

20799

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Shirley C. Robinson, Administrative Law Judge

Docket No. 2011-ALJ-07-0556-CC

RECEIVED

OCT 22 2013

SC Court of Appeals

Grand Bees Development, LLC, Respondent,

v.

South Carolina Department of Health and
Environmental Control and County of Charleston, Appellants.

RECORD ON APPEAL

Volume II of II

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Johanna Serrano Gardner

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BKD 516PG658

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

LIMITED WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, THAT BEES RESOURCES, L.P., a South Carolina limited partnership ("Grantor") in the State aforesaid in consideration of the sum of FOUR MILLION ONE HUNDRED FORTY-ONE THOUSAND FIVE HUNDRED EIGHTEEN AND 00/100 (\$4,141,518.00) DOLLARS, in hand paid at and before the sealing of these presents by GRAND BEES DEVELOPMENT, LLC, a Florida limited liability company ("Grantee") in the State aforesaid, the receipt whereof is hereby acknowledged, has granted, bargained, sold and released, and by these Presents does grant, bargain, sell and release unto the said GRAND BEES DEVELOPMENT, LLC, a Florida limited liability company, the following described property:

FOR LEGAL DESCRIPTION, SEE EXHIBIT A, ATTACHED
HERETO AND INCORPORATED HEREIN BY REFERENCE

For reference see TMS No: 301-00-00-035 (Portion of)

Grantee's Address: *The Shaker Companies*
4315 Paddle Oaks Court S.W. 1
Jacksonville, FL 32224

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises before mentioned unto the said Grantee, the Grantee's Successors and Assigns forever.

AND, subject to matters contained herein, the said Grantor does hereby bind Grantor and Grantor's Successors and Assigns, to warrant and forever defend, all and singular, the said Premises unto the said Grantee, the Grantee's Successors and Assigns, against Grantor and Grantor's Successors and Assigns lawfully claiming, or to claim the same or any part thereof.

WITNESS Grantee's Hand and Seal, this 15 day of November in the year of our Lord two thousand four and in the two hundred and twenty-ninth year of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

BEES RESOURCES, L.P., a South Carolina
limited partnership (SEAL)

William G. Baker
(Signature of Witness #1)
H. Brown Hamrick
(Signature of Witness #2)

BY: SEEB, Inc.
Its: General Partner

By: *H. Brown Hamrick*
H. Brown Hamrick
Its: President

#2034-1339 11/15/04 blm

GRAND BEES
0048

BKD 516PG659

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

The foregoing instrument was acknowledged before me this 15 day of November, 2004 by
BEEB RESOURCES, L.P., a South Carolina limited partnership by SEEB, Inc., its General
Partner, by H. Brown Hamrick, its President on behalf of said Grantor.

William B. Seeb (SEAL)
NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES 10-7-2007

#2004-1339 11/15/04 bhu

GRAND BEEB
0049

0333

EXHIBIT A

ALL that piece, parcel or tract of land situate, lying and being in the City and County of Charleston, South Carolina and being shown and designated as "Tract D2 310.669 Acres Total 97.424 Acres Wetlands 213.245 Acres Highland" on a plat by Forsberg Engineering and Surveying, Inc. dated September 9, 2004 entitled in part "SUBDIVISION PLAT OF TRACT D BEES LANDING CITY OF CHARLESTON, CHARLESTON COUNTY, SOUTH CAROLINA" and recorded October 25, 2004 in the RMC Office for Charleston County, South Carolina at Plat Book EH, Page 427, and having such size, shape, buttings, boundings, dimensions and location as will appear by reference to said plat which is incorporated herein by reference, be all the dimensions and measurements shown thereon a little more or less.

BUTTING AND BOUNDING according to said plat as follows: to the north and northwest on Lot 9A, property now or formerly of Coastal Desert Partners, LLC, Charleston County TMS # 301-00-00-330 and also on Ashley Gardens Blvd. 70' R/W and 50' R/W; to the northeast on property now or formerly of Beazer Homes, Corp. Charleston County TMS # 301-00-00-050; to the southeast on property of Bees Resources, L.P. known as Tract D1; to the south on property now or formerly of Henry Kuznik Charleston County TMS # 301-00-00-028; to the southwest on property now or formerly of the County of Charleston, Charleston County TMS # 301-00-00-028; and to the west and northwest on property now or formerly of Long Savannah Partners, LP, Charleston County TMS # 301-00-00-006.

TOGETHER with a roadway easement over Tract D1 as shown on said plat for the benefit of the above described Tract D2 as more fully set forth in, and subject to the provisions of, that certain "Connector Road Easement Agreement" between Bees Resources, L.P., a South Carolina limited partnership, and Grand Bees Development, LLC, a Florida limited liability company, dated Nov. 15, 2004 and recorded or to be recorded simultaneously herewith at Book _____, Page _____, RMC Office for Charleston County, South Carolina.

SAVING, EXCEPTING and RESERVING to Grantor, its successors and assigns, a roadway easement over Tract D2 as shown on said plat for the benefit of Grantor's retained land shown as Tract D1 on the above referenced plat, as more fully set forth in, and subject to the provisions of, that certain "Connector Road Easement Agreement" between Bees Resources, L.P., a South Carolina limited partnership, and Grand Bees Development, LLC, a Florida limited liability company, dated Nov. 15, 2004 and recorded or to be recorded simultaneously herewith at Book _____, Page _____, RMC Office for Charleston County, South Carolina.

The above described property is conveyed subject to applicable easements, covenants, conditions, restrictions, reservations and encumbrances of record, subject to matters shown on the within referenced plat(s) and subject to matters which a current correct survey or inspection of the premises would reveal, and subject to the following:

- (a) "Declaration of Covenants and Restrictions Grand [sic] Oaks Plantation" dated October 27, 1998 and recorded October 28, 1998 in Book P-313, Page 895, RMC Office for Charleston County, South Carolina; as amended and restated by instrument dated March 30, 2000 and recorded April 7, 2000 in Book M-345, Page 573, said RMC; as amended by instrument dated December 19, 2001 and recorded December 20, 2001 in Book T-391, Page 850, said RMC Office; as amended by instrument dated Nov. 15, 2004 and recorded or to be recorded simultaneously herewith in Book _____, Page _____, said RMC Office. (2004)
- (b) Terms and provisions of "Declaration of Restrictive Covenants" from Bees Resources, L.P., as Declarant, dated Nov. 15, and recorded or to be recorded simultaneously herewith in Book _____, Page _____, RMC Office for Charleston County, South Carolina.

#2004-1339 11/15/04 blm

GRAND BEES
0050

8XD 516PG661

- (c) Terms and provisions of instrument creating the within easement, entitled in part "Connector Road Easement Agreement" by and between Bees Resources, L.P., a South Carolina limited partnership, and Grand Bees Development, LLC, a Florida limited liability company, dated Nov. 15 2004 and recorded or to be simultaneously herewith in Book 6516 Page 245 RMC Office for Charleston County, South Carolina.
- (d) Rights of Commissioners of Public Works of the City of Charleston, S.C. in and to existing water and sewer lines as located within the area designated as "General Utility Easement (10.890 Acres)" on survey by Forsberg Engineering and Surveying, Inc. dated November 2, 2004, revised November 9, 2004 and attached as an exhibit to the instruments more fully described at paragraphs (b) and (c) above.

The above described property is conveyed in "as is" condition and without any representation or warranty, express or implied, as to the physical condition of the property.

BEING a portion of the property conveyed to Grantor herein by deed of Bees Landing Limited Partnership dated March 23, 1994 and recorded April 21, 1994 in Book W-241, Page 403, RMC Office for Charleston County, South Carolina; and by confirmatory deed from Bees Landing Limited Partnership dated March 23, 1994 and recorded June 2, 1995 in Book Z-255, Page 451, said RMC Office.

#2004-1330 11/15/04 blm

GRAND BEES
0051

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

AFFIDAVIT

BKD 516PG662
Date of Transfer of Title
Closing Date 11-15-2004

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this Affidavit and I understand such information.
2. The property is being transferred **BY BEES RESOURCES, L.P.**, a South Carolina limited partnership **TO GRAND BEES DEVELOPMENT, LLC**, a Florida limited liability company **ON November 15, 2004**.
3. Check one of the following: **The DEED is**
(a) x subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
(b) _____ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
(c) _____ EXEMPT from the deed recording fee because (exemption # _____) (Explanation, if required: (If exempt, please skip items 4-6, and go to item 7 of this affidavit.)
4. Check one of the following if either item 3(a) or item 3(b) above has been checked.
(a) x The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$ 4,141,518.00.
(b) _____ The fee is computed on the fair market value of the realty which is \$ _____.
(c) _____ The fee is computed on the fair market value of the realty as established for property tax purposes which is \$ _____.
The DEED Recording Fee is computed as follows:
(a) \$ 4,141,518.00 the amount listed in item 4 above
(b) 0 the amount listed in item 5 above (no amount place zero)
(c) \$ 4,141,518.00 Subtract Line 6(b) from Line 6(a) and place the results.
5. Check YES _____ or NO x to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "YES," the amount of the outstanding balance of this lien or encumbrance is \$ _____.
As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Grantor.
6. Check if Property other than Real Property is being transferred on this Deed.
(a) _____ Mobile Home
(b) _____ Other
7. _____ DEED OF DISTRIBUTION - ATTORNEY'S AFFIDAVIT: Estate of _____ deceased CASE NUMBER _____. Personally appeared before me the undersigned attorney who, being duly sworn, certified that (s)he is licensed to practice law in the State of South Carolina; that (s)he has prepared the Deed of Distribution for the Personal Rep. in the Estate of _____ deceased and that the grantee(s) therein are correct and conform to the estate file for the above named decedent.
8. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

SWORN this 15 day of November, 2004

William B. Baker
Notary Public for South Carolina
My Commission Expires: 10-7-2009

SIGNED: [Signature]
Grantor, Grantee, or Attorney that prepared this form
H. Brown Hamrick
Type or Print Name here

GRAND BEES
0052

RECORDER'S PAGE

This page Must remain with
the original document.



MD 516PG663

Recording

Fee 11.00

State

Fee 10,769.20

County

Fee 4556.20

Postage _____

TOTAL 15,336.40

A

YOUNG CLEMENT RIVERS, LLP

FILED

D516-658

2004 NOV 16 PM 2:36

CHARLES LYNNARD
REGISTER
CHARLESTON COUNTY SC

**PID VERIFIED
BY ASSESSOR**

REP LMG

DATE 11/24/04

RECEIVED FROM RMC

NOV 16 2004

PEGGY A. MOSELEY
CHARLESTON COUNTY AUDITOR

(843) 958-4800 2 Courthouse Square Charleston, SC 29401

GRAND-BEES
0053

DEVELOPMENT GUIDELINES

Bees Landing

Charleston, South Carolina

**DEVELOPMENT GUIDELINES
PLANNED DEVELOPMENT DISTRICT**

Bees Landing

Charleston, South Carolina

A Development of

Bees Landing Limited Partnership
Post Office Box 21599
Charleston, South Carolina 29413
843/577-4155

Original Report Prepared By:

Foresberg Engineering and Surveying, Inc.
1587 Savannah Highway, Suite B
Post Office Box 30575
Charleston, South Carolina

28 September 1993

Revised By:

Seamon, Whiteside & Associates, Inc.
503 Wando Park Blvd., Suite 100
Mt. Pleasant, South Carolina 29464
843/884-1667

Revised 9 July 2001
Revised 2 October 2002
Revised 17 August 2004
Revised 22 March 2005

Revised for Amendment By:

HLA, Inc.
29 Leinbach Drive, Bldg A
Charleston, South Carolina 29407
843/763-1166

Revised 17 November 2011
Revised 30 December 2011

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Previously Approved and Revised Land Use Plans

Attachments A-F

Revised Land Use Plan

Attachment G

Conceptual Site Plan

Attachment H

Ashley Gardens Boulevard –
Existing Conditions and Proposed Improvements

Attachment I

Proposed Road Sections (55' and 60' R.O.W.'s)

Attachment J

Proposed Road Section (40' R.O.W.)

Attachment K

Relationship to the City Zoning Ordinance

The PUD Development Guidelines for the Bees Landing PUD, attached hereto and made a part hereof, are part of the PUD conditional use Master Plan application submitted in accordance with Article 15, Section 54-99 of the Zoning Ordinance of the City of Charleston as amended by Ordinance Number 1991-72 and Ordinance Number 1993-22. The Bees Landing PUD conditional use Master Plan was approved on March 16, 1993; Ordinance 1993-28, and amended on August 21, 2001; Ordinance 2001-80; and amended November 12, 2002; Ordinance 2002-126; and amended October 12, 2004; Ordinance 2004-105; amended on December 22, 2005; Ordinance 2005-661 and amended on _____ 2012; Ordinance 2012-_____

The Zoning Ordinance of the City of Charleston is incorporated by reference, except as amended herein. No person shall erect or alter any building, structure, or sign on any tract of land or use any tract of land within the Bees Landing PUD except in conformance with these regulations.

Unless modified herein, definitions of terms used in the Bees Landing PUD Master Plan shall follow definitions listed in Chapter 54 Zoning Ordinance. Administration and enforcement of the adopted Bees Landing Master Plan shall follow Article 9, Zoning Ordinance.

DEVELOPMENT GUIDELINES
PLANNED DEVELOPMENT DISTRICT

Bees Landing

Charleston, South Carolina

28 September 1993
Revised 9 July 2001
Revised 2 October 2002
Revised 17 August 2004
Revised 22 March 2005
Revised 17, November, 2011
~~Revised 30 December 2011~~

Purpose and Intent

The purpose and intent of these development guidelines is to allow for the description of a planned unit development district which is composed of 1004.2 acres. This site is located on the north side of Bees Ferry Road approximately 2000 feet from the intersection of Highway 61. The site is scheduled to be bisected by the proposed Highway 61. No state right-of-way acquisition has occurred on this tract, however every attempt has been made to plan for its ultimate construction.

The site is the former location of phosphate mining operations which were terminated in the 1920's. The mining operations left several low areas on the property which are classified as U.S. Army Corp of Engineers jurisdictional wetlands. These areas have been previously delineated and approved by the Corps of Engineers. The planning process has attempted to respect these wooded wetland areas, and to use them as natural buffers between adjacent tracts of developable high land.

The vast majority of the property is planned for various residential uses with an ultimate buildout 3788 dwelling units. At present market conditions, this number of units would take many years to complete. Flexible and sensible planning procedures have been followed to allow the property to be developed with sensitivity toward the environment and adjacent land uses while maintaining a viable planning logic for long-term project viability.

Every attempt has been made to respect the design standards and recommendations of the 61 Corridor Growth Management Plan and the 61 Corridor Development Standards Guidebook, as well as the City of Charleston Planning and Zoning staff.

Land Use

The proposed land use is as follows:
(All acreage is approximate)

Gross Land Area	1004.2 acres
Total Dwelling Units	3788 D.U.
Gross Density	3.8 D.U./Acre
Fresh Water Wetlands	183.0 Acres
Net Usable Land	821.2 Acres
Net Density	4.6 D.U./Acre
Major Roadway Areas	54.9 Acres

Table 1: Land Use¹

Land Use	Total (Acres)	Wetland (Acres)	High Land (Acres)	Dwelling Units	Net Density (Units per Acre)
R-1	88.1	5.2	82.9	249	3.0/acre
R-2	632.5	115.3	487.2	1981	4.1/acre
R-9	67.8	15.8	52.0	404	7.8**/acre
R-9 LW	46.4	9.9	36.5	295	8.1/acre
R-12	90.3	9.28	90.02	859	9.5/acre
Park	24.2	5.9	18.3	N/A	N/A
Roadway	54.9	0.6	54.3	N/A	N/A
Totals	1004.2	183.0	821.2	3788	4.6/acre

¹ All acreages are approximate. Revised acreages are based on surveyed land areas for R9-LW tract.

* Overall R-12 net density for the entire PUD is 9.0 du/ac, however based on the unit allocation shown on the Revised Land Use Plan (Attachment G) certain individual R-12 land use areas may have, but shall not exceed a net density of 12 du/ac; units may be allocated between individual lots within the R-12 Land Use areas, but shall not exceed the number of units allowed by the PUD for the entire land use area. Unit allocations within the land use areas shall be denoted on all subdivision plans.

** Overall R-9 net density for the entire PUD is 7.8 du/ac, however based on the unit allocation shown on the Revised Land Use Plan (Attachment G) certain individual R-9 land use areas may have, but shall not exceed, 9 du/ac net density.

Zoning Districts

Bees Landing R-1 and R-2 Residential Districts

In R-1 and R-2 residential zone districts land may be used and buildings may be erected, altered, or used for the following permitted uses:

- 1) One-family detached dwellings.
 - 2) Park, playground, or athletic field not operated as a business for profit.
 - 3) Golf courses and associated clubhouse accessory uses and maintenance structures are permitted except that outdoor lighting shall be permitted only as an exception where the Board of Adjustment shall find that the lighting will not adversely impact adjacent residential areas.
 - 4) Non-commercial horticultural activity, including garden or greenhouse.
 - 5) Static electric transformer station, gas regulator station, or other utility station necessary for service of the immediate area. Such station shall be permitted only as an exception where the Board of Adjustment, after review, finds that such station is essential for service of the immediate area, will be enclosed within an appropriate woven wire or solid fence, will be suitably landscaped and no storage of vehicles or equipment will occur.
 - 6) Churches. A church shall be permitted only as an exception where the Board of Adjustment, after review, finds that it will not be closer than twenty-five (25) feet to a property line of an adjoining property and that required off-street parking space, separated from property lines by an appropriate buffer strip will be provided.
 - 7) Elementary and secondary schools offering general educational or college level schools. Establishment, construction or expansion of such schools shall be permitted only as an exception where the Board of Adjustment, after review, determines that:
 - (a) Principal buildings shall occupy no more than 50 percent of the lot area.
 - 8) Cemeteries. Cemeteries shall be permitted only as an exception where the Board of Adjustment, after review, finds that no building or parking lot thereof will be closer than one hundred (100) feet to an adjoining lot, and that all facilities will be adequately screened and landscaped in a manner appropriate to the character of the district.
-

- 9) Accessory uses, incidental to any of the principal uses above listed including quarters for servants employed on the premises, private garages and carports not

attached to the principal building, tool sheds and similar storage facilities, gazebos, private swimming pools adequately fenced, and the like.

- 10) Home occupations subject to permitting procedures and restrictions for home occupations in single-family residential districts as specified in the Zoning Ordinance, City of Charleston, Section 54-12.

- 11) A fence, hedge, or enclosure wall, provided that any fence, hedge or enclosure wall located within fifteen feet of the intersection of two street lines shall not exceed a height of three (3) feet.

- 12) Family day care homes subject to permitting procedures and restrictions for family day care homes in single-family residential districts as specified in the Zoning Ordinance, City of Charleston, Section 54-12.

- 13) Group day care home subject to permitting procedures and restrictions for day care homes in single-family residential districts as specified in the Zoning Ordinance, City of Charleston, Section 54-12.

- 14) Day care centers subject to permitting procedures and restrictions for family day care homes in single-family residential districts as specified in the Zoning Ordinance, City of Charleston, Section 54-12.

- 15) Overnight day care facilities subject to permitting procedures and restrictions for overnight day care homes in single-family residential districts as specified in the Zoning Ordinance, City of Charleston, Section 54-12.

Bees Landing R-9, R-9 LW, and R-12 Residential Districts

Within any R-9, R-9 LW, or R-12 zoning district, land may be used and buildings erected, altered, or used only for the following permitted uses:

- 1) All uses permitted in R-1 and R-2 district subject to any review required by the Board of Adjustment for such use in the district.
- 2) Two-Family dwellings.
- 3) Multiple dwellings.
- 4) One Family attached dwellings, including town, row, or patio houses and condominium units (AD-1, R-9 LW).
- 5) All Accessory uses incidental to the above permitted areas.

- 6) Club houses, not including a club, the chief activity of which is a service customarily carried on as a business.
- 7) Structures consisting of two units of one-family attached dwellings.
- 8) Accessory uses incidental to any above-listed permitted principal use.
- 9) Live-work units where designated within the R-9 LW land use area on the Land Use Plan:
 - a) Permitted uses to include those allowed within GO and CT districts per the City of Charleston Zoning Ordinance.
 - b) Live/work units shall be required to front on a street with on-street parking. Two additional off-street spaces shall also be required for live/work units.
 - c) Signage associated with live/work units to conform to the City of Charleston Zoning Ordinance Section 54-415 (b) facade signs, (c) window signs, (e) sandwich board signs, (g) residential and multi-family development identification signs, and (i) directional and warning signs.
 - d) Hours of operation to conform to those allowed within CT district per the City of Charleston Zoning Ordinance.
 - e) Location of work component shall be restricted per Attachment ~~BB~~ Work component will be restricted to the ground floor and have a maximum area of 1000 square feet gross floor area.

Bees Landing Park District

A district designed primarily to protect and encourage the appropriate use of marshlands, forested areas, scenic areas, and agricultural areas intended to be developed for park and open space uses.

In any Bees Landing Park District, land may be used and buildings may erected, altered or used for the following permitted uses:

- 1) Cultural entertainment, and recreational facilities including but not limited to: golf courses, tennis courts, riding stables, playgrounds, swimming areas, marinas and country clubs except that lighted outdoor facilities shall only be permitted as an exception where the Board of Adjustment finds that the lights will not adversely impact adjacent residential areas.
- 2) Accessory buildings and uses to the above.

Within any Bees Landing Park District, land may be used and buildings may be erected, altered or used for the following permitted uses where, after review by the Board of

Adjustment, the board determines that such uses are in accordance with the adopted Bees Landing Master Plan.

3) Sewage disposal facilities.

The board in its review of the above uses shall refer to future land use plans and may deny, approve, or impose reasonable and additional stipulations, conditions or safeguards as in its judgment will establish a homogenous land use pattern and encourage the most appropriate future land use throughout the municipality.

