:

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Lot coverage: Development of the site shall not exceed the surface coverage ratio of sixty-five (65) percent impervious to thirty-five (35) percent pervious. No more than sixty-five percent (65) of the lot area may be used for structures, parking, or otherwise be paved; a minimum of thirty-five (35) percent of the lot area must be landscaped or otherwise maintained in landscaped natural vegetation.

Maximum building height: Thirty-five (35) feet or three (3) stories, whichever is less; excluding church spires, belfries, cupolas, monuments, chimneys, flag poles, water towers, or other structures not intended for human occupancy, with the exception of transmission or observation towers.

Minimum lot width at the building line: Forty (40) feet.

B. Commercial and Non-Residential Uses:

1. Minimum lot size is one (1/4) quarter acre (10,890 square feet).
2. Maximum building height is thirty-five (35) feet above base flood elevation.
3. Maximum building size is ten thousand (10,000) square feet per acre.
4. No office building or operation in this District shall be situated closer than fifty (50) feet from the boundary line of any property in an existing residential zoning district or in current residential use. Office uses shall be setback a minimum of fifty (50) feet from any commercial use, thirty (30) feet from another office use, and fifty (50) feet from a major thoroughfare.

C. Residential Uses:

1. Minimum permitted use lot area: 14, 520 square feet.
  2. Maximum permitted use density: Three (3) dwelling units per acre.
  3. Minimum permitted use lot area: 14,520 square feet.
-



#### 5.14.6 Additional Sign Standards:

- A. In addition to the provisions of the *Town of Yemassee Sign Ordinances*, the following provisions shall apply to signs in the OCD:
1. Internally illuminated and neon signs shall not be permitted;
  2. If a sign is to be illuminated, a white, stationary light directed solely at the sign shall be used (except for backlit signs, below). Illuminated signs shall not have a light-reflecting background but may use light reflecting lettering; and
  3. Backlighting of signs (see *Article X, Definitions*) shall be permitted provided the sign is opaque and the rear surface is not reflective.
- B. Exterior lighting shall be designed and arranged so as to minimize glare and reflection. Lighting shall be low-intensity, shielded from adjacent parcels, and directed away from any adjacent residential use or zoning district. The Applicant shall submit plans for approval to the Development Review Board indicating the location and type of each exterior light.

#### 5.14.7 Prohibited Uses

- A. Adult Entertainment Establishments.
- B. Any business, person, entity or service offering Adult Entertainment.

### **Section 5.15 Transitional District [TR]**

- 5.15.1 The intent of the Transitional (TR) District is to establish flexible land uses for properties annexing into the Town of Yemassee with no immediate development plans. This district establishes performance standards for the formation and continuance of a healthy and diverse mixed- use community to meet the changing needs of Yemassee, while maintaining the Town's Comprehensive Plan.

- B. Fences and walls that are used shall be of the same or compatible material, in terms of texture and quality, as the material and color of the principal building. Additional planting material shall be provided so that no more than two-thirds (2/3) of the surface area of the fence or wall is visible from the street within three (3) years of erection of the structure. Twenty-five (25) percent of this plant material may be deciduous.
- C. Any berms installed shall have a minimum height of one and one half (1½) feet and a minimum crown width of two (2) feet and a side slope of no greater than 2:1, and berms shall be planted and covered with vegetation.
- D. All shrubs installed to satisfy the requirements of this Section shall be locally adapted species expected to reach a minimum height of thirty (30) inches within three (3) years of planting. All shrubs shall be a minimum of eighteen (18) inches when planted. Vegetation planted on berms may have a reduced minimum mature height provided that the combined height of the berm and the plantings shall be a minimum height of thirty (30) inches in height after three (3) years. Twenty-five (25) percent of all shrubs may be deciduous.
- E. All trash, garbage, or other waste must be retained in sanitary containers located inside the building or within a screening enclosure. Any such enclosure must be located a minimum of five (5) feet from the property line of any residential use or residential zoning district.

#### 5.11.11 Prohibited Uses

- A. Adult Entertainment Establishments.
- B. Any business, person, entity or service offering Adult Entertainment.

#### **Section 5.12 Regional Commercial District [RCD]**

- 5.12.1 The purpose of this District is reserving land for business purposes of a regional scope; encouraging the formation and continuance of

a compatible and economically healthy environment for business, financial service, and professional uses which benefit from being located in close proximity to each other; and to discourage any encroachment by industrial, residential, or other uses capable of adversely affecting the basic commercial character, intent, operations, and functioning of such Districts.