Schedule of Major Height and Area Regulations

Principal Buildings

Zone District Designation	Front & Rear Yards. Min. Depths									Max. % of Lot Occ. Prin. Bldg.	Max Height Limits	Gross Density
				Side Yards Min. Widths			Min. Lot Area Per Family (s.f.)					
	Front	Rear	Total	S/W	N/E	Total	1-Family	2-Family	Multi-family			
BL R-1	25'*	25'	50'	8'	8'	16'	8000	N/A	N/A	35%	35'/2-1/2 str.	3 DU/A
BL R-2	25'*	25'	50'	6'	6'	12'	5500	N/A	N/A	50%	35'/2-1/2 str.	4.78 DU/A
BL R-9***	20'**	20'	40'	4'	4'	8'	5000	4800	4000	50%	50'/3 str.	9 DU/A
BL R-9 LW***	Note: See BL R-9 LW Standards and Regulations made a part of these Development Guidelines.											
BL R-12***	20'**	20'	40'	4'	4'	8'	4000	3600	3000	50%	50'/3 str.	12 DU/A

*No front yard setback is required for churches and the total front and rear yard setback requirement shall be reduced accordingly.

~~The City of Charleston Design Review Board may reduce the front setback for multi-family uses in land use areas that permit the use of row buildings to properly address the adjacent streets~~

***Attached single -family dwellings (AD-1) permitted. Refer to Article 3: Part 11 for special provision of standards and regulations for one-family attached dwellings, town, or row houses where permitted.

Accessory Buildings

Zone							Max.	Max
District	<u>Front & Rear Yard Min. Depths</u>			<u>Side Yard Min. Widths</u>			Building	Building
Designation	<u>Total</u>	<u>Front</u>	<u>Rear</u>	<u>S/E</u>	<u>N/E</u>	<u>Total</u>	<u>Area</u>	<u>Height</u>
BL R-1	25'	10'	35'	5'	5'	10'	550 s.f.	18***
BL R-2	25'	5'	30	5'	5'	10'	550 s.f.	18***
BL R-9****	20'	4'	24'	4'	4'	8'	250 s.f.	18***
BL R-9 LW****	Note: See BL R-9 LW Standards and Regulations made a part of these Development Guidelines.							
BL R-12****	20'	4'	24'	4'	4'	8'	1000 s.f.	18***

***Or height of principal building whichever is least.

****Attached single -family dwellings (AD-1) permitted. Refer to Article 3: Part 11 for special provision of standards and regulations for one-family attached dwellings, town, or row houses where permitted.

BL-R9 LW Standards and Regulations.

For one-family attached dwellings, town or row houses, condominium units, and live/work units, the following standards and regulations shall apply in all districts where permitted.

- A) Height Limitations: Maximum fifty (50) feet and three (3) stories
- B) Lot frontage: Minimum sixteen (16) feet (where side setbacks are hereinafter required, the minimum lot width shall be increased accordingly).
- C) Front setback for the principal building: No front setback shall be required. Awnings for live/work units shall be allowed to project into the street right-of-way upon approval by City of Charleston Public Services.
- D) Side setback for the principal building: A minimum side setback of six (6) feet shall be provided between the end units of a row and a side lot line: provided, however that:
 - 1) When the side lot line is a street line, the side setback adjacent to such street shall be at least ten (10) feet; and
 - 2) When the side lot line borders a driveway, the title to which or the easement to which runs with or is appurtenant to such lot, the side setback may be reduced three (3) feet; and
 - 3) When no building on the next adjacent lot fronting on the same street is within three (3) feet of the side lot line, the side setback adjacent to such next lot may be reduced to four (4) feet if its wall on that side shall be of masonry construction, without openings, except ventilator grills; and
 - 4) When the next adjacent lot is a platted open space or common area with a minimum width of ten (10) feet, there shall be no required setback.
- E) Rear setback for the principal building: No rear setback shall be required, except that when the required vehicular parking space is provided in rear yard, minimum rear setback shall be twenty-five (25) feet; and
- F) Minimum lot area per family: Eight hundred (800) square feet.
- G) Open Space per Lot: A minimum of two hundred (200) square feet of open space shall be required on each live/work lot. A minimum of four hundred

(400) square feet of open space shall be required on each attached-dwelling lot.

H) Accessory buildings: Shall be permitted and the following standards shall apply"

- 1) Front setback for accessory buildings: No front setback shall be required, provided that any accessory building must be located to the rear of the principal building a minimum of ten (10) feet.
- 2) Side setback for accessory buildings: There shall be no minimum side setback required, provided, however, that when the side lot line is a street line, the side setback adjacent to such street shall be at least ten (10) feet.
- 3) Rear setback for accessory buildings: Minimum rear setback of five (5) feet shall be provided.
- 4) In addition to a carport or garage, another accessory building shall be permitted in the rear yard, provided it does not exceed one hundred (100) square feet in floor area and twelve feet in height, and any such accessory buildings shall be constructed of materials similar to or in keeping with the principal building.

I) Additional dwellings: None

J) Special requirements:

- 1) The partition wall and walls between such structures shall comply with building code requirements.
- 2) Not more than eight (8) such dwellings shall be constructed or attached together in a continuous row, and no such row shall exceed two hundred (200) feet in length. Parking shall be provided for each such dwelling, pursuant to the zoning regulations, either on the premises, in a community parking lot or garage (the title to which and/or the easement for the use of which runs with and/or is appurtenant to the title to such dwelling) or along the street. No such parking lot or garage or on street parking space shall be locate more than two hundred (200) feet from the dwelling which it serves.

Buffer/Landscape Requirements

Buffer requirements for all internal parcels of development shall be per similar zonings and principle land use standards in the Zoning Ordinance of the City of Charleston ~~as outlined in Sec 54.347, Table 3.6: Schedule of Required Buffers of the Ordinance.~~ The buffers located along the 61 Expressway are intended to separate and completely screen land uses from the adjoining 61 Expressway. This shall be accomplished utilizing existing negation wherever possible. If the existing vegetation does not provide an adequate screen when pods are developed adjacent to the 61 Expressway right-of-way, the installation of new landscape materials will be required.

The buffer required shall be 100' in depth along the west side of the expressway and 50' in depth along the east side of the expressway; except that the 100' buffer may be reduced to 75' and the 50' may be reduced to 25' upon approval of the Zoning Administrator provided a finding is made that the proximity of wetlands or other site constraints to the buffer necessitates the encroachment of roads or lots into the required buffer to make reasonable use of the property, and further provided that the extent of the encroachment into the buffer is limited to the absolute minimum necessary to accomplish reasonable use. The buffer between the tract designated R-9-LW on the Land Use Plan and 61 Expressway shall be reduced to 50' per approval of the Zoning Administrator.

Following is a list of provisions applicable to all buffers:

Within designated buffers, all living trees should be preserved, regardless of size. Existing vegetation within buffer zones shall be protected with barricades during any grading or construction operations. Barricades must be installed and inspected by City staff prior to the issuance of any site work permits.

If existing vegetation covers less than 75 percent, supplemental plantings may be required to achieve the opacity standard specified for each buffer type. City staff reserves the right to require the use of native species for supplemental plantings (subject to availability).

Any structural element used shall be installed so as not to damage existing trees. Within the required buffer, no berms or walls shall be installed within 12' of existing trees. Stormwater detention or retention facilities shall not be permitted within the required buffer.

If supplemental plantings are required, plant sizes at installation shall be as follows:

Shade trees	(2.5 – 3.0" cal. min.)
Understory tree	(6 – 8' ht. min)
Shrubs	(30" ht. min.)

All proposed planting shall be subject to review by City staff.

Typical 100' Buffer

Should contain no unobstructed openings greater than 20' wide upon maturity; any structural elements which are incorporated shall be placed in the rear 25 percent of the buffer, away from 61 Expressway right-of-way. See Appendix for typical buffer examples.

Areas within the 100' Buffer Which Require Reduction in Depth to 75'

These areas shall be supplemented so that no unobstructed openings greater than 10' exist upon maturity. If structural elements are incorporated, they should be placed in the rear 25 percent of the buffer (away from the 61 Expressway right-of-way).

Areas within the 100' Buffer Which Require Reduction in Depth to 50'

These areas shall remain undisturbed and shall be supplemented so that no unobstructed openings greater than 10' exist upon maturity. No structural elements or trails shall be permitted in the reduced 50' buffer. Walkways and bikeways will connect within the development for pedestrian and bike access parallel to the parkway.

Typical 50' Buffer

These areas should contain no unobstructed openings greater than 15' upon maturity. If structural elements are incorporated, they should be placed in the rear 25 percent of the buffer, (away from the 61 Expressway right-of-way).

Areas Within the 50' Buffer Which Require Reduction in Depth to 25' These areas shall be supplemented so that no unobstructed openings greater than 7' exist upon maturity. If structural elements are incorporated, they should be placed in the rear 10 percent of the buffer (away from the 61 Expressway right-of-way).

Buffer Maintenance

Dense undergrowth shall be controlled in order to eliminate health hazards created by rodent habitats. This is not to preclude the orderly maturation of the vegetation. Dead trees shall be removed in a timely manner. The property owner shall be held responsible for safety and/or health hazards created by poorly maintained buffers.

Tree Protection

Tree protection and replacement shall be per the Zoning Ordinance, City of Charleston, with the exception of modifications described herein.

Off-Street Parking and Loading

Off-street parking and loading requirements shall be per the Zoning Ordinance, City of Charleston, with the following exceptions for R9-LW:

- a) On-street parking shall be permitted.
- b) On-street parking shall be required for all live/work units. Two additional off-street spaces shall also be required for live/work units.
- c) Parking requirements shall be satisfied either on the premises, in a community parking lot or garage (the title to which and/or the easement for the use of which runs with and/or is appurtenant to the title to such dwelling) or along the street. No such parking lot or garage or on-street parking space shall be located more than two hundred (200) feet from the dwelling which it serves.
- d) Parking shall not be permitted in front or side yard.

Subdivision Regulations

All subdivision requirements shall be per the Zoning Ordinance, City of Charleston, with the following exceptions:

- a) Trees may be present in the road right-of-way provided that they are no closer than 6' from the edge of roadway pavement.
- b) The roadway may meander within the road right-of-way only to avoid trees.
- c) Asphalt swale road section and roadside swale section may be allowed on collector roads with approval of the Zoning Administrator, City Engineer, and the Department of Traffic and Transportation. These types of road sections may be allowed under any two of the following site conditions:
 - 1) High groundwater
 - 2) Poor surface drainage
 - 3) Adjacent to wetlands

Where asphalt swale and roadside swale road sections are used, collector road intersections must occur at a 500' minimum offset.

- d) Access to collector roads by individual residential lots shall be prohibited.
- e) Street design and right-of-way widths at collector road intersections shall be subject to staff approval pursuant to City of Charleston regulations and analysis of traffic. Design of on-street parking and other traffic-calming devices along collector roads adjacent to and streets within R-9 LW shall be subject to staff approval.
- f) Bicycle and pedestrian paths, including sidewalks, shall be connected to similar structures in adjacent parcels within Bees Landing and to planned or existing structures adjacent to Bees Landing.

- g) Major drainage ways may be constructed of swales and open ditch sections per the South Carolina Coastal County Stormwater Best Management Practices. Open Ditch sections shall be prohibited in single-family residential subdivisions along side lot lines.
- h) Minimum street frontage per lot shall be per the following:

Zone District Designation	<u>Minimum Lot Frontage</u>		
BL R1	40'	25'	N/A
BL R2	40'	25'	65'
BL R9*	40'	25'	N/A
BL R9 LW**	16'	16'	N/A
BL R12*	40'	25'	N/A

* Permitted Land Use AD1 shall comply with City of Charleston Site Regulations, Section 54-353.

** Permitted Land Use R-9 LW shall comply with R-9 LW Standards and Regulations made a part of these Development Guidelines.

Street Design Standards

Street design standards shall per the Zoning Ordinance, City of Charleston with the following exceptions for R9-LW:

- Curb radii and alley standards that do not comply with Section 54-821 shall be subject to TRC review and approval.
- On-street parking shall be allowed along portions of Ashley Gardens Boulevard that are adjacent to the tract designated as R-9 LW as well as connector road between Grand Oaks Boulevard and 61 Expressway.
- Proposed access road connecting future Glenn McConnell Parkway and Grand Oaks Boulevard shall have a minimum 60' right-of-way.
- Within R-9 LW, streets with on-street parking on one side shall have a minimum 55' right-of-way, while streets with on-street parking on two sides shall have a minimum 60' right-of-way.
- A 40' right-of-way with parking on one side of a one-way street shall be permitted.

Signs

Signage regulations shall be per the Zoning Ordinance, City of Charleston except that signage associated with live/work units in R-9 LW shall conform to Section 54-415 (b) facade signs, (c) window signs, (e) sandwich board signs, (g) residential and multi-family development identification signs, and (i) directional and warning signs.

Open Space/Recreation Plan

Open space shall be 20% of the gross acreage of the project. Of this 20% gross acreage, 25% shall be developed and maintained as usable open space.

Based on this criterion, Bees Landing shall have a gross open space area of 200.84 acres. The total wetlands acreage is 183.0 acres leaving a balance of 17.84 acres of gross open space. Usable open space (25% gross) shall be 50.21 acres. A park area has been designated within the planned development which will encompass 18.3 acres of usable open space. This area will likely be conveyed to the City of Charleston for recreational development. The tract is centrally located within the Planned Development offering convenient access (both pedestrian and vehicular) and is isolated from adjacent land uses by wooded freshwater wetlands. It is anticipated that this tract could accommodate multi-purpose recreational uses including baseball, football, soccer, etc.

The balance of usable open space (31.91 acres) will be split among the residential tracts, for development as recreational amenities. Each residential tract shall place 5% of its highland acreage for use as usable open space. This total amount should equal 36.18 acres. Land to be dedicated as usable open space shall be designated on the site plan submitted for each pod. The usable open space shall be located so as to provide convenient access to residents of the neighborhood it is intended to serve, and shall be of a shape and physical condition which makes its use for active recreational uses feasible. By using minimum height and area requirements and variations in unit types, lots and units may be clustered to create additional open space within neighborhoods. Open spaces and parks shall be designated on the Master Plan or identified during the Site Plan approval process, and shall be improved or conveyed as adjacent development pods are developed.

Each residential tract developer/owner shall be responsible for the maintenance of their respective recreation space. This may be transferred by means of the establishment of a homeowner's association or neighborhood regime.

Where the development of a recreational area within an individual tract creates a hardship for the developer/owner, the Zoning Administrator may allow the developer/owner to purchase suitable land in the immediate area for conveyance to the

City of Charleston for development as recreational space. The mitigation may adjust on a case-by-case basis but in no event may it be less than a 1:1 basis.

Gross Land Area	1004.2 Acres
Open Space Required (20%)	200.84 Acres
Usable Open Space Required	50.21 Acres
Freshwater Wetlands	183.0 Acres
Park (Usable Open Space)	18.3 Acres
Residential Recreational Recreation (5% net)	36.18 Acres
Total Usable Open Space	54.48 Acres
Total Open Space	237.48 Acres

Total potential exists for a second City golf course to be constructed within the project. Should that occur, all open/recreational space requirements may be fulfilled through that use.

Bicycle and pedestrian paths shall be encouraged to follow existing tramways and open space areas to allow residents access to commercial and recreational areas. Bicycle paths are to be encouraged along the SCE&G easement (subject to SCE&G approvals) through the center of the property, and to connect to adjacent proposed developments. Credit for usable open space may be allowed by the Zoning Administrator for the installation of approved bicycle and pedestrian paths.

Note: Revised acreages are based on surveyed land areas for R9-LW tract.

Site Utilities

Stormwater Management

Bees landing is a portion of a large watershed of approximately 2700 acres that drains to the south. This watershed consists of a large amount of freshwater wetlands as is reflected in the Bees landing Tract. These wetlands provide considerable detention/retention for the watershed. This watershed flows beneath Bees Ferry Road and continues in open canals to the existing railroad right-of-way south of Bees Ferry road. Once the flow reaches the railroad, it enters the headwaters of Church Creek where it becomes subject to tidal influence.

The Master Drainage and Floodplain Management Plan prepared for the city by Davis and Floyd in 1984 calls for improvements at the 66" diameter outfall at the railroad right-of-way. The proposed Highway 61 Expressway (under construction) will include significant improvements to the existing outfall canals north of the railroad right-of-way.

Bees landing shall be developed within the established stormwater guidelines of the City of Charleston, South Carolina Coastal Council, and the recently adopted requirements of the South Carolina land resources Commission. The existing freshwater wetlands (178.5 acres) will play a vital part in controlling the quantity and

quality of stormwater runoff. The ultimate design will include virtually all of the recommended best management practices for storm water control.

Sanitary Sewer Service

Charleston Commissioners of Public Works (CPW) has agreed to provide sanitary sewer service to this tract and currently has existing facilities within Shadowmoss subdivision, Hickory Farms subdivision, and along Bees Ferry Road.

CPW has developed a conceptual plan that calls for the establishment of four quadrants. Quadrant 1 would be handled by gravity flow into the existing facilities located within Hickory Farms subdivision. Quadrant 2 would be handled by flow into the existing facilities within Shadowmoss subdivision. Quadrant 3 would require the construction of a large pump station centrally located within the quad. The station would then pump to the existing gravity main located just east of the bridge (over the Hickory Farms canal.) Quadrant 4 would require the construction of a smaller pump station which would then pump into the large station located in quadrant 3.

Portable Water Service

Charleston CPW has existing 24" diameter and 36" diameter mains along the north side of Bees Ferry Road. They have recently improved the overall system in the West Ashley area and the development of this tract will include the extension of a new 16" diameter water main from the 24" diameter water main along Bees Ferry Road. The proposed 16" diameter main will follow the corridor of Highway 61 Expressway to the north and eventually loop with other large mains within the CPW system. The proposed network within the remainder of the tract will be sized to provide domestic and fire protection needs.

Electric and Natural Gas Service

South Carolina Electric and Gas has stated their willingness and ability to serve this tract with both electrical and natural gas service.

Freshwater Wetlands

Freshwater jurisdictional wetlands have been delineated and approved by the U.S. Army Corps of Engineers. This delineation is valid until 3 May 1997 and may be extended beyond that date.

Cultural Resources

No archeological study has been performed on the property. Due to intensive mining and logging activity over many years, the ground surface has been modified and drastically disturbed.

While there are several historic plantations, civil war and revolutionary war structures in nearby areas, no such structures are thought to occur on this property. However, according to Mr. Lee Tippet, staff archeologist with the South Carolina Department of Archives and History, an area of Historic Scatterment (38CH980) has been noted on the property. This is an area of pottery fragments and is probably not eligible for the Historic Register.

A second area of identical properties has been noted along an adjacent property (38CH981) line. It is not believed this site is located within the Bees Ferry Project.

Traffic Impact Study

The primary traffic generator for the Bees Landing planned development will be single-family and multi-family residential units. Approximately 90 percent of the 1000 acres will be for residential use with the remaining acreage for various commercial uses. Because the site is currently undeveloped, the construction of new subdivisions within the project will add directly to the current traffic in the area. The 61 Corridor Growth Management Plan adopted by the Charleston City Council in 1986 has made projections concerning the impact the future growth will have on the traffic system. The effect of this development compared with the information provided in this publication will show the overall traffic impact.

By the year 2000, the 61 Corridor Growth Management Plan anticipates that approximately 23,000 residential units will have been constructed in the Highway 61 Corridor. Using a growth factor of 5 percent, the total number of residential units in the 61 Corridor by the year 2007 will be approximately 32,000 residential units. Build-out of Bees Landing is anticipated to be completed in the year 2007 (15 years) and contain a total of 3973 residential units. The residential units in this development will be only 12 percent of the total anticipated in the 61 Corridor by the year 2007.

When build-out of Bees Landing is completed, the Highway 61 Expressway will have been constructed north from Bees Ferry Road and connect with Highway 61 beyond Shadowmoss subdivision. This highway will be a major access for the traffic generated by this development and others in the area. Based on the information provided in the publication, Development and Application of Trip Generation Rates by the Federal Highway Administration, a suburban planned unit development will create a total of 0.70 vehicle trips per residential unit in the afternoon at the peak hour. A total of approximately 2670 trips will be generated by this site with approximately 65 percent, or 1730 vehicles entering the site in the afternoon at the peak hour. Other than a limited amount of property zoned for General Office use, the remaining commercial areas will be used primarily by the residential traffic generated by this development and others associated with the new Highway 61 Expressway. The trips generated by these commercial areas are "Capture Trips" and do not add substantial to the future traffic growth.

A majority of the traffic generated by this development will arrive on the Highway 61 Expressway currently under construction to the south of Bees Ferry Road. The distribution of the traffic onto Bees Ferry Road or continuing north on the Highway 61 Expressway will depend upon the pattern of growth within the development. At build-out however, the distribution of traffic at this intersection is expected to be equal. Approximately half of the traffic generated will continue north on the Expressway and half will turn west on Bees Ferry Road. Distribution of the traffic within Bees Landing will be provided by three collector roads. These roads will intersect with Bees Ferry Road at two locations and also intersect with the Expressway at three locations. Other than one access for a property zoned for General Office use, no other access will be allowed on the Expressway except for the collector roads. Design of each intersection will again depend upon the development pattern within the site. As the development progresses each intersection will be designed to accommodate the anticipated traffic distributions to each area at build-out. Detailed attention will be placed on critical turning movements such as left turns off of the Highway 61 Expressway and onto the collector roads. A majority of the traffic from Bees Ferry Road will be entering the site from the west making a right-hand turn. This situation is much less critical than a left turn land against opposing traffic; however, lanes will be provided for this turning movement.

Two-lane collector roads will be sufficient to handle traffic distribution within the project. Design of the individual collector road intersections will also depend upon the anticipated traffic distribution with emphasis on the critical turning movements. As each intersection is designed, expansion of the right-of-way may be required to accommodate additional turn-lanes. Design of the intersections will be based upon anticipated traffic volumes at build-out and the latest available existing traffic volumes in the area. Design of each access onto the collector roads for each residential area will depend heavily on the total number of units using the access, final grades, and alignment of the collector roads, and the total pass-by traffic at each access point. Depending on these variables, left turn and right turn lanes may be needed and expansion of the proposed rights-of-way may be necessary for the additional lanes.

As the development progresses, more detailed analysis will be made to provide safe access into and within the Bees Landing planned development with as little impact as possible on the traffic flow to other areas. Based on the information in the 61 Corridor Growth Management Plan the traffic impact of this project is typical of that expected in the 61 Corridor.

The above is the Traffic Impact Study provided as part of approved PUD Guidelines. An updated Traffic Impact Assessment in the form of a memo is included as Attachment L in this document.

Timing and Dedication of Roadway Infrastructure Improvements

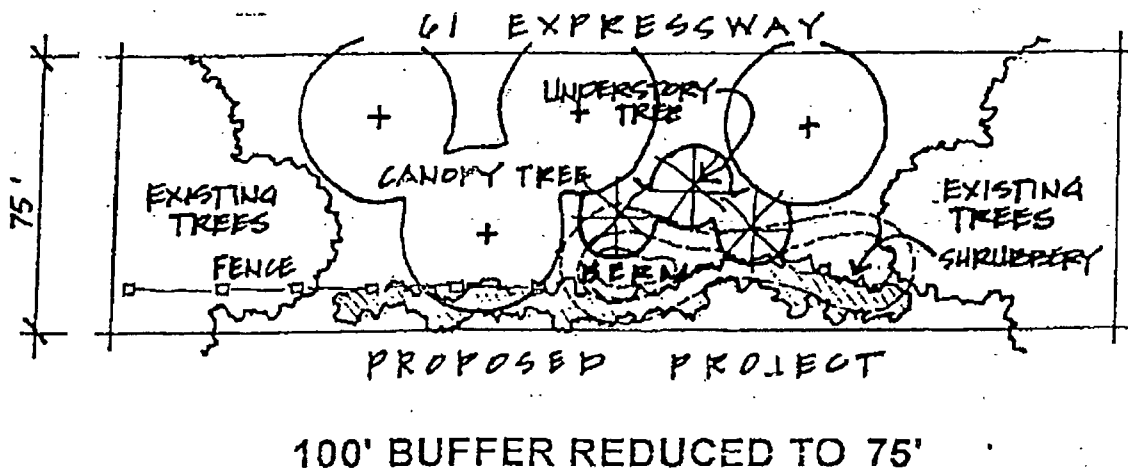
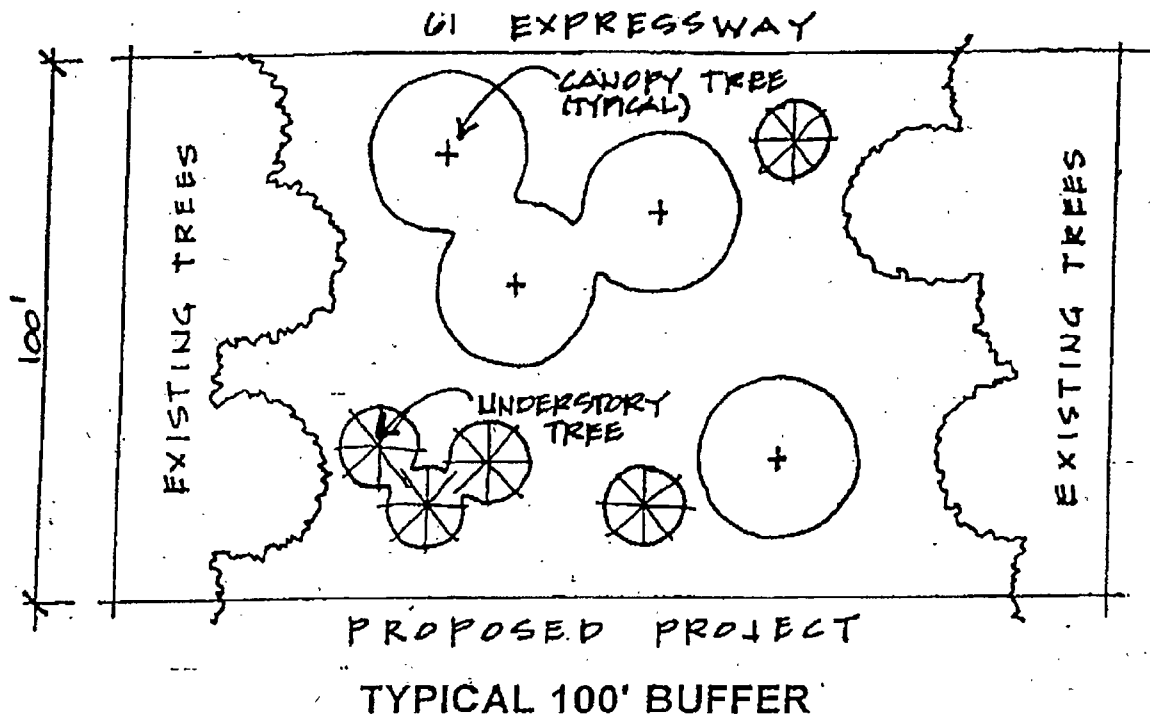
The Collector Road (see Attachment C) between Bees Ferry Road and the Bees Landing Park shall be completed and dedicated prior to issuance of certificate of occupancy (C.O.'s) for multi-family developments and/or the recordation of final plats for single-family development within the land use areas modified by Attachment C of this document. While C.O.'s and final plats shall not be issued, construction plans shall be reviewed and approved based on compliance with applicable requirements and building permits shall be allowed to be issued based on approved plans for construction of uses allowed within the indicated land uses.

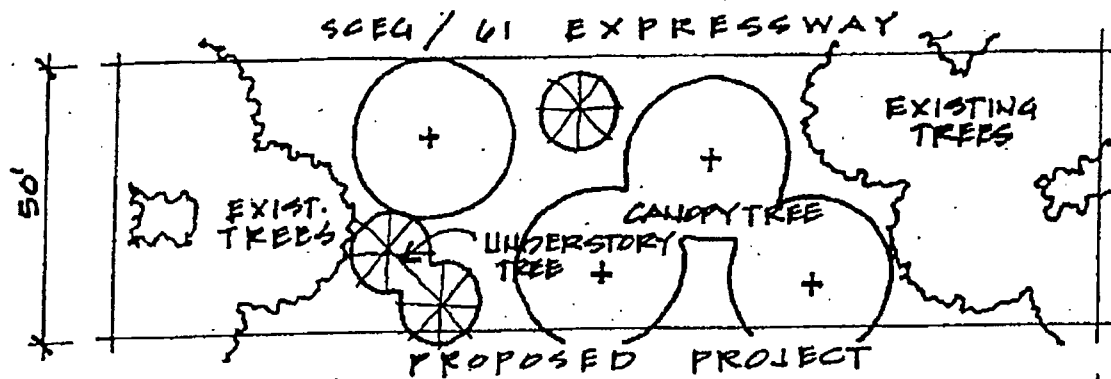
City of Charleston Design Review Board Requirement

Multi-family developments within the R-12 area created by Attachment C of this revised document shall be reviewed and approved by the City of Charleston Design Review Board (DRB).

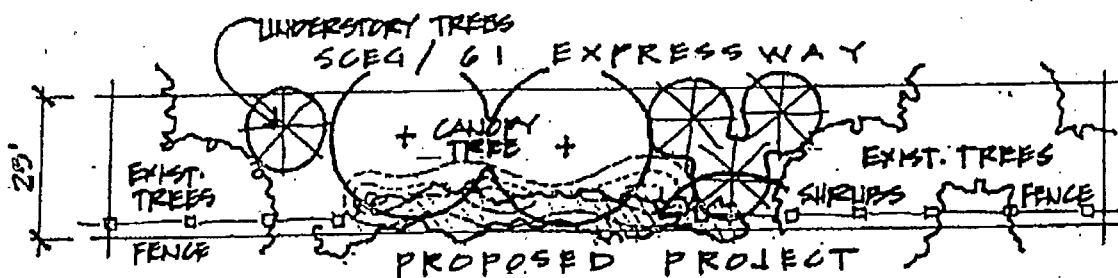
ATTACHMENTS

TYPICAL BUFFER EXAMPLES



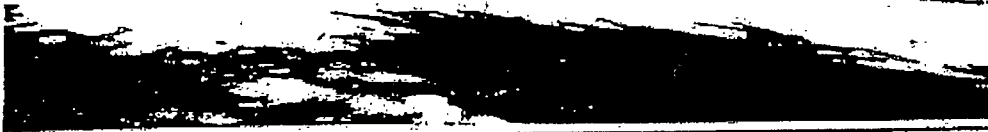


TYPICAL 50' BUFFER



50' BUFFER REDUCED TO 25'

TYPICAL SUBDIVISION PHOTOGRAPHS



(Snee Farm - Mt. Pleasant)



Typical SR-1 Subdivision (Hobcaw Creek - Mt. Pleasant)



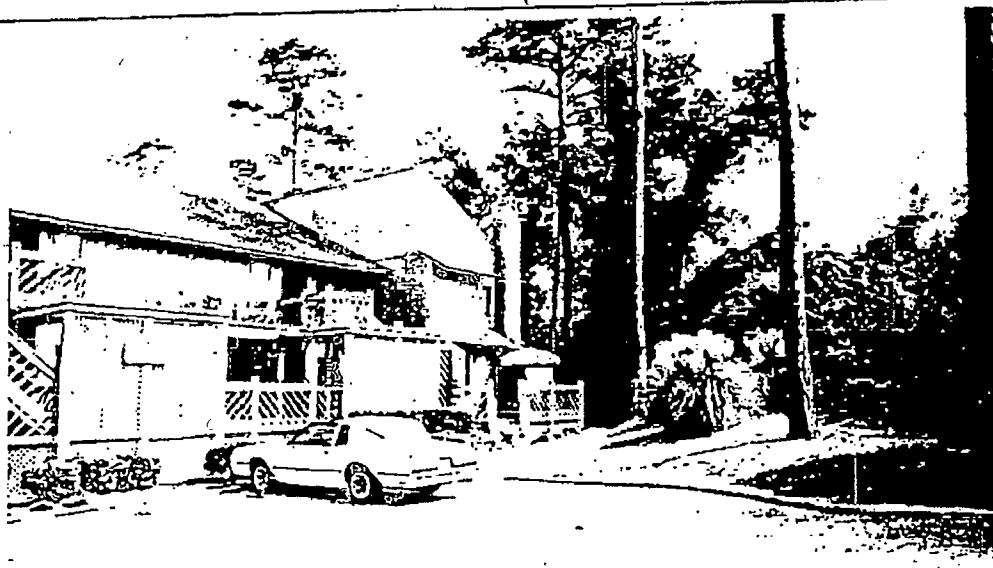
(Hobcaw Creek - Mt. Pleasant)



Typical SR-2 Subdivision (Hobcaw Creek - Mt. Pleasant)



(Old Charlestowne/Snee Farm - Mt. Pleasant)



Typical DR-9 Subdivision

(Greystone - Mt. Pleasant)



(Harbor Pointe - Mt. Pleasant)

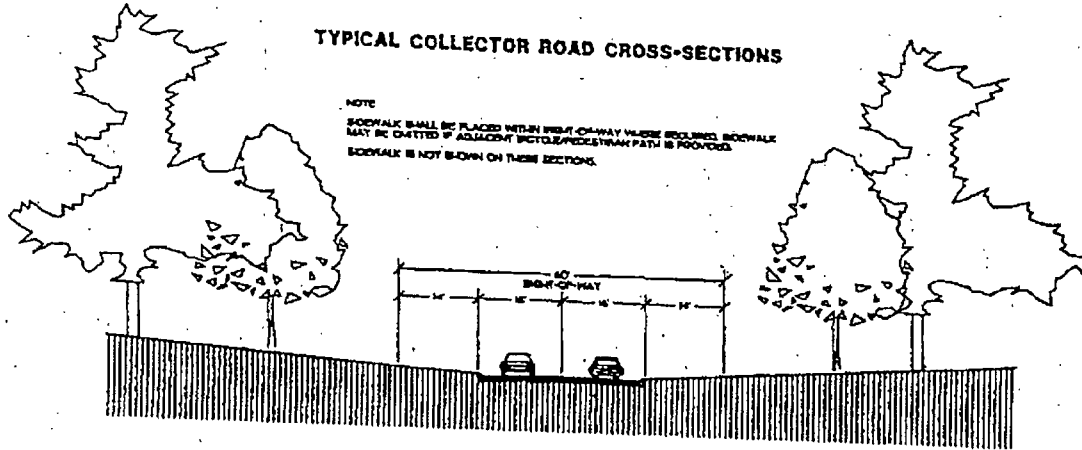


Typical DR-12 Subdivision (Paces Watch - Mt. Pleasant)

TYPICAL ROADWAY SECTIONS

TYPICAL COLLECTOR ROAD CROSS-SECTIONS

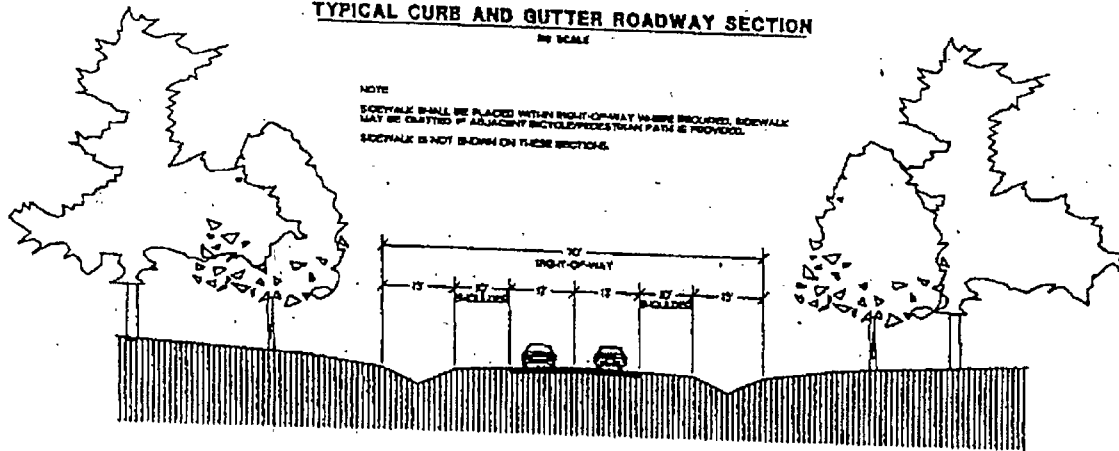
NOTE
SIDEWALK SHALL BE PLACED WITHIN RIGHT-OF-WAY WHERE REQUIRED. SIDEWALK
MAY BE OMITTED IF ADJACENT BICYCLE/PEDESTRIAN PATH IS PROVIDED.
SIDEWALK IS NOT SHOWN ON THESE SECTIONS.



TYPICAL CURB AND GUTTER ROADWAY SECTION

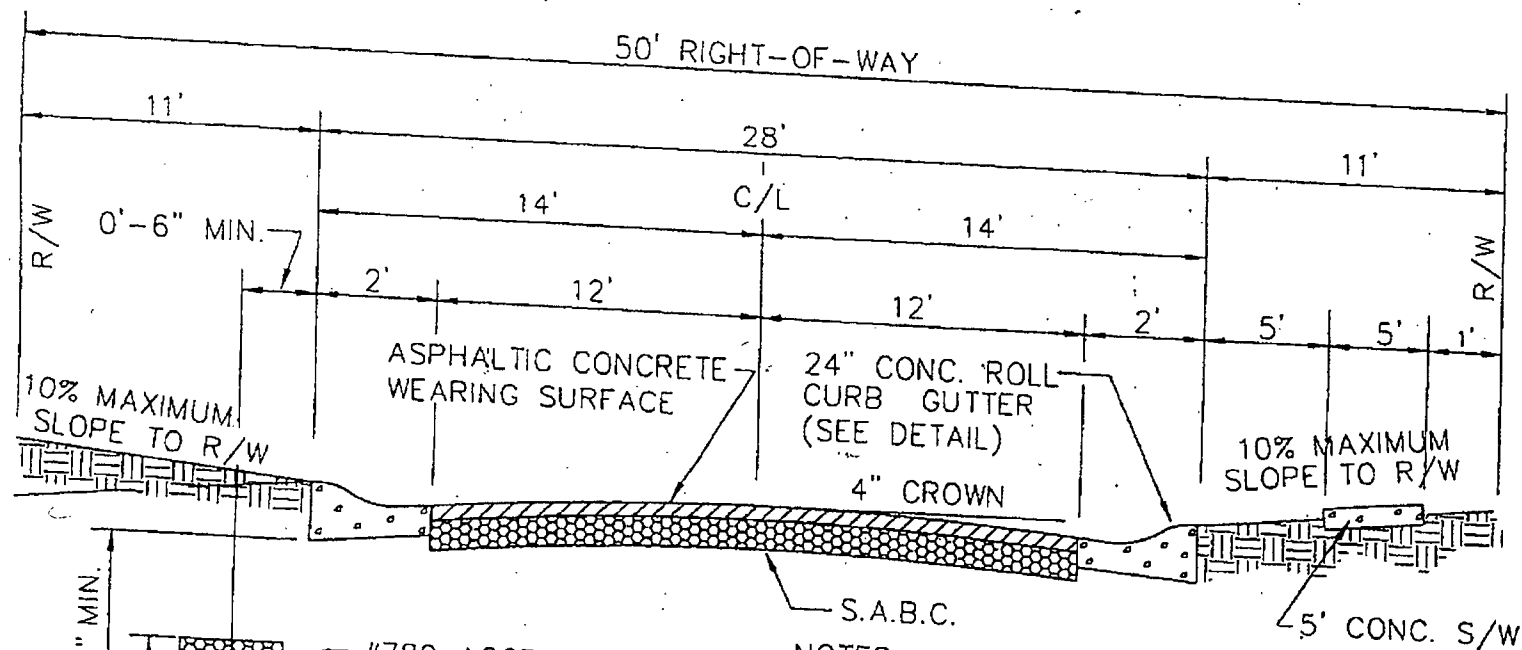
NO SCALE

NOTE
SIDEWALK SHALL BE PLACED WITHIN RIGHT-OF-WAY WHERE REQUIRED. SIDEWALK
MAY BE OMITTED IF ADJACENT BICYCLE/PEDESTRIAN PATH IS PROVIDED.
SIDEWALK IS NOT SHOWN ON THESE SECTIONS.



TYPICAL ROADSIDE SWALE ROADWAY SECTION

NO SCALE



NOTES:

1. SEE SPECIFICATIONS FOR MATERIAL REQ'MENTS.
2. SLOPE UNDERDRAIN TOWARD DRAINAGE STRUCT. AS SHOWN ON ROADWAY PLAN AND PROFILES.
3. UNDERDRAINS SHALL BE INSPECTED BY A REPRESENTATIVE OF THE CITY ENGR. & MAY BE EXTENDED AS DIRECTED BY THE CITY ENGR. UNDERDRAIN TO BE LOCATED 100' EACH DIRECTIC FROM CURB INLETS AT LOW POINTS (SEE PLAN & PROFILES).

DETAIL: ACCESS ROAD CROSS-SECTION (NOT TO SCALE)

LETTERS OF COORDINATION

COMMISSIONERS:

Elected: Harold Simmons, Chairman
Aggy Hendricks, Vice Chairman
Howard Burky

Ex-Officio: Joseph P. Riley, Jr., Mayor
W. L. Stephens, Jr., P.E., Council Member

OFFICERS

Steve W. Knard, Manager
William E. Koopman, Jr., Asst. Manager
Patric M. McClellan, Dir. Admin. Services
John B. Cook, P.E., Dir. of Engineering



COMMISSIONERS OF PUBLIC WORKS

Of the City of Charleston
South Carolina

March 26, 1992

Mr. W. Warren Puitte, Jr., ASLA
Forsberg Engineering and Surveying Inc.
P.O. Box 30575
Charleston, SC 29417

Re: Bees Landing Development

Dear Mr. Puitte:

We have developed a conceptual plan to provide wastewater service to the proposed Bees Landing Development along Bees Ferry Road in the West Ashley portion of Charleston. Through various meetings with Mr. Tom Myers and Mr. Danny Forsberg, we have developed areas for wastewater service within the entire tract.

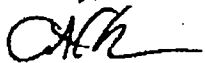
We have taken the map provided to us entitled "Conceptual Master Plan" of your development and have divided it into four quadrants that can be served with wastewater service. Quadrant one which is adjacent to Hickory Farms Subdivision and can be served through the existing wastewater sewer system in the Hickory Farms Subdivision. Quadrant two can be served through the gravity sewer service from the existing Shadowmoss Pump Station adjacent to the East property line. The largest section, quadrant three would require the construction, at the developer's expense, of a large wastewater pump station to intercept wastewater flow from this portion of the subdivision and convey it to the Commissioners of Public Works (CPW) 15" gravity sewer main along Bees Ferry Road. Quadrant four would require construction of another pump station, although smaller in size, than required in quadrant three. This pump station could pump into the quadrant three pump station and in turn into the same 15" gravity main. This should cover all proposed land development areas within the subdivision thereby providing complete wastewater service as development continues.

As discussed with Mr. Forsberg, we presently have a 24" water line along Bees Ferry Road which has sufficient capacity and pressure to meet the needs of the subdivision. We would propose enlarging, at the Commissioners of Public Works expense, the water main down the main arterial roadway. We plan to create a 16" water main loop through the proposed new subdivision around Shadowmoss to provide redundant and sufficient water pressure to meet present and future needs in this area. All water mains necessary to meet the subdivision needs, including those in the major arterial, would be the responsibility of the developer to provide and construct; CPW would pay the costs associated with upgrading to a 16" main.

Mr. W. Warren Pruitte, Jr., ASLA
March 26, 1992
Page 2

Please review the above information and if you have any questions feel free to contact me.

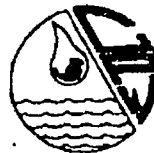
Sincerely,



Anthony C. Maglione
Director of Design and Construction

ACM/alw

cc: J. Kitchens
R. Horner
File





P.O. Box 780
Charleston, SC 29402
(803) 745-8000

March 18, 1992

Mr. Warren Pruitt, Jr.
Forsberg Engineering & Surveying, Inc.
P. O. Box 30575
Charleston, SC 29417

Re: Bee's Landing

Dear Mr. Pruitt:

This letter is in response to the referenced development. South Carolina Electric & Gas Company has the electric capacity to serve the 1200 acre site on the north side of Bees Ferry Road, at the intersection of the proposed Highway 61 Expressway.

I will need a site plan and electrical load information for the 50 acres of commercial property. If you have any questions, please feel free to call me at 745-6442.