5.12.2 The following uses and similar uses shall be permitted in the RCD:

- A. Retail, wholesale, or storage business involving the sale of merchandise on the premises; except those uses which involve open yard storage;
- B. Club, lodge, union hall, or social center;
- C. Church or religious institution;
- D. Off-street commercial parking or garage;
- E. Hotel, bed and breakfast inns, and motels;
- F. Commercial recreation facility;
- G. Commercial recreation or vocational school;
- H. Eating and/or drinking establishment, drive through windows shall be permitted;
- I. Public utility installation or sub-installation, including water towers;
- J. Office building and/or office for government, professional business, or general purposes;
- K. A horse riding school, horse training facility and/or commercial stables provided the site contains a minimum of three (3) acres and provided that there shall be a minimum area of one (1) acre for the first one (1) to two (2) horses approved for the facility, plus and additional one-half (1/2) acre for each additional horse approved for the facility. Stalls or stable areas should be one hundred forty-four (144) square feet for each horse;

- L. A temporary office and/or storage building during a project involving construction but not to be used as a dwelling with the removal of same within thirty (30) days upon project completion;
- M. Motion picture studio and/or video commercial preparation;
- N. FAX machine services and distribution, photographic, optical goods, and watches/clocks assembly and distribution, provided the structure does not exceed ten thousand (10,000) square feet; and
- O. A mini-warehouse(s) or self-service storage facility(ies), provided such structure(s) is located not less than fifty (50) feet from any residential structure or residential zoned District; such facility shall not be operated during the hours of 10PM and 6AM.

5.12.3 The following uses shall be permitted on a conditional basis in the RCD:

- A. Automobile service station, provided all pumps are setback at least twenty-five (25) feet from the right-of-way line of the street, and parking and/or service areas are separated from adjoining residential properties by suitable visual screen or solid fence or wall at least six (6) feet in height. There shall be a fifty (50) foot setback of all pumps at an automobile service station on a major thoroughfare;
- B. Automobile garage for the repair and servicing of vehicles, provided all operations are conducted within a fully enclosed building and there is no open storage
- C. of wrecked vehicles, dismantled parts, or parts visible beyond the premises;
- D. Newspaper publishing plant, provided that the requirements for parking, loading, and unloading conform to those for industrial buildings;
- E. Automobile carwash, laundry or washateria, provided off-street paved parking area, capable of accommodating not less than one-half (1/2) of hourly vehicle washing capacity awaiting entrance to the washing process is suitably located and

maintained on the premises, and for such space to contain at least two hundred (200) square feet per waiting vehicle; and no safety hazard or impediment to traffic movement is created by the operation of such an establishment;

- F. Animal hospital, veterinary clinic, or kennel, provided any structure shall be no closer than two hundred (200) feet to any residential zoning perimeter or residential dwelling; provided all boarding arrangements are maintained within the facility and such noise as will be audible from the use of outside runs or exercise areas be kept at a minimum;
- G. A solid waste transfer facility, site, and accessory uses, including a recycling center, provided such facility is one hundred (100) feet or greater from any residential building and it meets the Development Standards of this Ordinance;
- H. Campgrounds and Recreational Vehicle Parks provided that:
1. No site or structure shall be continuously occupied for more than fourteen (14) days. Any tent, camper, or recreational vehicle shall be physically removed on or before the expiration of fourteen (14) days;
  2. No overflow camping shall be allowed. When a campground/RV park is full, no more campers or vehicles shall be permitted on the grounds;
  3. The campground shall have a minimum size of twenty (20) acres and shall not exceed fifty (50) acres on any single parcel;
  4. All permanent structures including cabins in a campground shall be limited to single-story structures in height;
  5. No more than eight (8) campsites/RV sites or camping structures, including cabins, shall be permitted per net acre in any campground;
  6. Not less than thirty (30) percent of all campgrounds/RV Parks shall consist of open space, which shall contain no camp/RV sites and/or structures;
-

7. All campgrounds and recreational vehicle parks in the Town of Yemassee shall be in compliance with the *Rules and Regulations Governing Camps of the South Carolina Department of Health and Environmental Control* and have a valid permit from same for operation; and
  8. All campground facilities shall be served by public water and sewer.
- I. Seafood or shellfish packaging and processing shall be permitted in the RCD provided that the following conditions are met:

There shall be a setback of one hundred fifty (150) feet from the perimeter of any residential or Planned Unit Development District; and

All packaging and/or processing of seafood, shellfish, or sea plants shall meet the provisions of this Ordinance as related to odor, noise, smoke, waster disposal, and other nuisances.