Sincerely,

M. Denise Ware
Customer Service Engineering

wpw

SCE&G

(803) 745-6000

April 3, 1992

Mr. Warren Pruitt
Forsberg Engineering & Survey, Inc.
P.O. Box 30575
Charleston, SC 29417

Dear Mr. Pruitt:

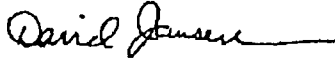
Ref: Bee's Landing Development

South Carolina Electric and Gas Company is very interested in serving natural gas to this development. However, in order to proceed with engineering planning, strong commitment from the developers is essential in order to ensure that we achieve an adequate Return On Investment (ROI).

A preliminary analysis of the site plans for the above mentioned development shows that the closest main, a 2" plastic main, is approximately 5300 feet away. Depending on the proposed load, the capacity of this main may be inadequate. In that case, the closest main feeder is located on SC-61. The distance required to reach that main from the proposed development is approximately 10,000 feet. For further engineering analysis, proposed natural gas loads and site plan details would be necessary.

Please call me at 745-8921 if you have any questions.

Sincerely,



David Jansen
Assistant Engineer
Charleston Gas Operations

DJ/kh

April 1, 1992

Southern Bell

3245 Fortune Drive
Room 104
North Charleston, S.C. 29418
803 747-9010

Forsberg Engineering & Surveying, Inc.
Post Office Box 30575
Charleston, South Carolina 29417
Attention: Mr. W. Warren Pruitt, Jr., ASLA

RE: Bee's Landing Planned Development

Dear Mr. Pruitt:

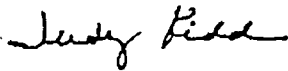
This is in response to your letter of March 14, 1992 regarding telephone service to the Bee's Landing project.

It will be necessary for Southern Bell to install a concrete hut to house electronic equipment to serve this area. We will require a 30' X 30' easement for this structure near Bee's Ferry Road.

Please send me final approved plats when they become available.

If you need further information, please call at 745-8794.

Yours truly,



Judy Kidd
Building Industry Consultant

JAK:pjb

A BELLSOUTH Company



BUILDING INDUSTRY
CONSULTING SERVICE

STORER CABLE
COMMUNICATIONS

NORTH CHARLESTON, SC 29417-0000
(803) 747-1403

March 16, 1992

W. Warren Pruitt, Jr.
Forsberg Engineering & Surveying, Inc.
P.O. Box 30575
Charleston, S.C. 29417

Re: Proof of Co-ordination/ Bee's Landing

Dear Mr. Pruitt,

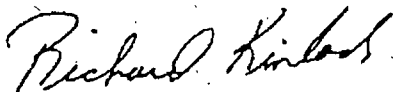
We are in receipt of your notification of a new development known as Bee's Landing located in Charleston, S.C. We are looking forward to servicing cable to the future residents when the area is more developed. As time progresses, we will continue to check the construction status of this area periodically.

Please provide finalized plat maps as you develop individual phases that will be needed for cable design routing. We will indicate where we will need two inch schedule 40 PVC installed prior to curb and gutter to avoid any conflict with the french drainage system.

Upon recording of the covenants, please include Storer Communications within the back & side lot easements and forward a copy so that we may update our project file.

For future co-ordination on any further details, you may contact me at 747-1403, extn. 269.

Thanking you in advance,
Sincerely,



Richard Kinloch
Field Surveyor

RK/sr

Thomas C. Carlo
Deputy Superintendent
Martha W. Brown
Officer



**CHARLESTON COUNTY
SCHOOL DISTRICT**

Planning & Management
15 Hutson Street
Charleston, S.C. 29403
(803)720-3068

April 14, 1992

Mr. W. Warren Pruitt, Jr., ASLC
Forsberg Engineering & Surveying, Inc.
P.O.Box 30575
Charleston, S.C. 29417

Re: Bee's Landing Planned Development, Charleston, S.C.

Dear Mr. Pruitt:

I have reviewed the information you provided regarding the proposed development of a 1200 acre site on the North side of Bees Ferry Road at the intersection of the proposed Highway 61 Expressway. It is our understanding that approximately 5200 residential dwelling units will be built over the next 10 - 20 years. This development will be a mix of single and multi family units.

As we discussed on the phone the donation of a tract of land for a potential school site would be very beneficial. The Constituent District 10 schools will serve this development and a development of this size will have quite an impact on our student population. I understand from our telephone conversation that you have had some preliminary discussions with the School district concerning this possibility. Mr. Emory Haselden, Deputy Superintendent, Division of Operations, 2100 Leeds Ave., North Charleston, S.C. 29405, 566-8132, is the school district's contact person for this discussion.

Thank you for notifying the Charleston County School District's Planning Office of the proposed development. It would be very helpful if you could keep us informed as the development progresses.

Sincerely,

Martha W. Brown

Martha W. Brown
Planning and Management Officer

c: Thomas C. Carlo, Deputy Superintendent for Administration
Emory Haselden, Deputy Superintendent for Operations
Mrs. Elizabeth H. Alston, Director of Administrative Service
Mr. Mike Sullivan, Area Superintendent, District 10



JOSEPH P. RILEY, JR.
MAYOR

RUSSELL B. THOMAS, JR.
CHIEF

City of Charleston

SOUTH CAROLINA

Fire Department

March 23, 1992

Mr. Warren Pruitt, Jr. ASLA
Forsberg Engineering & Surveying, Inc.
P. O. Box 30575
Charleston, SC 29417

RE: Bee Landing Planned Development
Charleston, SC

Dear Mr. Pruitt:

In regards to your letter of March 14, 1992 and per our conversation of March 17, 1992 please be assured that there is ample fire protection for this area. We have a City of Charleston Fire Station #16, 81 Ashley Hall Plantation Road, which is approximately 3/4 of a mile from site. Additional units are within three miles. We also have a mutual aid agreement with St. Andrews Fire Department. They have several stations in close proximity of the site.

In addition to the City of Charleston Inspection Division's requirements, we would like to have ample hydrants and have easy access to all units by our apparatus.

If we can be of further assistance, please let us know.

Sincerely,

Buddy R. Carter, Chief
Fire/Arson Investigation

BRC:dh



CHARLESTON DISTRICT CORPS OF ENGINEERS
P.O. BOX 919
CHARLESTON, S.C. 29402-0919

REPLY TO
ATTENTION OF

May 4, 1992

Regulatory Branch

Mr. J. Barton Sabine
Sabine & Waters
Post Office Box 1072
Summerville, South Carolina 29483

Dear Mr. Sabine:

This is in response to your letter dated March 25, 1992, in which you requested a five year time extension on a jurisdictional wetland determination made by Mr. S. A. Danker of my staff. The determination in question was provided in our letter of May 9, 1990, to Mr. Ken Smoak of your staff verifying the accuracy of a wetland survey plat prepared by Southeastern Surveying, Inc. with a revised date of May 3, 1990, and entitled "A Wetland Survey of a 628.25 Acre Tract." The property in question is located adjacent to Bees Ferry Road near its intersection with S. C. Highway 61 in Charleston County, South Carolina.

After reviewing your request, it is recognized that much planning effort and design work has gone into this project acting in reliance on the Corps' original verification of the wetland boundaries which your firm had delineated within the subject property. Based on these circumstances, I have concluded it is appropriate to extend the expiration date of the Corps' wetland verification referenced above for the maximum of five years which will be May 3, 1997.

In future correspondence concerning this matter, please refer to N/R SAC-49-90-759. If you have any questions regarding this matter, please contact Mr. Fred Veal of my staff at (803) 727-4684.

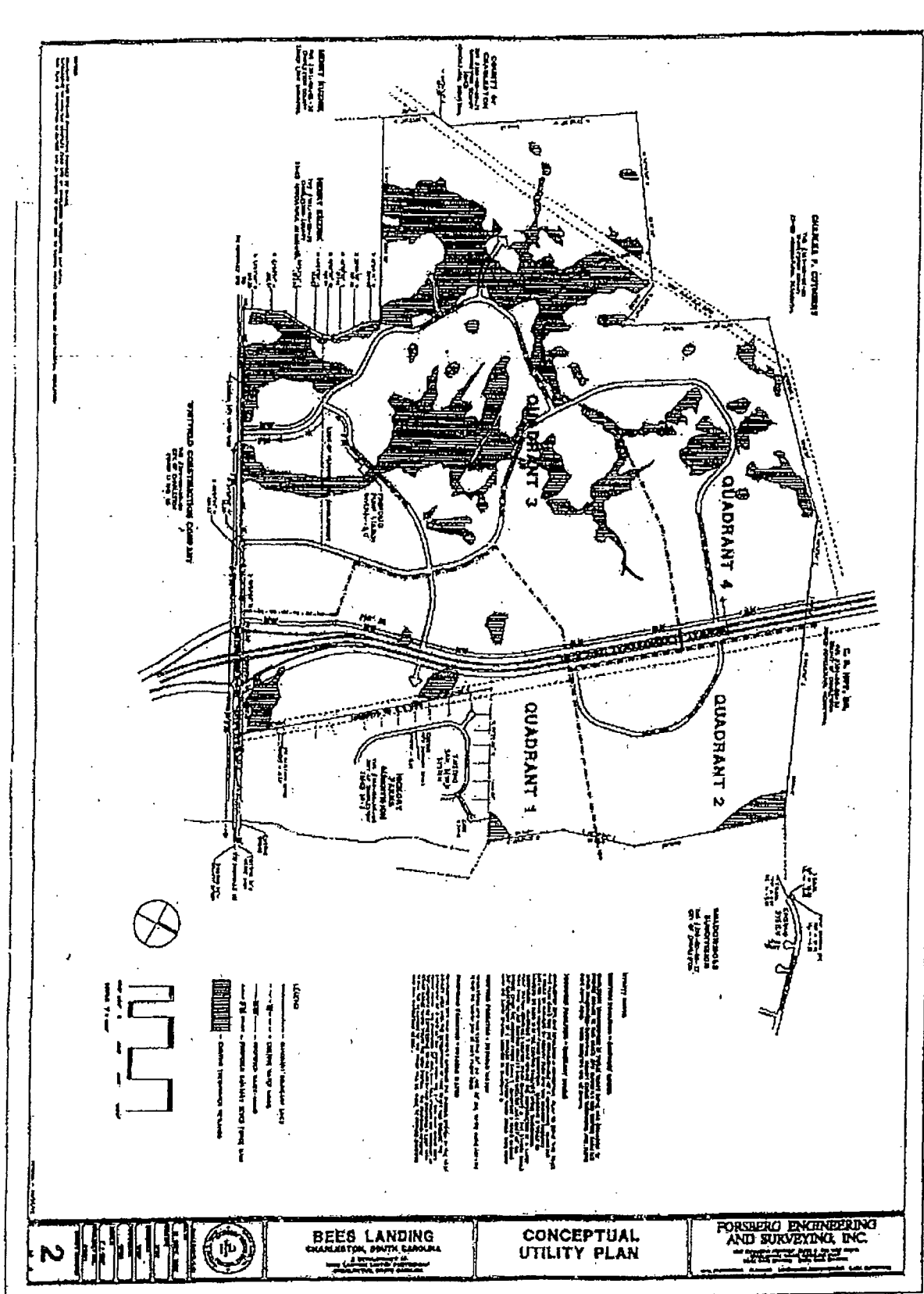
Sincerely,

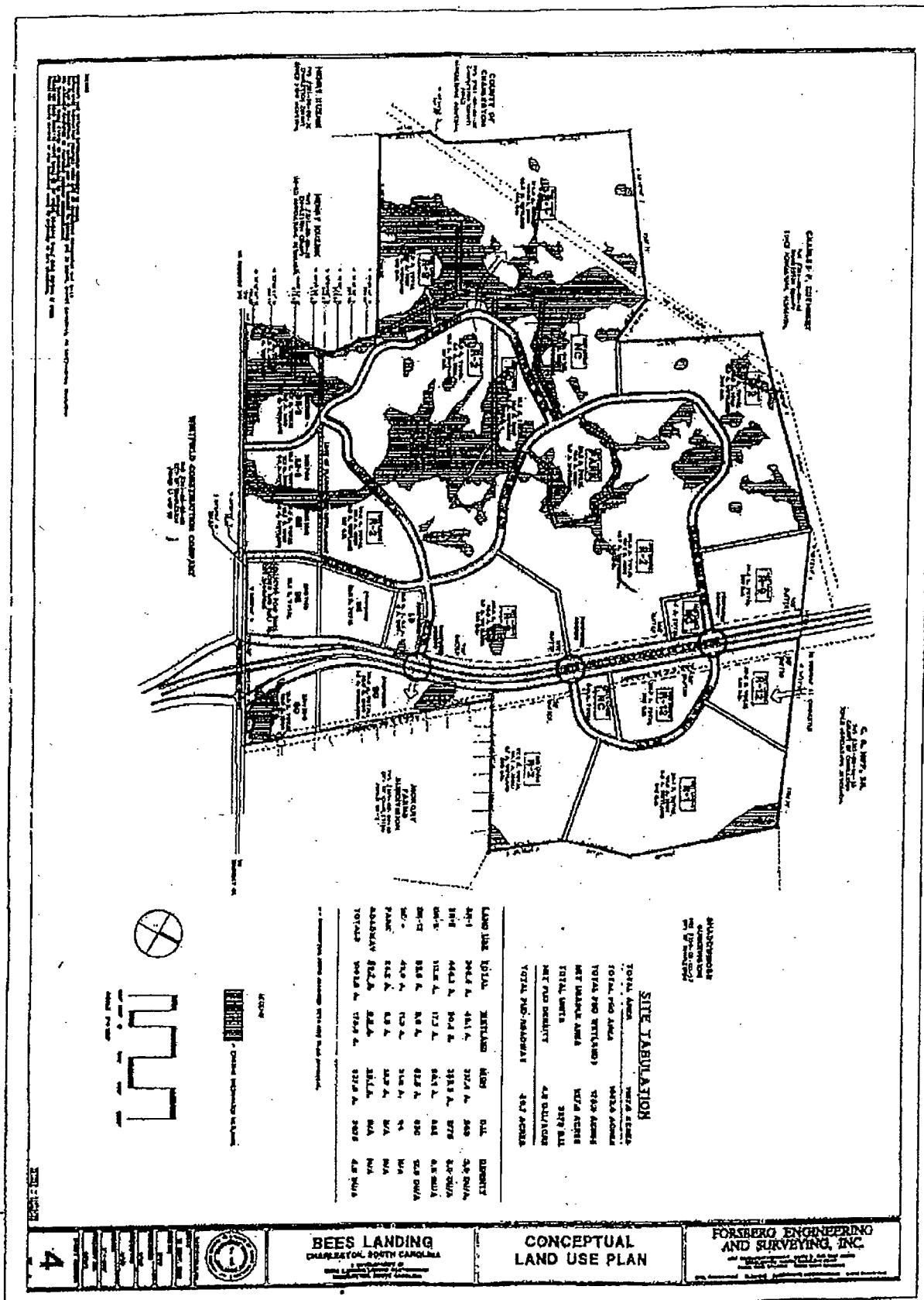
Clarence A. Ham
Chief, Regulatory Branch

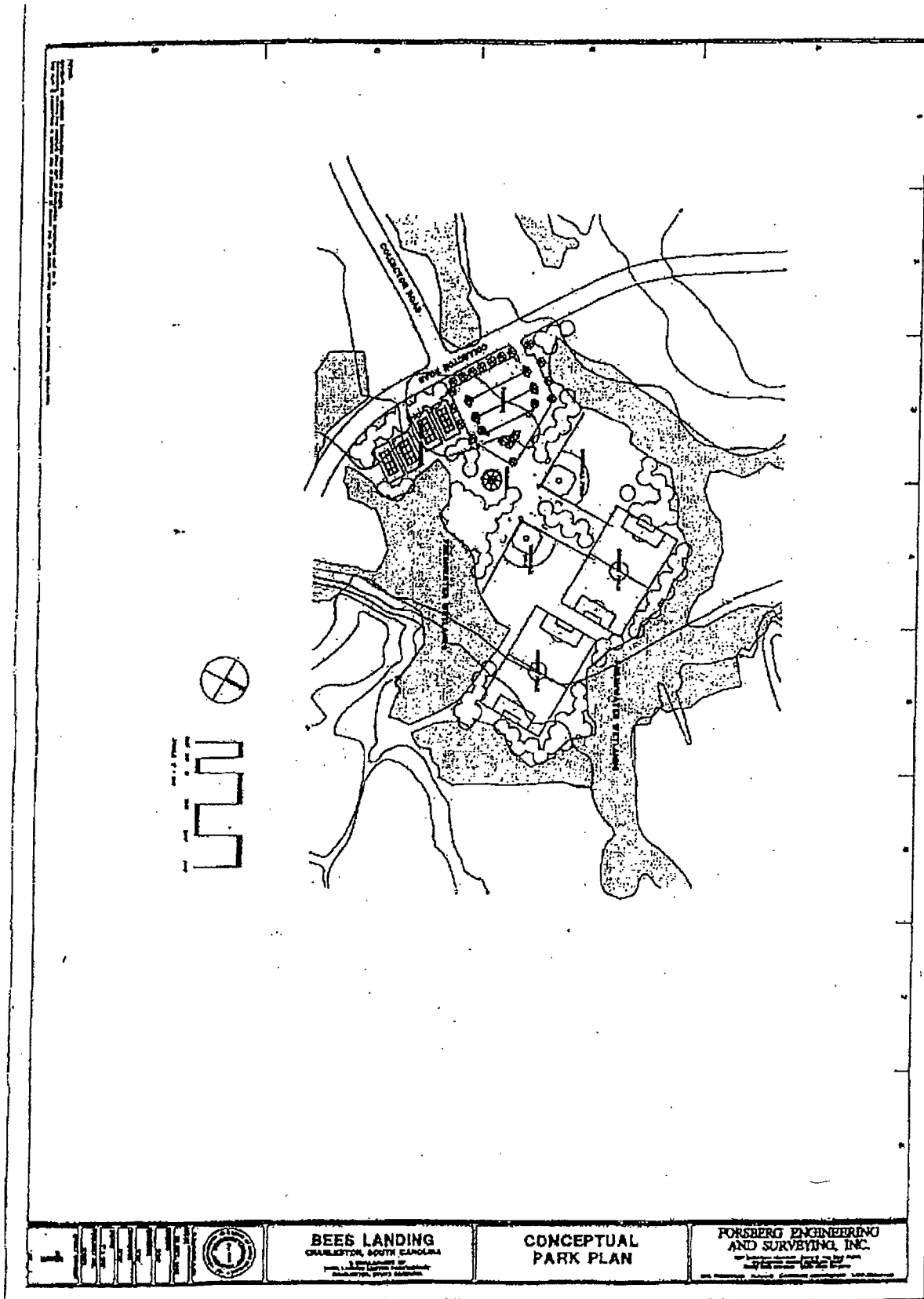
Copy Furnished:
U. S. Environmental Protection Agency
Region IV, Wetlands Regulatory Unit
345 Courtland Street
Atlanta, Georgia 30365

South Carolina Coastal Council
4130 Faber Place, Suite 300
Charleston, South Carolina 29405

MAPS

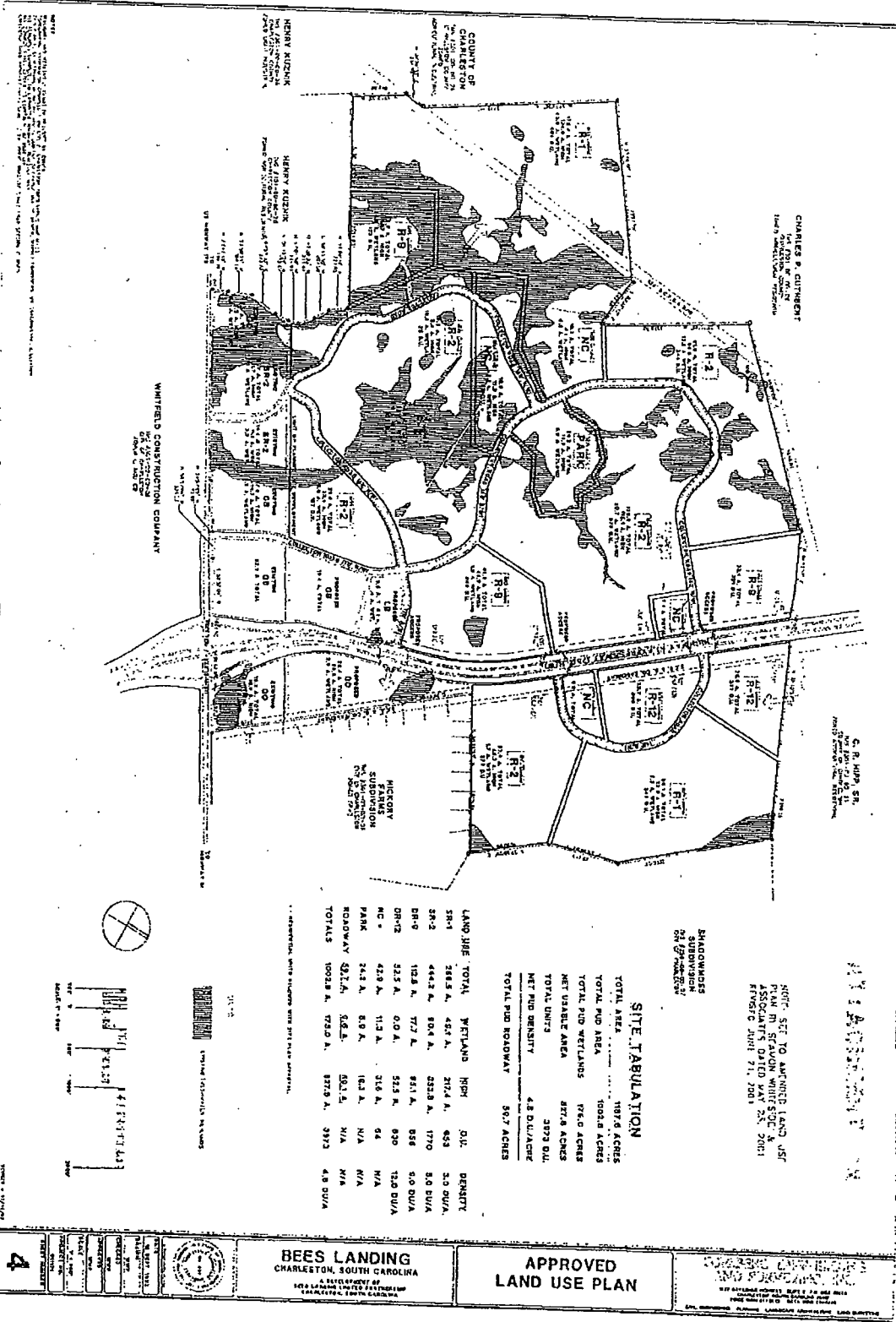






ATTACHMENT "A-E":

Previously Approved and Revised Land Use Plans





SEAMON
WHITESIDE
ARCHITECTS
P.C.
1000 W. 10TH ST.
SUITE 100
CHARLOTTE, NC 28202
TEL: 704.375.1111
FAX: 704.375.1112
WWW.SWARCHITECTS.COM



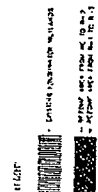
APPROVED
LAND USE PLAN
AMENDED
DATE: 8/27/01

A DEVELOPMENT OF
BEES LANDING LIMITED PARTNERSHIP
CHARLESTON, SOUTH CAROLINA

REVISION
PLAN
NO. 1

NOTE: SEE AMENDED LAND USE PLAN
DATED MAY 21, 2002
REVISED OCTOBER 2, 2002

CHARLES R. GUTHRIE
REGISTERED PROFESSIONAL ENGINEER
NO. 10000
STATE OF SOUTH CAROLINA



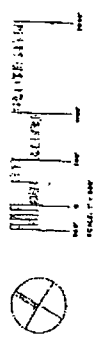
SHADOWS
SUBDIVISION
NO. 10000

SITE TABULATION

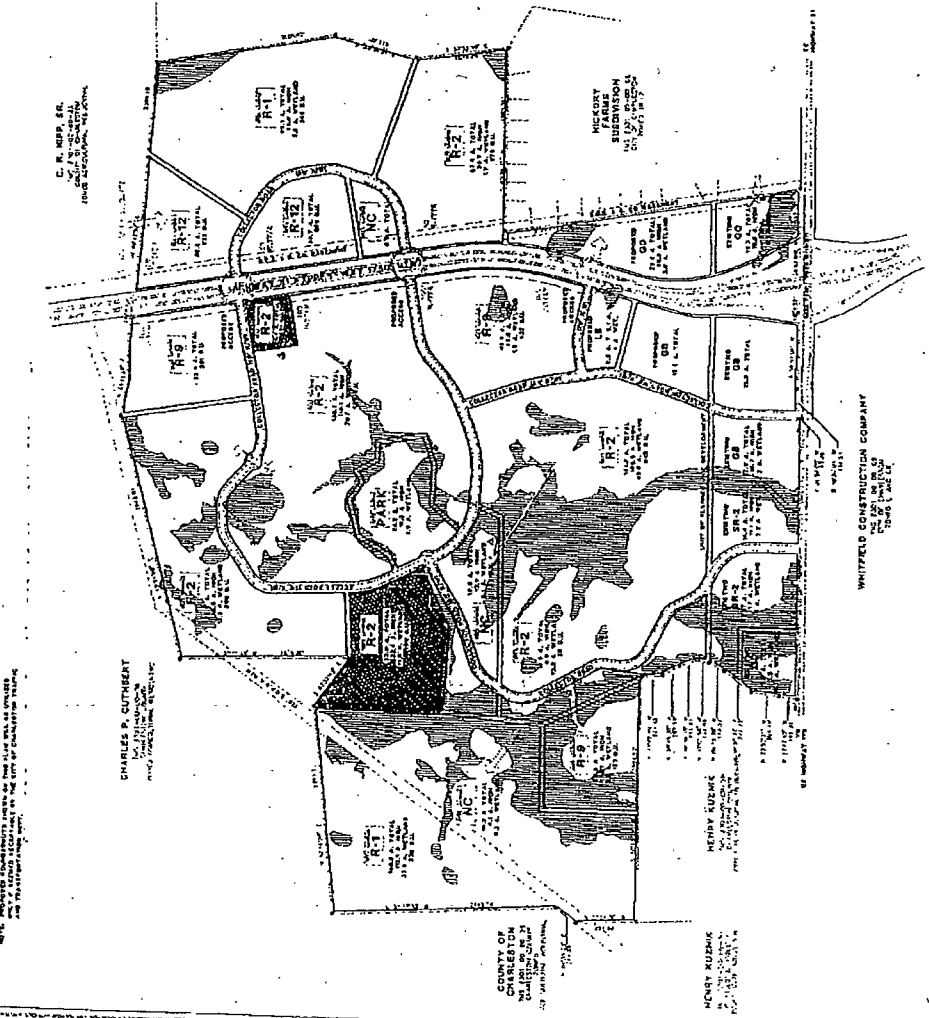
TOTAL AREA	1187.8 ACRES
TOTAL PUD AREA	1002.8 ACRES
TOTAL PUD WETLANDS	1750.0 ACRES
NET USABLE AREA	827.8 ACRES
TOTAL UNITS	3873 DU
NET PUD DENSITY	4.8 DU/ACRE
TOTAL PUD ROADWAY	2,548 ACRES

LAND USE	TOTAL	WETLAND	HIGH	D.U.	DENSITY
SR-1	4,225.0 A.	4,225.0 A.	4,186.0 A.	4,585	3.0 DU/A
SR-3	4,480.3 A.	4,480.3 A.	4,387.4 A.	4,180	4.78 DU/A
DM-9	112.8 A.	112.8 A.	95.1 A.	856	6.8 DU/A
DM-12	52.8 A.	52.8 A.	62.3 A.	930	17.0 DU/A
NC	3,385.6 A.	11.3 A.	2,252.2 A.	432	8.0 DU/A
PARK	24.3 A.	6.3 A.	18.3 A.	N/A	N/A
ROADWAY	54.9 A.	0.8 A.	454.3 A.	N/A	N/A
TOTALS	10,021.8 A.	1750.0 A.	8,271.6 A.	3,873	4.8 DU/A

1. REVISIONS MUST BE APPROVED BY THE CITY ENGINEER.



REVISION
PLAN
NO. 1



WHITEFIELD CONSTRUCTION COMPANY
1000 W. 10TH ST.
SUITE 100
CHARLOTTE, NC 28202
TEL: 704.375.1111
FAX: 704.375.1112
WWW.WCARCHITECTS.COM

4.9 Ac. to Bees Landing Planned Development District
from Village Green Planned Development District

NOTE: PROPOSED ROADWAY CROWN OF THIS PLAN WILL BE STUDIED
AND IF APPROVED ACCEPTABLE BY THE CITY OF CHARLESTON TRAFFIC
AND TRANSPORTATION DEPT.

CHARLES P. CUTTSBERRY
THE 1981-80-00-00
COUNTY ZONED AGRICULTURAL RESIDENTIAL

H.P.H. PROPERTIES, L.P.
THE 1981-80-00-00
CITY OF CHARLESTON PLANNED DEVELOPMENT

COUNTY OF
CHARLESTON
THE 1981-80-00-00
COUNTY ZONED AGRICULTURAL RESIDENTIAL

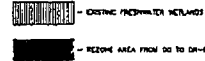
HENRY KUZNIK
THE 1981-80-00-00
COUNTY ZONED LIGHT INDUSTRIAL

HENRY KUZNIK
THE 1981-80-00-00
COUNTY ZONED AGRICULTURAL RESIDENTIAL

WHITFIELD CONSTRUCTION COMPANY
THE 1981-80-00-00
CITY OF CHARLESTON ZONED U AND O

ATTACHMENT 'D'

LEGEND



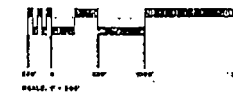
SHADOWMOSS
SUBDIVISION
THE 1981-80-00-00
CITY OF CHARLESTON

SITE TABULATION

TOTAL AREA	1982.8 ACRES A
TOTAL PUD AREA	1007.7 ACRES A
TOTAL PUD WETLANDS	175.0 ACRES
NET USABLE AREA	832.7 ACRES A
TOTAL UNITS	3997 D.U. A
NET PUD DENSITY	4.8 D.U./ACRE
TOTAL PUD ROADWAY	84.9 ACRES

LAND USE	TOTAL	WETLAND	MOH	D.U.	DENSITY
SR-1	232.8 A.	37.8 A.	105.0 A.	595	3.0 DU/A.
SR-2	489.7 A.	101.9 A.	387.4 A.	1850	4.775 DU/A.
DR-9	117.7 A.	17.7 A.	100.0 A.	880 A.	8.8 DU/A.
DR-12	32.8 A.	0.0 A.	52.8 A.	630	32.0 DU/A.
NC	36.8 A.	1.3 A.	35.3 A.	02	6.0 DU/A.
PARK	24.2 A.	5.9 A.	18.3 A.	N/A	N/A
ROADWAY	84.9 A.	0.0 A.	84.9 A.	N/A	N/A
TOTALS	1007.7 A.	175.0 A.	832.7 A.	3997 A.	4.8 DU/A.

** ADDITIONAL UNITS ALLOWED WITH SITE PLAN APPROVAL



NOTED: FOR THE PLAN OF
PROPOSED DEVELOPMENT DISTRICT
APPROVED 11/11/81
REVISED 11/11/81
BY WHITFIELD CONSTRUCTION CO.

SEAMON,
WHITESIDE
& ASSOCIATES, INC.
PLANNING ARCHITECTS
ENGINEERS
100 MARKET STREET, SUITE 200
CHARLESTON, SOUTH CAROLINA 29401
TEL: 734-1111
FAX: 734-1112



PROPOSED
LAND USE PLAN

A DEVELOPMENT OF
BEES RESOURCES, L.P.
CHARLESTON, SOUTH CAROLINA

SUMMARY BY
CONCEIVED BY

NOT SCALE
BASED ON PLAN
PROPOSED DEVELOPMENT DISTRICT

PROJECT
DATE

DATE

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LEGEND

 = DRYING PRECIPITATION RECYCLED

 = CHANGE FROM S-B TO R-BLW

SITE TABULATION

TOTAL AREA	1192.6 ACRES	
TOTAL PUD AREA	1004.2 ACRES	Ⓐ
TOTAL PUD WETLANDS	183.0 ACRES	Ⓐ
NET USABLE AREA	821.2 ACRES	Ⓐ
TOTAL UNITS	3735 D.U.	Ⓐ
NET PUD DENSITY	4.6 D.U./ACRE	Ⓐ
TOTAL PUD ROADWAY	84.9 ACRES	

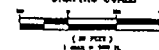
LAND USE	TOTAL	WFLAND	MOON	D.M.	NET DENSITY
M-1	232.6 A.	37.8 A.	108.0 A.	688	3.0 DU/A.
R-2	489.9 A.	101.0 A.	287.4 A.	1900	4.8 DU/A.C.
△ R-9	57.8 A.	18.8 A.	62.0 A.	404	7.0 DU/A.C. "
△ R-6LW	49.4 A.	9.9 A.	38.5 A.	298	5.1 DU/A.C.
R-12	60.7 A.	0.0 A.	50.7 A.	544	9 DU/A.C. "
NC =	28.3 A.	11.2 A.	17 A.	52	3.1 DU/A.C.
PARK	24.2 A.	8.9 A.	15.3 A.	N/A	N/A
ROADWAY	<u>24.2 A.</u>	<u>0.0 A.</u>	<u>24.2 A.</u>	N/A	N/A
△ TOTALS	1004.2 A.	182.0 A.	971.2 A.	3788	4.8 DU/A

- RESIDENTIAL UNITS ALLOWED WITH SITE PLAN APPROVAL
- OVERALL R-15 NET DENSITY FOR THE ENTIRE PLD.
- IS 0.0 D.U./AC. HOWEVER, BASED ON THE UNIT ALLOCATION PER ACRE, CERTAIN INDIVIDUAL R-15 LAND USE AREAS MAY HAVE , BUT SHALL NOT EXCEED, 0.2 D.U./AC. DENSITY.
- OVERALL R-80 NET DENSITY FOR THE ENTIRE PLD.
- IS 7.8 D.U./AC. HOWEVER, BASED ON THE UNIT ALLOCATION PER ACRE, CERTAIN INDIVIDUAL R-80 LAND USE AREAS MAY HAVE , BUT SHALL NOT EXCEED, 9 D.U./AC. DENSITY.

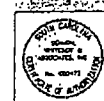
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WHITFIELD CONSTRUCTION COMPANY
TEL #301-33-00-08
CITY OF CHARLINGTON
TRUCK 11 AND 08

GRAPHIC SCALE



**SEAMON, WHITESIDE
& ASSOCIATES, INC.**
505 WINDOO PARK BLVD. SUITE 100 WASHINGTON, DC 20007-1023
202-338-7500 FAX 202-338-7501



BEES LANDING
REVISED LAND USE PLAN
CITY OF CHARLESTON, S.C.

DRAWN BY:	WSP
CHECKED BY:	SDP
PROJECT:	4312
DATE:	07.08.84

LOT	AREA (17.66)	OWNER	REMARKS	BY
1			LAND ACROSS FROM 17.66	MS
2			LAND ACROSS FROM 17.66	
3			LAND ACROSS FROM 17.66	
4			LAND ACROSS FROM 17.66	
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88			LAND ACROSS FROM 17.66	

Page 1 of 1

ATTACHMENT "G":

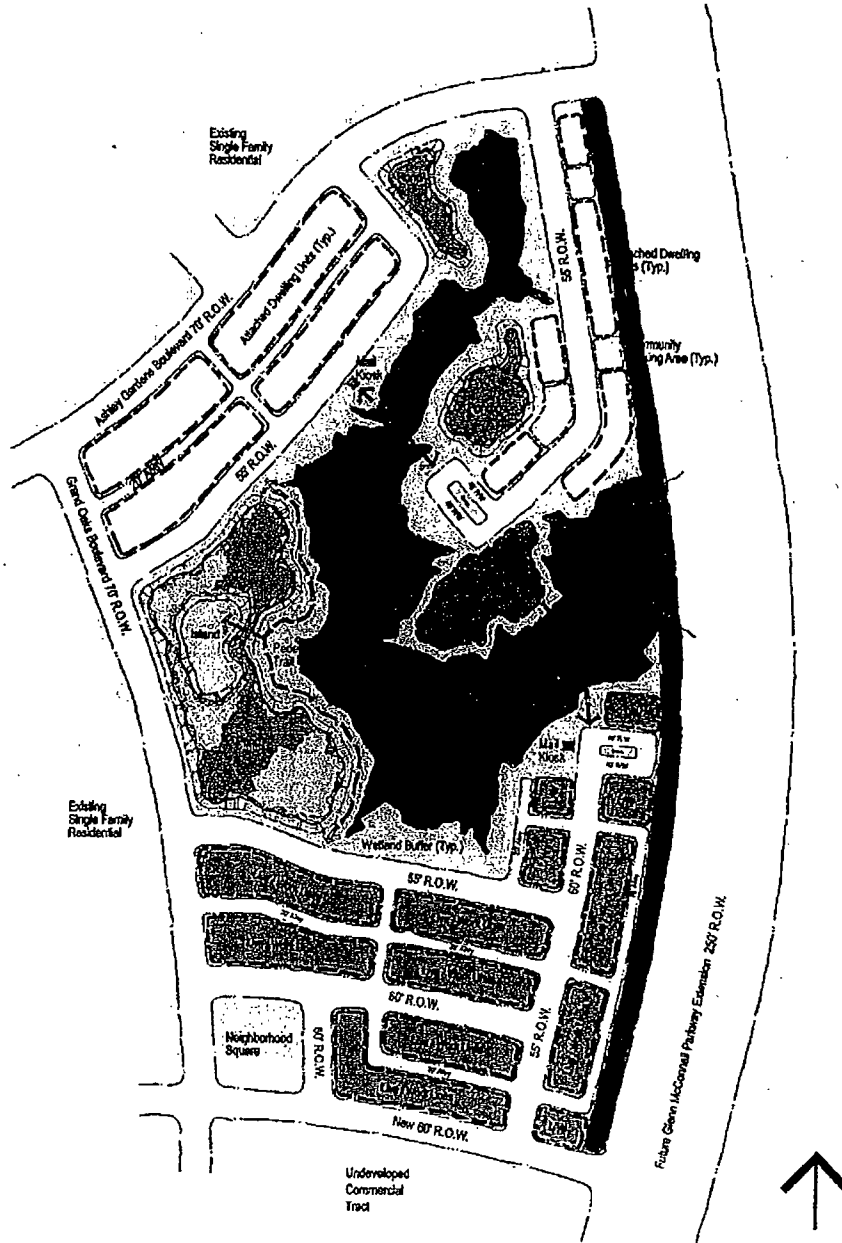
Amended Land Use Plan (November 17, 2011)



ATTACHMENT "H":

Conceptual Site Plan

ATTACHMENT "H"

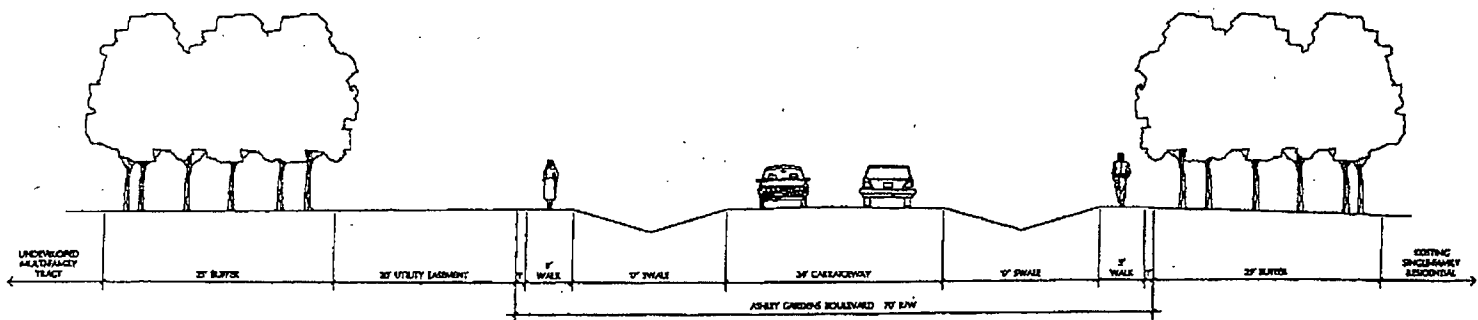


Conceptual Site Plan for
MEETING STREET AT GRANDE OAKS PLANTATION
 Developed by Meeting Street Homes and Communities December 16, 2004

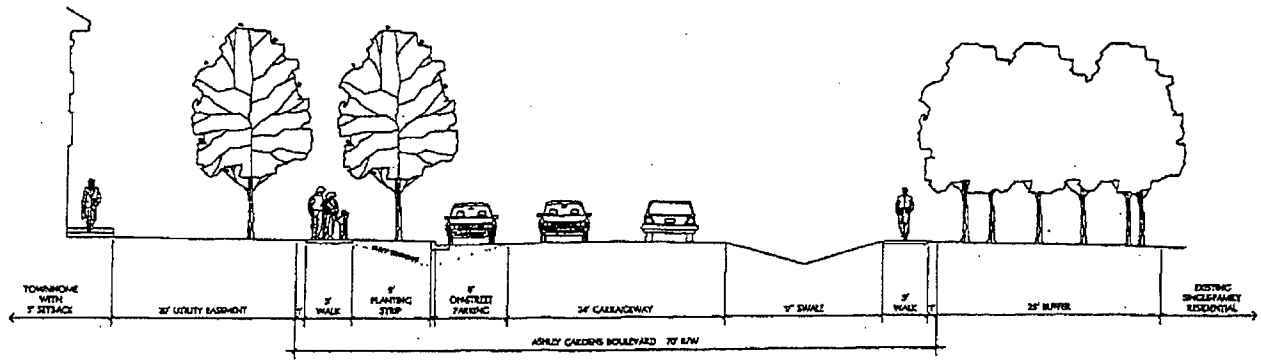


ATTACHMENT "I":

**Ashley Gardens Boulevard
Existing conditions & Proposed Improvements**



EXISTING CONDITIONS - ASHLEY GARDENS BOULEVARD
SECTION D
SCALE 1" = 5'-0"



PROPOSED IMPROVEMENTS - ASHLEY GARDENS BOULEVARD
SECTION E
SCALE 1" = 5'-0"

ATTACHMENT "J":

**Proposed Road Sections
55' R.O.W. (at Attached Dwelling Units) and
60' R.O. W. (at Live-Work Units)**

[illegible]

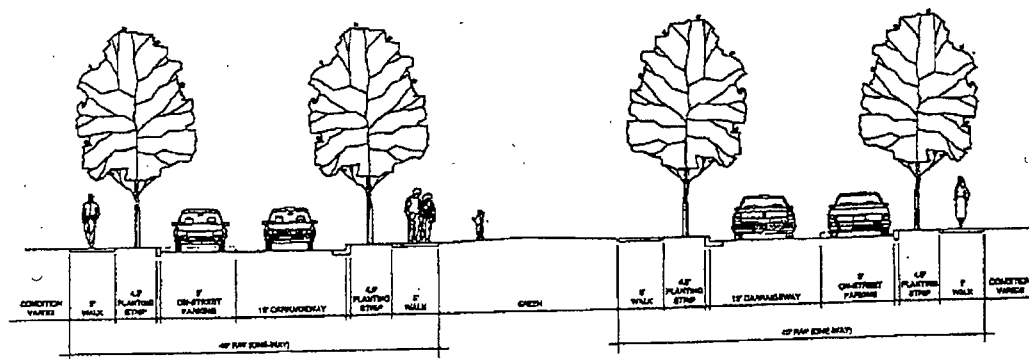
The diagram illustrates the proposed design for the intersection of Highway 101 and Highway 101. It shows the layout of the intersection, including the intersection area, the intersection area, and the intersection area. The diagram includes labels for various elements: '16' CONCRETE PAVEMENT WITH INVERTED CROWN', 'PARKING FOR LINE / WORK VEHICLES', '8" SIDE', 'PRIVATE OPEN SPACE', 'LINE / WORK LINE', '14' WIDE PUBLIC SIDEWALK', '8' ON-STREET PARKING', '8' ON-STREET PARKING', '8' ON-STREET PARKING', '8' ON-STREET PARKING', and '8' SIDEWALK FOR PARKING ON TWO SIDES'. The diagram also shows a cross-section of the intersection, including the intersection area, the intersection area, and the intersection area.