5.12.4 Uses permitted in the RCD shall be required to conform to the following standards:

- A. Minimum lot width, measured at the building line, is one hundred fifty (150) feet;
  - B. Maximum building size is ten thousand (10,000) square feet per acre;
  - C. Front, side, and rear yard setbacks are as follows: from residential uses, fifty (50) feet; from hotels or motels, fifteen (15) feet; from other commercial uses or industrial uses, twenty (20) feet; from major thoroughfares, fifty (50) feet;
  - D. Maximum building height is thirty-five (35) feet above base flood elevation to a maximum of fifty (50) feet above base flood elevation with prior approval from the Fire Marshal's office;
  - E. Equipment and materials must be stored within completely enclosed buildings;
-

F. All trash, garbage, or other waste must be retained in sanitary containers located inside the building or within a screening enclosure. Any such enclosure must be located a minimum of fifty (50) feet from the property line of any residential use or residential zoning district; and

G. All loading berths shall be located at the side or rear of the building.

5.12.5 Prohibited Uses:

A. Adult Entertainment Establishments.

B. Any business, person, entity or service offering Adult Entertainment.

**Section 5.13 Office Commercial District [OCD]**

5.13.1 The purpose of this District is to provide a suitable environment for, and enhancing the locational flexibility of, business, professional, and governmental offices and low impact institutional uses and for the purpose of providing a transitional area between intensive commercial uses and residential uses. These purposes are accomplished in the Office Commercial District by fostering a low key commercial character that is more compatible with residential uses, preventing encroachment by trade and higher impact service operations, and requiring high site design standards.

5.13.2 The following uses and similar uses shall be permitted in the OCD:

A. Single-family dwelling;

B. Offices for general administrative functions including operations management, sales and marketing, clerical service, personnel management, accounting/finance, data processing, and design/engineering;

C. Offices for business use including, but not limited to: insurance, real estate, travel, advertising agencies, and business consulting;



Town of Yemassee  
**Z**  
Rezoning Request  
843.589.2565

POSTED  
NO PARKING



Town of Yemassee  
**Z**  
Retaining Request  
843.589.2365

POSTED  
NO PARKING

## ***Recommended Motion***

***(Zoning Map Amendment – 105 Le Creuset Rd)***

***“I make the motion to:***

- ***Advance the Zoning Map Amendment Request of 105 Le Creuset Road and to schedule a Public Hearing at the July Planning Commission Meeting***
- ***Deny the Zoning Map Amendment Request of 105 Le Creuset Road***
- ***Table the Zoning Map Amendment until time certain***

***“***

*Mayor*

Peggy Bing-O'Banner

*Mayor Pro Tempore*

Matthew Garnes

*Town Administrator*



*Council Members*

Alfred Washington

Stacy Pinckney

David Paul Murray

## Committee / Commission Agenda Item

**Subject:** Planning Commission Rules of Procedure: Consideration of adoption of the Planning Commission Rules of Procedure.

**Submitted by:** Matthew Garnes, Town Administrator

### Attachments:

	Ordinance		Resolution		Other
√	Support Documents	√	Motion		

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**Summary:** Discussion of draft of Planning Commission Rules of Procedures

**Recommended Action:** Staff request Planning Commission consider adoption.

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### Council Action:

- Approved as Recommended
- Approved with Modifications
- Disapproved
- Tabled to Time Certain
- Other

**Town of Yemassee**  
**Planning Commission**  
**Rules of Procedure**

**Section 1. Establishment**

The Town of Yemassee Planning Commission is established under the provisions in the Code of Ordinances for the Town of Yemassee, South Carolina.

**Section 2. Rules**

The Commission is adopting these Rules of Procedure by Resolution in accordance with the South Carolina Local Government Comprehensive Planning Act of 1994. S.C. Code Ann. § 6-29-790.

**Section 3. Membership**

- A. Appointment: The Board shall consist of five (5) members appointed by the Town Council in accordance with the Code of Ordinances for the Town of Yemassee, South Carolina. A vacancy in membership must be filled for the unexpired term by Town Council appointment. Commission members shall serve without compensation. No member of the Commission shall hold any other public office or elected position in the Town, other municipalities within Beaufort or Hampton County, or Beaufort or Hampton County.
- B. Officers: The Chair and Vice-Chair shall be elected annually by a majority vote of the members present and qualified to vote and shall perform the following duties:
  - a. The Chair shall be a voting member of the Commission and shall:
    - i. Call meetings of the Commission to order.
    - ii. Call Special Meetings of the Commission.
    - iii. Preside over meetings and hearings.
    - iv. Sign documents for the Commission
    - v. Have orders of the Commission served on parties.
    - vi. Perform other duties approved by the Commission.
  - b. The Vice-Chair shall preside over the meeting or hearing and perform the required duties set forth in Section 3.B.(a) of these Rules and Procedures in the absence of the Chair. In the absence of the Chair and Vice-Chair, an acting Chair shall be elected by a majority of the members present and qualified to vote.