0403

ATTACHMENT "K":

**Proposed Road Section
40' R. O. W.**

ATTACHMENT "K"



SECTION THROUGH 40' R.O.W.
SCALE: 1"=5' - 0"

ATTACHMENT "L":

Traffic Impact Study Updated for Areas Amended By Attachment "G"



December 2, 2011

Mr. Taylor Bush
Grand Bees Development, LLC
4315 Pablo Oaks Court - Suite 1
Jacksonville FL, 32224

SRS Engineering, LLC
801 Mohawk Drive
West Columbia, SC 29169
(803) 739-2548 fax

**RE: Proposed Re-Zoning For Residential Parcel
Grand Oaks Planned Development
Charleston, South Carolina**

Dear Mr. Bush:

As requested, SRS Engineering, LLC (SRS) has conducted a brief review of the currently proposed re-zoning to allow for a modification to the residential unit type allowed on a subject parcel within the existing Grand Oaks Planned Development (PD).

The Grand Oaks PD is located within the West Ashley region of the City of Charleston, South Carolina. As currently approved/permitted within the City of Charleston, the existing overall Grand Oaks PD allows for the construction of a total of 3,788 residential dwelling units. It should be noted that this proposed re-zoning will not affect the total residential unit count, but only the type of residential unit allowed within a specific parcel.

EXISTING ZONING & TRIP GENERATION

The subject parcel is generally located within the southern portion of the overall PD and totals approximately 198 acres. **Figure 1** depicts the general location of the subject parcel (denoted as Area A). The subject parcel currently has a mixed zoning of Neighborhood Commercial and R-2 which allows for single-family residential units on-site at a rate of 3.1 and 4.9 dwelling units per acre, respectively.

It should also be noted that another parcel (denoted as Area B) is proposed to be re-zoned from R-1 to R-2. Due to the fact that this zoning change does not affect trip generation characteristics, it will not be considered/analyzed as part of this overview.

Based on information provided by your site/civil engineer, the subject parcel (Area A) is allowed a total of 623 single-family residential units under its current zoning. This estimate allows for the percentage of highland acreage, density requirements, etc.

Assuming this existing zoning scenario, traffic volumes expected to be generated by the site were forecasted using the Eighth Edition of the *ITE Trip Generation* manual, as published by the Institute of Transportation Engineers. Land-Use Code #210 (Single-Family Detached Residential) was used to estimate the specific site-generated traffic. **Table 1** depicts the anticipated site-generated traffic assuming the existing zoning scenario.

Table 1
PROJECT TRIP-GENERATION SUMMARY¹
Existing Zoning Scenario

Time Period	623-Units Single-Family Residential ²
Weekday Daily	5,600
AM Peak-Hour	
Enter	112
Exit	334
Total	446
PM Peak-Hour	
Enter	344
Exit	202
Total	546

1. ITE *Trip Generation* manual, Eighth Edition.

2. ITE *Trip Generation* manual - LUC 210.

As shown, if developed under the existing zoning scenario, the subject parcel (Area A) can be expected to generate a total of 5,600 two-way vehicular trips on a weekday daily basis, of which a total of 446 trips (112 entering, 334 exiting) can be expected during the AM peak-hour. During the PM peak-hour, 546 trips (344 entering, 202 exiting) can be expected.

PROPOSED ZONING & TRIP GENERATION

At present, a re-zoning of the 198-acre subject parcel (Area A) has been requested. Under the current proposal, the 198-acre subject parcel would be modified to allow for the following:

- 168 acres as R-2 (Single-Family Residential at 3.04 dwelling units per acre)
- 30 acres as R-12 (Multi-Family Residential at 10.67 dwelling units per acre)

Figure 2 depicts the subject parcel under the proposed re-zoning scenario.

Based on information provided by your site/civil engineer, if the subject parcel (Area A) were to be developed under the proposed re-zoning scenario, a likely development scenario would be as follows:

- 310 Single-Family Residential Units
- 120 Residential Townhome Units
- 193 Residential Apartment Units

As cited prior, this estimate allows for the percentage of highland acreage, density requirements, etc.

Assuming this proposed re-zoning development scenario, traffic volumes expected to be generated by the site were forecasted using the Eighth Edition of the ITE *Trip Generation* manual, as published by the Institute of Transportation Engineers. Land-Use Codes #210 (Single-Family Detached Residential), #220 (Apartment) and #230 (Residential Townhome/Condominium) were used to estimate the specific site-generated traffic. Table 2 depicts the anticipated site-generated traffic assuming the proposed zoning scenario.

Table 2
PROJECT TRIP-GENERATION SUMMARY¹
Proposed Zoning Scenario

Time Period	310-Units Single-Family Residential ² (a)	120-Units Residential Townhome/Condo ³ (b)	193-Units Residential Apartment ⁴ (c)	Total Development Trips (a+b+c)
Weekday Daily	2,950	760	1,300	5,010
AM Peak-Hour				
Enter	57	10	20	87
Exit	<u>170</u>	<u>50</u>	<u>79</u>	<u>299</u>
Total	227	60	99	386
PM Peak-Hour				
Enter	183	47	81	311
Exit	<u>108</u>	<u>23</u>	<u>43</u>	<u>174</u>
Total	291	70	124	485

1. ITE Trip Generation manual, Eighth Edition.

2. ITE Trip Generation manual - LUC 210.

3. ITE Trip Generation manual - LUC 230.

4. ITE Trip Generation manual - LUC 220.

As shown, if developed under the proposed zoning scenario, the subject parcel (Area A) can be expected to generate a total of 5,010 two-way vehicular trips on a weekday daily basis, of which a total of 386 trips (87 entering, 299 exiting) can be expected during the AM peak-hour. During the PM peak-hour, 485 trips (311 entering, 174 exiting) can be expected.

TRIP GENERATION COMPARISON

Based upon a review of the existing zoning versus proposed re-zoned development plan in terms of anticipated trip generation, the following conclusions can be made for the subject parcel (Area A):

- For the weekday daily time period, the proposed re-zoned development scenario reflects a smaller (*approximately 10-percent less*) trip generation estimate as compared to the existing zoning development scenario. 5,010 daily trips versus 5,600 daily trips, respectively.
- For the weekday AM peak-hour time period, the proposed re-zoned development scenario reflects a smaller (*approximately 13-percent less*) trip generation estimate as compared to the existing zoning development scenario. 386 daily trips versus 446 daily trips, respectively.
- For the weekday PM peak-hour time period, the proposed re-zoned development scenario reflects a smaller (*approximately 11-percent less*) trip generation estimate as compared to the existing zoning development scenario. 485 daily trips versus 546 daily trips, respectively.

GENERAL OPERATIONS/MITIGATION OVERVIEW

No formal capacity analyses have been completed as part of this brief trip generation review, but several general statements can be made in regards to traffic operations within the area of influence based on the development scenario chosen.

Mr. Taylor Bush
December 2, 2011
Page 4

Given the fact that trip generation estimates are greater for the existing zoning development scenario under all time periods studied, it can be stated that the proposed re-zoned development scenario would not create worsened traffic volume condition/operating level within the area of influence.

Even with this "reduced" trip generation estimate, it is the recommendation of SRS that all currently approved/conditioned mitigation measures be adhered to. This is to generally include the following:

- Construction of the Connector Road between Bees Ferry Road and Ashley Gardens Boulevard. Connector Road cross-section design to be based on prior submittal/approval documents.
- Construction of the Connector Road at Bees Ferry Road intersection. Intersection geometry to be based on prior submittal/approval documents.
- Relocation of the existing traffic signal from the Bees Ferry Road/Grand Oaks Boulevard intersection to the new Bees Ferry Road/Connector Road intersection. Traffic signal design to be based on prior submittal/approval documents.

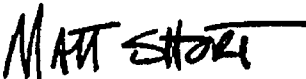
As cited above, this is a very brief/general description of the planned mitigation. For a complete/formalized description of the mitigation plan, please refer to documents available through the Charleston County RoadWISE program. It is our understanding that all of the cited mitigation measures have been included/accounted for in the currently approved Bees Ferry Road Widening Project which is to be completed as part of the RoadWISE program.

As previously noted, no formal capacity analyses have been completed as part of this brief trip generation review and SRS is not offering an opinion upon the recommended mitigation plan itself. It is our assumption that the Traffic Study (*as performed by LPA, Inc. via RoadWISE*) completed for the Bees Ferry Road widening project has accounted for the future development of all parcels within the Grand Oaks PD and has been approved by all applicable agencies. If information not available in the Bees Ferry Road is required, additional studies/analyses will be necessary.

If you have any questions or comments regarding any information contained within this report, please contact me at (803) 252-1599.

Regards,

SRS ENGINEERING, LLC



Matt Short, P.E.
Principal

Attachments

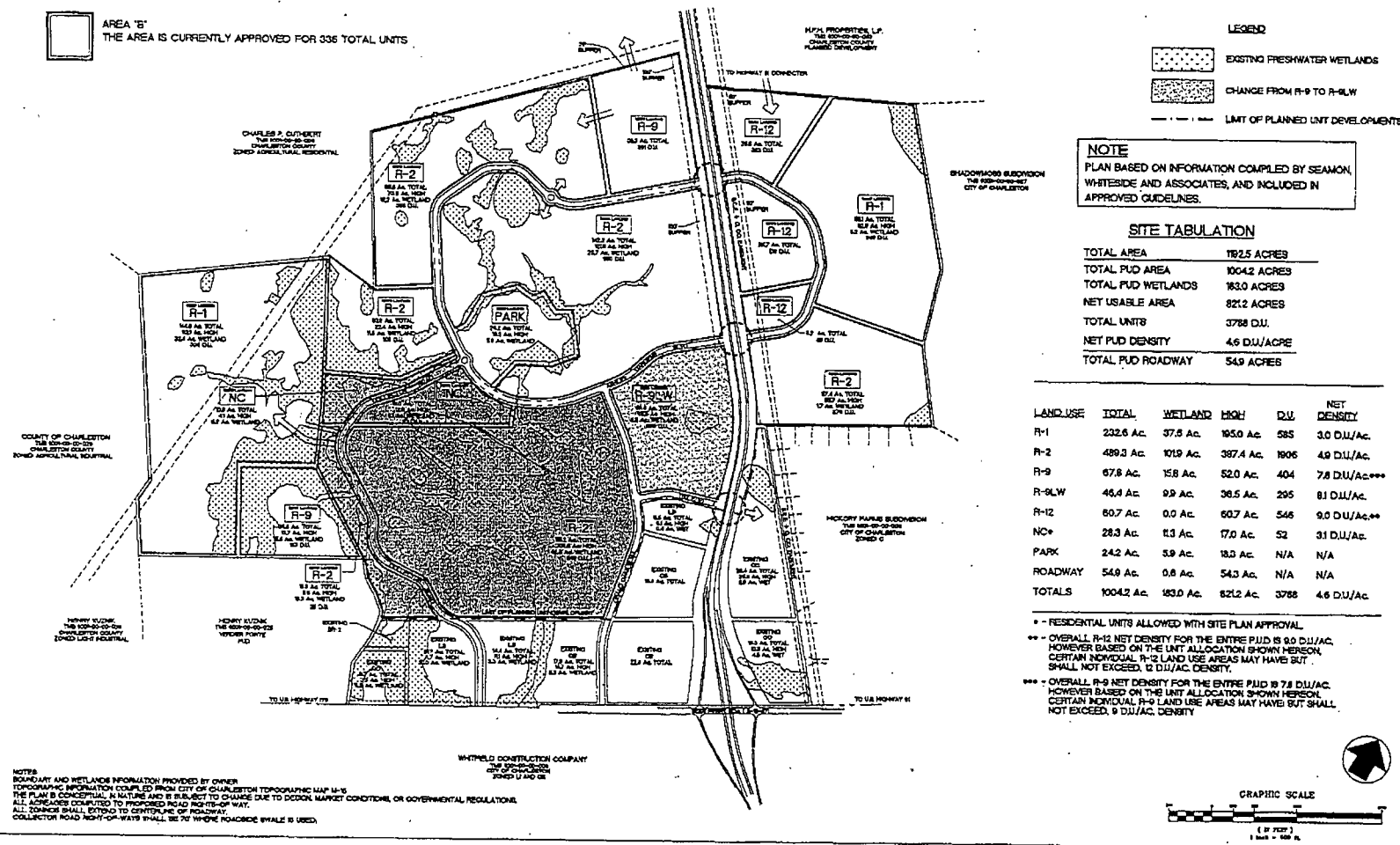


AREA 'A'
THE COMBINED AREA IS CURRENTLY APPROVED FOR 623 TOTAL UNITS
NC = 52 D.U.
R-2 (1) = 543 D.U.
R-2 (2) = 28 D.U.
TOTAL = 623 D.U.



AREA 'B'
THE AREA IS CURRENTLY APPROVED FOR 336 TOTAL UNITS

FIGURE 1:
UNIT DISTRIBUTION PER
ATTACHMENT 'F'
LAND USE PLAN OF PUD APPROVED
DECEMBER 22, 2005



AREA 'A'
THE AREA IS CURRENTLY APPROVED FOR 523 TOTAL UNITS BY ORD# 2005-661 APPROVED DECEMBER 22, 2005

THE PROPOSED REVISION TO THE PUD MAINTAINS THE TOTAL APPROVED NUMBER OF UNITS (623) WITH THE FOLLOWING PROPOSED LAND USES AS ALLOWED BY THE PUD

R-2: MAXIMUM UNITS: 310 D.U.

R-12: MAXIMUM UNITS: 313 D.U.

TOTAL PROPOSED UNITS FOR AREA 'A': 623 D.U.

AREA 'B'
THE AREA IS CURRENTLY APPROVED FOR 336 TOTAL UNITS
THE PROPOSED REVISION TO THE PUD MAINTAINS THE MAXIMUM
NUMBER UNITS ALLOWED FOR AREA 'B' AT 336 D.U. BUT CHANGES
THE LAND USE DESIGNATION FROM R-1 SINGLE FAMILY TO
R-2 SINGLE FAMILY, AS OUTLINED BY THE APPROVED
PUD, TO ALLOW FOR SMALLER LOTS FOR
PLANNING FLEXIBILITY.

CHARLES F. CUTHBERT
THE ARCHITECT
CITY OF CHARLESTON
2005 ADVERTISING, INCORPORATED

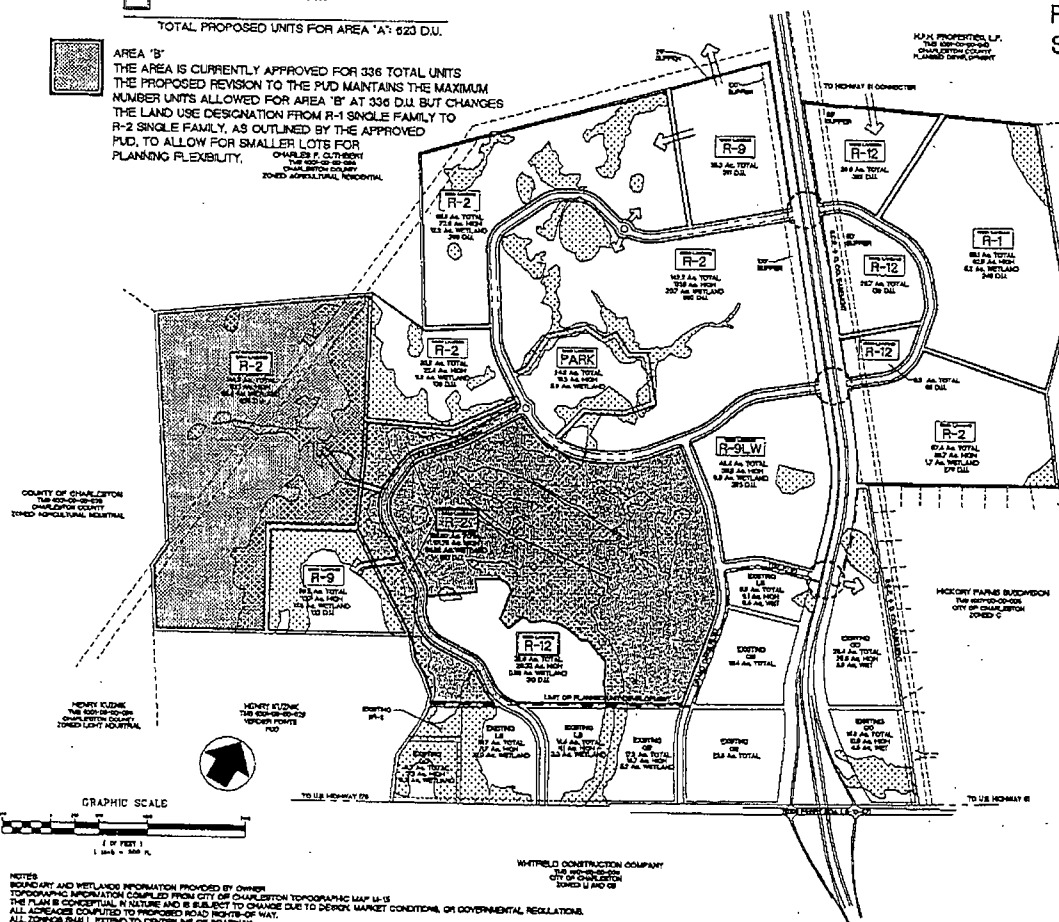


FIGURE 2:
UNIT DISTRIBUTION PER
ATTACHMENT 'G'
THE PROPOSED LAND USE PLAN
FOR THE REVISED PUD
SUBMITTAL

LEGEND
EXISTING FRESHWATER WETLANDS
CHANGE FROM R-2 TO R-12***
CHANGE FROM R-1 TO R-2***
LIMIT OF PLANNED UNIT DEVELOPMENTS

SITE TABULATION

TOTAL AREA	102.5 ACRES
TOTAL PUD AREA	1004.2 ACRES
TOTAL PUD WETLANDS	183.0 ACRES
NET USABLE AREA	821.2 ACRES
TOTAL UNITS	3788 D.U.
NET PUD DENSITY	4.6 D.U./ACRE
TOTAL PUD ROADWAY	54.9 ACRES

LAND USE	TOTAL	WETLAND	HOH	D.U.	NET DENSITY
Δ R-1	88.1 Ac.	5.2 Ac.	82.9 Ac.	240	3.0 D.U./Ac.
Δ R-2	632.5 Ac.	145.3 Ac.	487.2 Ac.	1991	4.1 D.U./Ac.
R-9	67.8 Ac.	15.8 Ac.	52.0 Ac.	404	7.8 D.U./Ac.**
R-9LW	46.4 Ac.	3.9 Ac.	42.5 Ac.	295	8.1 D.U./Ac.**
Δ R-12	90.3 Ac.	0.28 Ac.	90.02 Ac.	839	9.5 D.U./Ac.*
PARK	24.2 Ac.	5.8 Ac.	18.3 Ac.	N/A	N/A
ROADWAY	54.9 Ac.	0.5 Ac.	54.3 Ac.	N/A	N/A
TOTALS	1004.2 Ac.	183.0 Ac.	821.1 Ac.	3788	4.6 D.U./Ac.

- * - THE OVERALL R-12 NET DENSITY FOR THE ENTIRE PUD IS 9.5 D.U./AC. HOWEVER BASED ON THE UNIT ALLOCATION SHOWN HEREON, CERTAIN INDIVIDUAL R-12 LAND USE AREAS MAY HAVE BUT SHALL NOT EXCEED A DENSITY OF 12 D.U./AC. UNITS MAY BE ALLOCATED BETWEEN INDIVIDUAL LOTS WITHIN THE R-12 LAND USE AREAS PROVIDED THAT THE ALLOCATION OF UNITS DOES NOT EXCEED THE NUMBER OF UNITS ALLOWED BY THE PUD FOR THE ENTIRE LAND USE AREA. UNIT ALLOCATIONS WITHIN THE LAND USE AREAS SHALL BE DENOTED ON ALL SUBDIVISION PLATS.
- ** - OVERALL R-9 NET DENSITY FOR THE ENTIRE PUD IS 7.8 D.U./AC. HOWEVER BASED ON THE UNIT ALLOCATION SHOWN HEREON, CERTAIN INDIVIDUAL R-9 LAND USE AREAS MAY HAVE BUT SHALL NOT EXCEED 9 D.U./AC. DENSITY
- *** - THE COLLECTOR ROAD (SEE ATTACHMENT Q) BETWEEN BEES FERRY ROAD AND THE BEES LANDING PARK SHALL BE COMPLETED AND DEDICATED PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY (C.O.C.) FOR MULTIFAMILY DEVELOPMENTS OR THE RECORDATION OF FINAL PLATS FOR SINGLE FAMILY DEVELOPMENT WITHIN THE LAND USE AREAS MODIFIED BY ATTACHMENT 'G' OF THIS DOCUMENT. WHILE C.O.C.'S AND FINAL PLATS SHALL NOT BE ISSUED CONSTRUCTION PLANS SHALL BE REVIEWED AND APPROVED, BASED ON COMPLIANCE WITH APPLICABLE REQUIREMENTS, AND BUILDING PERMITS SHALL BE ALLOWED TO BE ISSUED BASED ON APPROVED PLANS FOR CONSTRUCTION OF USES ALLOWED WITHIN THE INDICATED LAND USES.

HLAINE
LAW PLANNING
ARCHITECTURE
CITY OF CHARLESTON
SOUTH CAROLINA

29 Litchfield Drive, A2
Charleston, SC 29407-0788
Tel 843.763.1166
Fax 843.763.1499
www.hlaire.com

FIGURE 2

BEES LANDING
CITY OF CHARLESTON, SOUTH CAROLINA

PROJECT #
08090.00

DATE: 11-14-11
SCALE: 1" = 500'
DESIGN: DRC
CHECK: DRC

REVISIONS

1. Add street name and street

1 of 1

BOARD:
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Chairman
Edwin H. Cooper, III
Vice Chairman
Steven G. Kiner
Secretary



C. Earl Hunter, Commissioner
Promoting and protecting the health of the public and the environment

BOARD:
Henry C. Sentt
M. David Mitchell, MD
Glenn A. McCall
Coleman R. Buckhouse, MD

April 18, 2011

CERTIFIED MAIL

Mr. Robert C. Lawing, P.E.
Charleston County Bees Ferry Landfill
1344 Bees Ferry Road
Charleston, SC 29414

RE: Draft Permit for Class 2 Solid Waste Landfill
Charleston County Bees Ferry Class 2 Landfill
Permit No. 101001-1201
Charleston County

Dear Mr. Lawing:

Enclosed is a draft permit for the Charleston County Bees Ferry Class 2 Landfill located in Charleston County. The permit has been modified to increase the annual disposal limit from 182,000 tons per year to 200,000 tons per year, to expand the footprint by 5.5 acres, and to increase the elevation to 168 feet MSL. This permit is drafted under Regulation 61-107.19, *Solid Waste Management: Solid Waste Landfills and Structural Fill*. If you have any comments regarding the permit conditions, please respond by May 18, 2011.

The Public Notice of the draft permit will be published in *The Post & Courier* on April 18, 2011. (Copy Attached) If no comments are received the permit may be issued as written.

If you should have any questions, please contact Timothy M. Eleazer at (803) 896-4217.

Sincerely,

Joan F. Litton, Manager
Solid Waste Permitting Section
Division of Mining and Solid Waste Management
Bureau of Land and Waste Management

JFL/TME/tmc

Enclosures

cc: Melissa Wheatley, Region 7, Charleston EQC Office
Keith Collinsworth, P.G. Manager, Solid Waste Groundwater Section
Marty Lindler, Manager, Solid and Hazardous Waste Compliance
Philip A. Westmoreland, P.E., HDR Engineering Inc. of the Carolinas
BLWM File # 020094

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
2600 Bull Street • Columbia, SC 29201 • Phone: (803) 898-3432 • www.scdhec.gov

Grand Bees Two 0003

BOARD:
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BOARD:
Henry C. Scott
M. David Mitchell, MD
Glenn A. McCall
Coleman E. Buckhouse, MD

OFFICE OF ENVIRONMENTAL QUALITY CONTROL
BUREAU OF LAND AND WASTE MANAGEMENT
CLASS 2 LANDFILL
PERMIT No. 101001-1201

Date of Original Issuance: October 17, 1997

Date of Modification: _____

Effective Date
of Modification: _____

Permission is hereby granted to:

Name of Facility: Charleston County Bees Ferry Class 2 Landfill
Permittee: Charleston County
Address: 1344 Bees Ferry Road
Johns Island, SC 29455
Contact: Mr. Robert C. Lawing, P.E.
Phone: (843) 720-7111

for the operation of a Class 2 landfill located at 1344 Bees Ferry Road in Charleston County, South Carolina.

This permit is issued pursuant to Sections 44-96-10 *et seq.* (Supp. 2010) and 25A S.C. Code of Regulations Section 61-107.19. The authority granted hereunder is subject to the requirements of the aforementioned laws and regulations and the attached conditions.

Kent M. Coleman, P.G., Director

Division of Mining and Solid Waste Management
Bureau of Land & Waste Management

Permit No. 101001-1201
April 18, 2011
Page 1 of 3

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
2600 Bull Street • Columbia, SC 29201 • Phone: (803) 898-3432 • www.scdhec.gov

Grand Bees Two 0004

0414

CHARLESTON COUNTY BEES FERRY
CLASS 2 LANDFILL
PERMIT No. 101001-1201

A. SPECIAL CONDITIONS

1. The Permittee shall adhere to the approved design plans and specifications and operational plans dated March 11, 1997, and revised November 6, 2007, unless permit conditions state otherwise.
2. The allowable rate of disposal for this landfill is two hundred thousand (200,000) tons per fiscal year (July 1 to June 30). Information concerning the facility's previous Fiscal Year's waste receipts is due in the form of an annual report to the Department no later than September 1st of each year, as required by R.61-107.19 Part IV. Subpart C.16, to the attention of:

Manager, Solid and Hazardous Waste Compliance Section
SC DHEC Bureau of Land and Waste Management
2600 Bull Street
Columbia, South Carolina 29201

3. This permit is limited to the disposal of items listed in Appendix I of R.61-107.19.
4. All Appendix-I acceptable wastes must be covered at least every thirty (30) days with a minimum of six (6) inches of clean soil, except for asbestos-containing material, which must be covered with a minimum of six (6) inches of clean soil immediately upon placement in the landfill.

B. ENVIRONMENTAL MONITORING CONDITIONS

1. GROUNDWATER DETECTION MONITORING SYSTEM

- a. The Permittee shall maintain a groundwater detection monitoring system for the landfill consistent with the most recently approved Groundwater Detection Monitoring Plan and as required in R.61-107.19, Part IV Subpart E.2. The groundwater detection monitoring system shall consist of monitoring wells as designated in the most recently approved Groundwater Detection Monitoring Plan and any other monitoring wells specified by the Department. Modifications to the current groundwater detection monitoring system shall be in accordance with the requirements of R.61-107.19, Part IV Subpart E.2.
- b. The Permittee shall perform all groundwater sampling activities of the landfill and evaluate analytical results in accordance with the most recently approved Groundwater Detection Monitoring Plan and in accordance with the requirements of R.61-107.19, Part IV Subpart E, along with any subsequent modifications deemed necessary by the Department to uphold the intent of this permit.

- c. The Permittee shall evaluate analytical results in accordance with the most recently approved Groundwater Monitoring Plan and any subsequent modifications required by the Department.
- d. The Permittee must determine during each sampling event the groundwater elevation in each well relative to mean sea level (MSL) to the nearest hundredth of a foot. All elevations should be determined on the same day. The Permittee shall determine the total depth of each well on an annual basis.
- e. Groundwater samples shall be analyzed by a laboratory certified by the State of South Carolina.

2. ASSESSMENT OF GROUNDWATER IMPACT

If the Permittee determines that a groundwater protection standard has potentially been exceeded for one or more constituents for routine monitoring at any monitoring well at the relevant point of compliance, then the Permittee shall perform any necessary groundwater assessment actions in accordance with the requirements of R.61-107.19 Part IV Subpart E.3.

3. METHANE GAS MONITORING

Based on the nature of the waste, methane monitoring is not required at the time of issuance of this permit. Should the waste stream change or the Department determines that methane is of concern at this Facility, the facility may be required to comply with R.61-107.19 Part IV Subpart C.21.

4. REPORTING

- a. The Permittee shall submit to the Department a properly bound copy of the results of the groundwater monitoring program as specified in the most recently approved Groundwater Monitoring Plan, in accordance with the following sampling schedule:

<u>Sampling Schedule</u>	<u>Results Due</u>
No more than 60 days prior to the results due date	April 15 (Semiannual) October 15 (Annual Report)

- b. The Permittee shall submit a properly bound annual report signed and sealed by a South Carolina qualified professional, in accordance with R.61-107.19 Part IV Subpart E.1.h.
- c. The groundwater data collected by the implementation of the groundwater monitoring program as specified by this Permit shall be submitted to the SCDHEC Bureau of Land and Waste Management, Division of Mining and Solid Waste Management, Solid Waste Groundwater Section, as well as the Region 7 EQC Office (Charleston).



TO: Area Landowners and Interested Parties

FROM: Joan Litton, Manager
South Carolina Department of Health and Environmental Control (SCDHEC)
Solid Waste Permitting Section

DATE: April 18, 2011

RE: **Draft Permit for Landfill Expansion & Tonnage Increase
Charleston County Bees Ferry Class 2 Landfill Expansion
Charleston County**

You are being sent this notification of a landfill expansion and tonnage increase for the Charleston County Bees Ferry Class 2 because you either own property near the proposed landfill expansion or we felt you may have an interest in the landfill modifications. This letter is the Department's notification about our permitting process.

SCDHEC has received a permit request from Charleston County for a Class Two landfill expansion and tonnage increase located at 1344 Bees Ferry Road, Charleston South Carolina 29455. Based on review of the permit application and supporting documentation submitted, the Department is issuing the draft landfill permit. Please see the attached public notice for more detailed information about this draft permit.

SCDHEC is seeking comments on the draft permit. All comments should be received no later than 5:00 PM on **May 18, 2011**. This notice will also run in *The Post and Courier* on Monday, April 18, 2011. If you have any questions, comments, or need clarification on any information regarding the draft permit, please contact:

Mr. Timothy M. Eleazer, Project Manager
Solid Waste Permitting Section
SCDHEC-BLWM
2600 Bull Street
Columbia, SC 29201
(803) 896-4217
eleazetm@dhec.sc.gov

or

Mr. Melissa Wheatley, Solid Waste Contact
SCDHEC-EQC Regional Office
Region 7 - Charleston EQC Office
1362 McMillan Avenue, Suite 300
Charleston, SC 29405
(843) 953-0150
wheatlmq@dhec.sc.gov

If no comments or additional information is received regarding the draft permit during the thirty-day comment period, SCDHEC may issue a final permit of the vertical expansion.

Grand Bees Two 00007



TO: Area Landowners and Interested Parties

FROM: Joan Litton, Manager *jl*
South Carolina Department of Health and Environmental Control (SCDHEC)
Solid Waste Permitting Section

DATE: June 13, 2011

RE: Public Hearing to receive comments on the proposed expansion and tonnage increase for the Charleston County Class 2 Landfill

Location: Charleston County Council Chambers, 4045 Bridge View Drive, North Charleston, SC

Hearing Date: Wednesday, July 13, 2011

Time: 6:00 pm

You are being sent this notification of the proposed Charleston County Class 2 Landfill modification because you have expressed an interest in the project or you are an adjacent landowner.

The South Carolina Department of Health and Environmental Control (SCDHEC) - Solid Waste Permitting Section has completed its review of the permit application from Charleston County for the Class 2 Landfill tonnage increase and expansion.

A public hearing has been scheduled for Wednesday, July 13, 2011 at 6:00 in the evening, to be held in the Charleston County Council Chambers, 4045 Bridge View Drive, North Charleston, SC 29405. This hearing is being held to provide details on the proposed landfill modification and to receive public comments. A public comment period is open for anyone who wishes to submit comments, either by letter, fax or e-mail, to the contact provided below, until Wednesday, July 20, 2011. During the public comment period the Department will be taking comments from the public concerning the permit application and the draft permit.

Who to contact? Copies of the permit application are available by appointment for public viewing during the hours of 9:00 AM to 5:00 PM, Monday through Friday, at the following locations:

Bureau of Land and Waste Management
SC Department of Health and Environmental Control
8911 Farrow Road
Columbia, SC 29203
Contact: Juli E. Blalock, (803) 896-4213
E-mail: blalocje@dhec.sc.gov

Grand Bees Two.0021

NAME	ADDRESS	CITY	STATE	ZIP CODE
GRAND BEES DEVELOPMENT, LLC	1403 ASHLEY RIVER RD. STE. B	CHARLESTON	SC	29414
CASSANDRA J. BULLOCK	444 CABRILL DR.	CHARLESTON	SC	29414
LYNN F. LONG	1420 ASHLEY GARDEN BLVD.	CHARLESTON	SC	29414
CHRISTOPHER S. CARSON	1428 ASHLEY GARDEN BLVD.	CHARLESTON	SC	29414
CHRISTIAN GIGIS	1425 ASHLEY GARDERN BLVD.	CHARLESTON	SC	29414
SIENNA AT GRANDS OAKS	1126 LANGO AVE.	CHARLESTON	SC	29407
CAROL REDICK	1126 LANGO AVE.	CHARLESTON	SC	29407
PRESTON HIP	1412 ASHLEY RIVER RD.	CHARLESTON	SC	29407
HUNT CLUB PROPERTY OWNER'S	4770 SUMMIT PLANTATION RD.	MEGETT	SC	29449
LEE BARNES	1353 OXFORD RD. NE	ATLANTA	GA	30307
SCOTT RIBES	1636 JORRINGTON ST.	MT. PLEASANT	SC	29466
LINDA HELLER LYNN	220 SUMMER RAIN CT.	CHARLESTON	SC	29414
AUSTIN BRUNER	665 MCCUTCHEN STREET	CHARLESTON	SC	29412
STUART LYNN	220 SUMMER RAIN CT.	CHARLESTON	SC	29414
JOHN BLEECKER	89 BROAD ST.	CHARLESTON	SC	29401
LARRY WATHEN	817 PARAN OAK DRIVE	CHARLESTON	SC	29414
CHRIS CARSON	1428 ASHLEY GARDEN BLVD.	CHARLESTON	SC	29414
RON RZEPKOWSKI	303 MONARCH CT.	CHARLESTON	SC	29414
JAMIE KHAN	16 CHARLOTTE ST	CHARLESTON	SC	29403



BEEES FERRY CLASS 2 LANDFILL PROPOSED PERMIT MODIFICATION

**PUBLIC HEARING
JULY 13, 2011**

PROPOSED PERMIT MODIFICATION



- CURRENT PERMIT - 182,000 TONS
74 FEET MSL
- PROPOSED PERMIT - 200,000 TONS
168 FEET MSL

WHY WE NEED TONNAGE ADJUSTMENT



- ABILITY TO CONTROL OUR DESTINY
- NOT DEPENDENT ON OTHER COUNTIES
- HURRICANE OR OTHER NATURAL DISASTER





BEEES FERRY LANDFILL

- TONNAGE FY 2008
 - 319,582 TONS
- TONNAGE FY 2009
 - 227,642 TONS
- TONNAGE FY 2010
 - 199,349 TONS
- TONNAGE FY 2011
 - 149,159 TONS

IMPACT TO BEES FERRY



- NO CONTRACTOR C&D
- DO NOT ANTICIPATE ADDITIONAL TRAFFIC
- DO NOT PLAN OR ANTICIPATE INCREASED TONNAGE





C. Earl Hunter, Commissioner

Promoting and protecting the health of the public and the environment

RECEIVED
SEP 6 2011

Bureau of Land and Waste Management BY:.....

MEMORANDUM

DATE: September 1, 2011
TO: Concerned Citizens
FROM: Kent M. Coleman, P.G., Director *KMC*
Division of Mining and Solid Waste Management
Bureau of Land and Waste Management

SUBJECT: Permit Modification for the Charleston County Bees Ferry Class 2 Landfill
Permit No. 101001-1201
Charleston County

After careful review of information submitted by Charleston County (the Applicant) the South Carolina Department of Health and Environmental Control (the Department) has approved the permit modification for an increase in the yearly disposal rate and a vertical and lateral expansion for the Class 2 Landfill located at 1344 Bees Ferry Road in Charleston, S.C. The modified permit was issued on September 1, 2011 and was sent via certified mail to the Applicant and to respondents on the Department's mailing list. The approved Permit Modification and a Staff Decision Summary Report have been enclosed for your information. The Staff Decision Summary Report addresses comments received during the public comment period for the proposed landfill.

This decision becomes the final agency decision fifteen (15) days from the date of the certified mailing of this decision unless a written request for final review is filed with the Department. The procedure for filing a request for final review can be found in the attached *Notice of Appeal Procedures*, provided as a courtesy by the Department.

If you have any questions regarding the Solid Waste Permit, you may contact Joan F. Litton of my staff at (803) 896-4264.

KMC/JEB/jeb

Enclosures

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
2600 Bull Street • Columbia, SC 29201 • Phone: (803) 808-3132 • www.scdhec.gov

Grand Bees Two 0028



C. Earl Hunter, Commissioner

Promoting and protecting the health of the public and the environment

CERTIFIED MAIL

91 7199 9991 7030 0507 0008

September 1, 2011

Mr. Robert C. Lawing, P.E.
Charleston County Bees Ferry Landfill
1344 Bees Ferry Road
Charleston, SC 29414

RE: Modified Permit for Class 2 Solid Waste Landfill
Charleston County Bees Ferry Class 2 Landfill
Permit # 101001-1201
Charleston County

Dear Mr. Lawing:

Enclosed is a modified Class 2 landfill permit for the Charleston County Bees Ferry Class 2 Landfill located at 1344 Bees Ferry Road in Charleston County. The permit has been modified to increase the annual disposal limit from 182,000 tons per year to 200,000 tons per year, to expand the footprint by 5.5 acres, and to increase the elevation to 168 feet MSL. This permit has been issued pursuant to S.C. Code Ann. Sections 44-96-10, *et seq.*, and S.C. Code of Regulations Section 61-107.19, *Solid Waste Management: Solid Waste Landfills and Structural Fills*.

This decision becomes the final agency decision fifteen (15) days from the date of the certified mailing of the decision unless a written request for final review is filed with the Department. This decision may be appealed by complying with the requirements described in the attached *Notice of Appeal Procedure*, provided as a courtesy by the Department.

If you have any questions with this approval, please feel free to contact Juli Blalock of my staff at (803) 896-4213. All other questions should be directed to Melissa Wheatley in the Region 7 Environmental Quality Control office in Charleston at (843) 953-0150.

Sincerely,

Kent M. Coleman, Director
Division of Mining and Solid Waste Management
Bureau of Land and Waste Management

KMC/JEB/jeb

Enclosures

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
2600 Bull Street • Columbia, SC 29201 • Phone: (803) 898-3132 • www.scdhec.gov

Grand Bees Two 0029

cc: Melissa Wheatley, EQC Region 7, Charleston
Keith Collinsworth, PG, Manager, Solid Waste Groundwater Section
Marty Lindler, Manager, Solid & Hazardous Waste Compliance
Allen O'Neal, Charleston Co Administrator, 4045 Bridgeview Dr., N. Charleston, SC 29405
Daniel Pennick, AICP Planning Director, 4045 Bridgeview Dr., N. Charleston, SC 29405
Bureau File #20094



C. Earl Hunter, Commissioner

Promoting and protecting the health of the public and the environment

OFFICE OF ENVIRONMENTAL QUALITY CONTROL
BUREAU OF LAND AND WASTE MANAGEMENT
CLASS 2 LANDFILL
PERMIT No. 101001-1201

Date of Original Issuance: October 17, 1997

Date of Modification: September 1, 2011

Effective Date

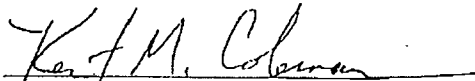
of Modification: September 16, 2011

Permission is hereby granted to:

Name of Facility: Charleston County Bees Ferry Class 2 Landfill
Permittee: Charleston County
Address: 1344 Bees Ferry Road
Johns Island, SC 29455
Contact: Mr. Robert C. Lawing, P.E.
Phone: (843) 720-7111

for the operation of a Class 2 landfill located at 1344 Bees Ferry Road in Charleston County, South Carolina.

This permit is issued pursuant to Sections 44-96-10 *et seq.* (Supp. 2010) and 25A S.C. Code of Regulations Section 61-107.19. The authority granted hereunder is subject to the requirements of the aforementioned laws and regulations and the attached conditions.


Kent M. Coleman, P.G., Director

Division of Mining and Solid Waste Management
Bureau of Land & Waste Management

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
2600 Bull Street • Columbia, SC 29201 • Phone: (803) 898-3132 • www.scdhec.gov

Grand Bees Two 0031

Notice of Appeal Procedure
Pursuant to S.C. Code Section 44-1-60

1. This decision of the S.C. Department of Health and Environmental Control (Department) becomes the final agency decision 15 calendar days after notice of the decision has been mailed or otherwise sent to the applicant, permittee, licensee and affected persons who have requested in writing to be notified, unless a written request for final review accompanied by a filing fee in the amount of \$100 is filed with the Department by the applicant, permittee, licensee, or affected person.
2. An applicant, permittee, licensee, or affected person who wishes to appeal this decision must file a timely written request for final review with the Clerk of the Board at the following address or by facsimile at 803-898-3393. A filing fee in the amount of \$100 made payable to SC DHEC must also be received by the Clerk within the time allowed for filing a request for final review. However, if a request for final review is filed by facsimile, the filing fee may be mailed to the Clerk of the Board if the envelope is postmarked within the time allowed for filing a request for final review.

Clerk of the Board.
SC DHEC
2600 Bull Street
Columbia, SC 29201

3. In order to be timely, a request for final review must be received by the Clerk of the Board within 15 calendar days after notice of the decision has been mailed or otherwise sent to persons entitled to receive notice. If the 15th day occurs on a weekend or State holiday, the request is due to be received by the Clerk of the Board on the next working day. The request for final review must be received by the Clerk of the Board by 5:00 p.m. on the date it is due. A request for final review will be returned to the requestor if the filing fee is not received on time as described above.
4. The request for final review should include the following:
 - a. The grounds on which the Department's decision is challenged and the specific changes sought in the decision;
 - b. A statement of any significant issues or factors the Board should consider in deciding whether to conduct a final review conference; and,
 - c. A copy of the Department's decision for which review is requested.
5. If a timely request for final review is filed with the Clerk of the Board, the Clerk will provide additional information regarding procedures. If the Board declines in writing to schedule a final review conference, the Department's decision becomes the final agency decision and an applicant, permittee, licensee, or affected person may request a contested case hearing before the Administrative Law Court within 30 calendar days after notice is mailed that the Board declined to hold a final review conference.

The above information is provided as a courtesy; parties are responsible for complying with all applicable legal requirements.

January 7, 2011

CHARLESTON COUNTY BEES FERRY
CLASS 2 LANDFILL
PERMIT No. 101001-1201

A. SPECIAL CONDITIONS

1. The Permittee shall adhere to the approved design plans and specifications and operational plans dated March 11, 1997, revised November 6, 2007 and July 2010; unless permit conditions state otherwise.
2. The allowable rate of disposal for this landfill is two hundred thousand (200,000) tons per fiscal year (July 1 to June 30). Information concerning the facility's previous Fiscal Year's waste receipts is due in the form of an annual report to the Department no later than **September 1st** of each year, as required by R.61-107.19 Part IV. Subpart C.16, to the attention of:

Manager, Solid and Hazardous Waste Compliance Section
SC DHEC Bureau of Land and Waste Management
2600 Bull Street
Columbia, South Carolina 29201

3. This permit is limited to the disposal of items listed in Appendix I of R.61-107.19.
4. All Appendix-I acceptable wastes must be covered at least every thirty (30) days with a minimum of six (6) inches of clean soil, except for asbestos-containing material, which must be covered with a minimum of six (6) inches of clean soil immediately upon placement in the landfill.