- C. Secretary: The Town Administrator or their designee, shall serve as the Secretary and Staff Liaison to the Committee and shall perform the following duties:
1. Provide notice of the Meetings and Public Hearings
  2. Assist the Chair in preparation of the agenda.
  3. Keep minutes of the meetings and hearings
  4. Maintain Commission records as public records.
  5. Attend to Commission correspondence.
  6. Serve orders of the Commission on parties
  7. Perform other duties normally carried out by a Secretary.

#### **Section 4. Education and Training**

- A. State Boards and Commission Member Training: Members of Boards, Commissions, Committees, and Staff liaisons are required to attend mandatory training pursuant to Article 9 of the South Carolina Local Government Comprehensive Planning Act of 1994. Failure to complete the mandatory training by the required date may result in removal.

#### **Section 5. Voting / Quorum**

- A. Quorum: A majority of the members present shall constitute a quorum. A quorum shall be present before and business is conducted other than rescheduling the meeting.
- B. Voting: A member must be present at the meeting or attending by telephone or virtual conference to vote. The Commission may deliberate and make final disposition of a matter by a majority vote of members present and qualified to vote. Deliberating and voting shall be done in public.

#### **Section 6. Ethics**

- A. Ethics Reform Act: The Commission shall adhere to the South Carolina Ethics Reform Act (S.C. Code of Laws, Title 8, Chapter 13).
- B. Disqualification: The question of disqualification shall be decided by the member affected, who shall announce the reason for the disqualification,

- provide the Secretary with an executed recusal form, have it placed in the minutes, and refrain from deliberating or voting on the question in any way.
- C. Ex Parte Contact: Any ex parte contacts with applicants, opponents, or other parties of interest in a matter to come before the Commission shall be reported at the earliest opportunity to the Chair. It shall be considered the duty of the Commission members to conduct themselves in a manner that will discourage such contact.
  - D. Expressions of Bias: Commission members shall avoid all situations and circumstances that may lead to bias or prejudice in manners presented to the Commission.

## **Section 7. Meetings**

- A. Roberts Rules of Order: The current edition of Roberts Rules of Order shall govern the conduct of meetings except as otherwise provided by these Rules of Procedure.
- B. Meeting Schedule: Meetings of the Commission must be scheduled at least once (1) per month. Each December, the Commission shall adopt their annual meeting schedule and forward it to the Town Council for adoption by Resolution. Meetings shall be held at the Yemassee Municipal Complex, Council Chambers, 101 Town Cir, Yemassee, SC 29945-3363 at 3:00PM, unless otherwise noticed. All meetings are open to the public. Meetings may be cancelled by the Town Administrator if there is no business before the Commission.
- C. Agendas: The Secretary shall notify the Chair of items for inclusion on the agenda. Agendas shall be published no later than twenty-four (24) hours prior to the meeting date and time. Special Meetings may be held at the call of the Chair or a majority of the Commission upon twenty-four (24) hours by notice delivered to the local news media, interested citizens and posting at the Town Hall.
- D. Agenda Amendment: Items may be added to the agenda at a meeting by a majority vote of members present and qualified to vote.
- E. Public Comment: Members of the public desiring to appear before the Commission must complete the prescribed form and provide it to the Secretary no later than five (5) minutes prior to the meeting's start time. Public Comment is limited to two (2) minutes and individuals making comments should address the attending commission, public and Staff with respect.

- F. Workshops: The Commission may periodically hold workshops to discuss issues and general policies to determine the necessity for future action. No formal action shall be taken at the workshop.
- G. Minutes: The Secretary shall maintain the minutes of the meeting, present draft minutes for approval, and upon approval, post the minutes of the meeting to the Town website.

**Section 8. Public Hearing**

- A. Public Hearing Notice: Public Notice of Public Hearings shall be posted in a newspaper of general circulation at least fifteen (15) days prior to the Public Hearing date, on the town website and town sign board. In the case of an Annexation, the property shall be posted. In the case of a Zoning Map Amendment, the property shall be posted and certified mail notice to adjacent property owners notifying them of the meeting date and time shall be mailed.

**Section 9. Appeals of Commission Decisions**

Appeals of Commission Decisions shall be in accordance with the provisions set forth in the South Carolina Local Government Comprehensive Planning Act of 1994.

**Section 10. Amendment and Adoption**

Once initially adopted by the Commission and approved by Resolution by the Town Council, these rules may be amended at any regular meeting of the Commission by a majority vote of members present and qualified to vote at least seven (7) days after the written amendment is delivered to members.

These rules were adopted by vote of a majority of members present and qualified to vote at a regular public meeting on \_\_\_\_\_, 2023.

Attest: \_\_\_\_\_

Secretary

Chair