B. ENVIRONMENTAL MONITORING CONDITIONS

1. GROUNDWATER DETECTION MONITORING SYSTEM

- a. The Permittee shall maintain a groundwater detection monitoring system for the landfill consistent with the most recently approved Groundwater Detection Monitoring Plan and as required in R.61-107.19, Part IV Subpart E.2. The groundwater detection monitoring system shall consist of monitoring wells as designated in the most recently approved Groundwater Detection Monitoring Plan and any other monitoring wells specified by the Department. Modifications to the current groundwater detection monitoring system shall be in accordance with the requirements of R.61-107.19, Part IV Subpart E.2.

- b. The Permittee shall perform all groundwater sampling activities of the landfill and evaluate analytical results in accordance with the most recently approved Groundwater Detection Monitoring Plan and in accordance with the requirements of R.61-107.19, Part IV Subpart E, along with any subsequent modifications deemed necessary by the Department to uphold the intent of this permit.
- c. The Permittee shall evaluate analytical results in accordance with the most recently approved Groundwater Monitoring Plan and any subsequent modifications required by the Department.
- d. The Permittee must determine during each sampling event the groundwater elevation in each well relative to mean sea level (MSL) to the nearest hundredth of a foot. All elevations should be determined on the same day. The Permittee shall determine the total depth of each well on an annual basis.
- e. Groundwater samples shall be analyzed by a laboratory certified by the State of South Carolina.

2. ASSESSMENT OF GROUNDWATER IMPACT

If the Permittee determines that a groundwater protection standard has potentially been exceeded for one or more constituents for routine monitoring at any monitoring well at the relevant point of compliance, then the Permittee shall perform any necessary groundwater assessment actions in accordance with the requirements of R.61-107.19 Part IV Subpart E.3.

3. METHANE GAS MONITORING

Based on the nature of the waste, methane monitoring is not required at the time of issuance of this permit. Should the waste stream change or the Department determines that methane is of concern at this Facility, the facility may be required to comply with R.61-107.19 Part IV Subpart C.21.

4. REPORTING

- a. The Permittee shall submit to the Department a properly bound copy of the results of the groundwater monitoring program as specified in the most recently approved Groundwater Monitoring Plan, in accordance with the following sampling schedule:

<u>Sampling Schedule</u>	<u>Results Due</u>
No more than 60 days prior to the results due date	April 15 (Semiannual) October 15 (Annual Report)

- b. The Permittee shall submit a properly bound annual report signed and sealed by a South Carolina qualified professional, in accordance with R.61-107.19 Part IV Subpart E.1.h.

- c. The groundwater data collected by the implementation of the groundwater monitoring program as specified by this Permit shall be submitted to the SCDHEC Bureau of Land and Waste Management, Division of Mining and Solid Waste Management, Solid Waste Groundwater Section, as well as the Region 7 EQC Office (Charleston).

STAFF DECISION SUMMARY

APPROVAL of: Tonnage Increase and Expansion for the Charleston County Bees Ferry Class 2 Landfill

This summary report is provided in response to the South Carolina Department of Health and Environmental Control's decision on September 1, 2011 to issue a modified Class 2 Landfill permit to Charleston County (the Applicant) for the Bees Ferry Class 2 Landfill located at 1344 Bees Ferry Road in Charleston, SC. This summary report addresses comments received at the public hearing held on July 13, 2011, and throughout the public comment period, which ended on July 20, 2011.

SOLID WASTE MANAGEMENT

The principal law governing solid waste management in this state is the South Carolina Solid Waste Policy and Management Act of 1991 (the Act). One of the main purposes of the Act is to ensure that those activities associated with solid waste management are executed in a manner adequate to protect human health, safety and welfare of the environment.

The passage of the Act acknowledged a growing statewide concern about the generation, management, and disposal of solid waste. The Department of Health and Environmental Control (the Department) was given the responsibility to develop regulations establishing standards for solid waste management facilities. Please see the following web page for a more complete description and for a copy of the regulation.

http://www.scdhec.gov/environment/lwm/html/solidwaste_new_regulation.htm

BACKGROUND

The Department issued a permit for expansion and tonnage increase on January 17, 2008. The permit was then appealed and heard by the South Carolina Administrative Law Court. On June 2, 2009, the Administrative Law Court (ALC) ruled that the expansion did not comply with local zoning and land use regulations because the county had not obtained a special exception for the expansion, thus the modified permit was not effective. In response to the ALC ruling, Charleston County revised their zoning ordinance to no longer require that a special exception be obtained for the expansion of the landfill. The Department reviewed the revisions and determined that the expansion and tonnage increase is consistent with Charleston County's zoning ordinance as revised on December 16, 2010.

PUBLIC NOTICING

On April 18, 2011, the Department re-issued a draft permit for the expansion and tonnage increase. Notice of the draft permit was printed in The Post & Courier

newspaper and posted on DHEC's website. In addition, notice was sent to all adjacent landowners and persons that had requested to be on the Department's mailing list. A public hearing was requested and held on July 13, 2011. Additional comments were received until July 20, 2011.

AMENDED CHARLESTON COUNTY ZONING & LAND DEVELOPMENT REGULATIONS (ZLDR)

Per the Final Order and Decision, Docket No. 08-ALJ-07-0198-CC, the Honorable Administrative Law Judge Ralph King Anderson III ordered "that DHEC's decision to grant the Modified Permit is vacated and this case is remanded for review in accordance with the ZLDR" (pg. 9). Specifically, the order stated "the ZLDR prohibits the County from enlarging or expanding the C&D portion of the landfill without first obtaining a special exception for the landfill". Charleston County amended the ZLDR on December 16, 2010 which no longer required a special exception for the expansion of the landfill. Therefore, after review, the Department determined that the proposed expansion was consistent with Charleston County's Zoning and Land Development Regulation (ZLDR) and issued the permit for the tonnage increase and expansion.

TRAFFIC CONCERNS

The Department has received numerous comments through the years concerning the traffic on Bees Ferry Road. The Department does not regulate truck traffic on public roads, however, according to the Charleston County Streetwise website listed below, Bees Ferry Road was to begin being widened in the summer of 2011. More specific information about the Bees Ferry Road widening project can be found at:

http://www.ccradwise.org/bees_ferry_road.html



C. Earl Hunter, Commissioner
Promoting and protecting the health of the public and the environment.

20094 *Kme*
(796)

INTERNAL MEMORANDUM

TO: Juli Blalock
FROM: *EH* Ernell Hartwell
RE: Review of Charleston County ZLDR pursuant to 08-ALJ-07-0198-cc
Final Order and Decision
DATE: December 14, 2009
SITE: Bees Ferry Class 2 Landfill (Expansion)
Tax Map# 301-00-00-026
County: Charleston

Staff initiated a review that included Charleston County's Zoning Ordinance last amended on August 11, 2009, zoning map, and a letter from the Charleston County's Planning Department to determine if the activity referenced above is consistent with the local zoning.

Based on the review of the attached documents, the tract of land is zoned I, (Industrial District). In table 6.1-1 under Solid Waste Disposal Facilities (Public or Private) the use is determined as conditional, which allows the landfill to operate under a specific set of requirements that are listed in article 6.4.51. The proposed landfill expansion meets the requirements and therefore, the Department has determined that the proposed expansion is consistent with the Charleston County land-use planning and zoning.



C. Earl Hunter, Commissioner

Promoting and protecting the health of the public and the environment.

INTERNAL MEMORANDUM

TO: Tim Eleazer
FROM: Mary Varga *MKV*
RE: Review of Charleston County ZLDR
DATE: April 12, 2011
SITE: Bees Ferry Class 2 Landfill (Expansion)
Tax Map# 301-00-00-026
Permit # 101001-1101
County: Charleston

Staff initiated a review that included Charleston County's Zoning Ordinance, last amended on December 16, 2010, the Charleston County zoning map, and a letter dated February 3, 2005 from the Charleston County's Planning Department to determine if the activity referenced above is consistent with the local zoning.

Based on the review of the attached documents, the tract of land is zoned I, (Industrial District). In table 6.1-1 under Solid Waste Disposal Facilities (Public or Private) the use is determined as conditional, which allows the landfill to operate under a specific set of requirements that are listed in article 6.4.51. Furthermore, the landfill is exempt from the Special Exception, as defined in article 1.11.4.A. Therefore, the Department has determined that the proposed expansion is consistent with the Charleston County land-use planning and zoning.

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

I, the undersigned, Clerk of Charleston County Council, DO HEREBY CERTIFY:

That the following constitutes a true, correct and verbatim copy of Ordinance
180 adopted by Charleston County Council at its meeting of March 5, 1974.

That the said Ordinance Books are in my custody as Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 14th
day of March, 2012.


Beverly T. Craven, Clerk
CHARLESTON COUNTY COUNCIL

ORDINANCES AND RESOLUTIONS

35.3 — Wall, Break-Away Screening:

ere permitted in the "V" (Special Flood Hazards with Velocity) Zones all break-away from columns or pilings at a maximum horizontal pressure twenty-five (25) pounds per square foot applied to the projected area, vining piling or columns intact, but shall not break-away at less than a horizontal pressure of fifteen (15) pounds per square foot on the projected area. Plumbing pipes, gas piping, electric wiring, or other equipment shall be or mounted on or in the wall, break-away screening, or in any way to impede or prevent the break-away under the designated load.

35.4 — Crawl Spaces:

Under the floors of buildings, enclosed crawl spaces below the 100 year flood level in the "A" Flood Hazard Zones shall be drained to discharge to adjacent grade or into an approved drainage system.

35.5 — Thermal Insulation:

Thermal insulation used below the 100 year flood level shall be of a type that does not absorb or hold water.

SECTION 2906 — Mechanical Equipment

No heaters or furnaces, water heaters, electrical panels, or any other utility equipment shall be located below the 100 year flood level unless permitted in approved flood proof construction. All air ducts, large pipes, and storage tanks located at or below the flood level shall be firmly anchored to prevent floatation. Tanks shall be vented at a location above flood level.

SECTION 2: That Section 1303—Piles be amended by adding the following to "1303.6 - Test of Piles":

-) The allowable lateral load capacity shall be considered to be one-half the test load (applied laterally) which causes a deflection of one-half inch ($\frac{1}{2}$ " at the ground line with a seventy-five percent (75%) recovery.

SECTION 3: That Section 201—Definitions be amended by adding the following after "Wall, Bearing" and before "Wall, Cavity":
all, Break-Away Screening—means a non-bearing wall with fifty percent (50%) of the area void and evenly distributed throughout, and located between piles or columns, and shall meet the requirements of Section 2905.3.

SECTION 4: This Ordinance shall take effect on the 15th day of March, 1974.

OF THE CHARLESTON COUNTY COUNCIL

87

Unanimously adopted at regular meeting of the County Council of Charleston County held March 5, 1974 and subsequently published in the News & Courier of March 8, 1974:

AN ORDINANCE

NO. 180

TO ESTABLISH SOLID WASTE COLLECTION DISTRICTS WITHIN THE COUNTY OF CHARLESTON, SOUTH CAROLINA, AND TO MAKE RULES AND REGULATIONS GOVERNING THE USE AND COLLECTION OF SOLID WASTE.

BE IT ORDAINED by the County Council of Charleston County, South Carolina, in meeting duly assembled, and pursuant to the authority of Act No. 566 of the Acts of the General Assembly of South Carolina approved the 7th day of July, 1971, and all Acts amendatory thereof and supplementary thereto:

Pursuant to Section 2 of Act No. 566 of the General Assembly of South Carolina approved the 7th day of July, 1971, the following districts are hereby established within the County of Charleston:

SECTION 1: Areas Defined.

A. District I shall include all areas East of the Cooper River extending eastward from the Cooper River upward to South Carolina State Highway 41, excluding the jurisdictional boundaries of the City of Mount Pleasant, City of Isle of Palms, and the Township of Sullivan's Island.

B. District II shall include the Ladson-Lincolnton areas, excluding the jurisdictional boundaries of the Town of Lincolnton, bounded on the south by the jurisdictional boundaries of the City of North Charleston and/or the North Charleston Special District, and bounded on the north, east and west by the Charleston County line.

C. District III shall include all of John's Island surrounded by the Stono River, Church Creek, Bohicket Creek, and Kiawah River, and that portion of Main Road between U. S. Highway 17 and Stono River, including the subdivision of Shell Point.

SECTION 2: This ordinance shall not effect any incorporated area or areas serviced by a special public service district.

SECTION 3: The following rules and regulations are hereby promulgated governing the use and collection of solid waste pursuant to authority vested in the Charleston County Board of Health by Section 32-146 of the South Carolina Code of Laws, 1962, and pursuant to authority of Act No. 566 of the Acts of the General Assembly of South Carolina approved the 7th day of July, 1971:

A. Definitions as used in these regulations:

1. SOLID WASTE means garbage, refuse, litter, rubbish, or any other waste resulting from industrial, commercial, agricultural, or residential activities not disposable by means of a sewerage system operated in accordance with State of South Carolina regulations.
2. GARBAGE means putrescible animal and vegetable waste.
3. REFUSE means all putrescible and non-putrescible solid waste (except body waste), including garbage, rubbish, street cleaning, dead animals, yard clippings, and market and industrial solid waste.
4. RUBBISH means non-putrescible solid waste, consisting of both combustible and non-combustible waste such as paper, cardboard, tin cans, wood, glass, bedding, crockery, also automobiles, household appliances, or litter of any other kind.
5. SANITARY LANDFILL means a method of disposing of solid waste on land without creating pollution, nuisance, or a hazard to public health and safety.
6. COLLECTOR means any person, firm co-partnership, association, corporation licensed by the Charleston County Health Department to collect or transport solid waste within Charleston County or any governmental unit or agency thereof collecting and transporting solid waste.

SECTION 4:

A. Licensing of Collectors:

1. All collectors other than governmental units or agencies collecting or transporting solid waste within the County of Charleston shall be licensed with a solid waste collector's permit issued by the Charleston County Health Department.

2. Said license, as required herein, shall only be issued after the collector has demonstrated that the equipment to be used meets the minimum requirements for the proper collection and transportation of solid waste.
3. Licensing of collectors will be done on a yearly basis.
4. A collector's license may be temporarily suspended or permanently revoked when in the opinion of the Charleston County Health Officer, or his legally appointed representative, a collector has failed to abide by the intent or provisions of these regulations after reasonable notice in writing and an opportunity for a hearing has been given.

SECTION 5:

A. Collection and Transporting Equipment Requirements:

1. All vehicles used in the collection and transportation of solid waste within the County of Charleston shall be kept in a sanitary manner and shall be so constructed as to prevent leakage or blowing of refuse in transit.
2. The body of the vehicle shall be wholly enclosed or shall at all times, while in transit, be kept covered with an adequate cover or canvas cover provided with eyelets and rope for tying down, or any other approved method which will prevent blowing or spillage.
3. The collector must so guarantee the condition and sufficiency of his or other equipment available to him that equipment breakdowns will not cause deviation from the routine schedule.
4. All refuse vehicles may be inspected at any reasonable time by members of the Charleston County Health Department, and the correction of any deficiencies will be the responsibility of the collector.
5. The collection of solid waste from residential and commercial establishments shall be on the basis of a schedule approved by the Charleston County Health Department and shall include provision for pick-up of discarded household furnishings and appliances.

6. A collection schedule will be furnished by the collector to all customers being served. Densely populated areas of the county as designated by the Health Department, shall be provided collection of garbage on a basis of at least two (2) days per week and collection of household and yard rubbish (excluding automobiles) at least one (1) day per week. Collection service in sparsely populated areas of the county shall be on the basis of a schedule approved by the Charleston County Health Department.
7. All collectors should dispose of all solid waste collected in such manner and at such locations as are approved by the Charleston County Health Department.

SECTION 6:

A. Disposal Sites and Facilities:

1. All collectors shall dispose of all solid waste collected at an approved facility in a sanitary manner. A properly operated sanitary landfill shall be considered acceptable to meeting this requirement and shall meet the following minimum standards:

a. Requirement of Sanitary Landfill Sites:

All owners or operators of solid waste disposal facilities other than governmental units or agencies within Charleston County shall be licensed with a refuse disposal site permit issued by the Charleston County Health Department. All owners or operators of solid waste disposal facilities including governmental units or agencies shall meet the minimum requirements as set forth in these Rules and Regulations.

b. Site Location:

The disposal site shall:

1. be easily accessible to collection vehicles, and where applicable, transfer vehicles;
2. safeguard against water pollution originating from the disposal of solid waste;

3. have an adequate quantity of acceptable earth cover. The cover material should be easily workable and compactable, should be free of large objects that would hinder compaction, and should not contain large amounts of organic matter. It shall be of sufficient quantity and distributed in such a manner as to prevent the harborage and/or breeding of insects, rodents, and other animal vectors;
4. conform with the surrounding environment; and
5. conform with future development of the area.

c. Site Design:

When a new sanitary landfill is constructed or an existing site is extensively re-designed, properly prepared plans and specifications by a Registered Professional Engineer shall be submitted to the Charleston County Health Department for review and approval before work is begun; such plans and specifications shall include:

1. Map or aerial photograph of the area showing land use and zoning within $\frac{1}{4}$ mile of the solid waste disposal site. The map or aerial photograph shall be of sufficient scale to show all homes, industrial buildings, wells, water-courses, dry runs, rock outcroppings, road and other applicable details and shall indicate the general topography.
2. Plot plan of the site showing dimensions, location of soil borings, proposed trenching plan or original fill face, cover stock piles, and fencing. Cross sections shall be included on the plot plan or on separate sheets showing both the original and proposed fill elevations. The scale of the plot plan should not be greater than 200 feet per inch.
3. A report shall accompany the plans indicating:
 - a. population and area to be served by the proposed site;
 - b. anticipated type, quantity and source of solid waste to be disposed of at the site;

- c. geological formations and ground water elevations to a depth of at least 10 feet below proposed excavations and lowest elevation of the site. Such data shall be obtained by soil borings and other appropriate means;
 - d. source and characteristic of cover material;
 - e. observation test wells which will reveal reliable data on ground water contamination may be required if deemed necessary by the Charleston County Health Department; and
 - f. provisions to collect and treat leachate prior to discharge to receiving waters.
4. The engineering plans shall include one or more topographic maps at a scale of not over 200 feet to the inch. Contour intervals shall not exceed 10 feet. These maps shall show: the proposed fill area; any burrow area; access roads; grades for proper drainage of each lift required and a typical cross section of a lift, special drainage devices if necessary; fencing; equipment shelters, existing and proposed utilities; employee facilities; and all other pertinent information to clearly indicate the orderly development, operations and completion of the sanitary landfill.
- d. Operation and Maintenance of Facility:
- 1. All garbage, solid waste, and other refuse placed in the landfill shall be thoroughly compacted by equipment of sufficient weight and capacity to carry out all necessary operations. Sufficient auxiliary equipment shall be maintained on the site or kept otherwise available to permit operation in case of equipment breakdown or increased volume of material handled.
 - 2. Mixed refuse material shall be spread out on the working face of the landfill so that the depth does not exceed a maximum depth of two (2) feet prior to its compaction.

- 3. The area shall be neat and sanitary at all times and shall be covered with earth or some inert material at the end of each day's operation as hereinafter set out in sufficient depth to prevent blowing papers and unsightly condition. The size of the active face on which refuse is being currently deposited shall be kept to a minimum.
- 4. A minimum depth of six (6) inches of compacted cover shall be kept on all inactive faces of the landfill at all times. The active faces of the landfill shall be covered at the end of each day's operation with at least six (6) inches of compacted cover material.
- 5. When the fill has been brought up to twenty-four (24) inches below the desired finished grade, it shall be covered with at least twenty-four (24) inches of compacted cover material for a final cover. The entire site, including the fill surface, shall be graded and provided with facilities to minimize drainage onto or into the fill, to prevent erosion or washing of the fill, and to prevent the collection of standing water. The surface of the fill should be smooth and graded to a minimum slope of 1 to 100. Maximum slope of the completed fill should not be greater than 1 to 2 as to provide either surface or subsurface drainage to prevent-ponding.
- 6. Whatever measures deemed necessary by the Charleston County Health Department personnel shall be taken to control the burning and blowing of paper and other materials from the landfill.
- 7. Salvage operations shall not be allowed unless written permission is first obtained from the Charleston County Health Department. Suitable measures shall be taken to control fires. An adequate supply of water under pressure along with adequate stockpiles of earth close to the working place is acceptable. Other measures must secure approval of the Charleston County Health Department.

8. Burning of any materials deposited in the landfill will be prohibited. This is the responsibility of the operator at the landfill site.
9. The owner or operator of the sanitary landfill facility shall provide an access road within the dumping site which shall be kept passable in all types of weather conditions.
10. Vector Control—Conditions unfavorable for the production of insects and rodents shall be maintained by carrying out routine landfill operations promptly in a systematic manner. Supplemental vector control shall be instituted whenever necessary.
11. The landfill site shall be open to inspection by personnel of the Charleston County Health Department at any time deemed necessary.
12. Entrance to the landfill site must be controlled to prevent burning, salvaging and vandalism.

SECTION 7:

A. Exemptions for Large Inert Material Disposal:

The Charleston County Health Department may grant permission for use of disposal sites for large and bulky essentially inert materials from requirements of daily compaction and covering providing they do not create an insect or rodent problem or nuisance and violate no other section or portion of State or local laws and regulations.

SECTION 8:

A. Approved Disposal Facilities Required:

Every owner of residential or commercial property shall use an approved licensed or governmental agency solid waste collection service or submit individual plans for their proposed solid waste disposal facility which must conform to the intent of these Solid Waste Disposal Rules and Regulations and be acceptable to the Charleston County Health Department.

SECTION 9:

A. Variances:

Any variances to these Rules and Regulations must be requested in writing and will be considered on an individual basis by the Charleston County Council.

SECTION 10:

A. Penalties:

As provided in Act 566 adopted by the 1971 South Carolina Legislature, any person violating these Rules and Regulations shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00). Each day a violation occurs shall be considered a separate offense. In addition to the above penalty, the Health Officer, or his duly appointed representative, may apply to a court of competent jurisdiction to obtain injunctive relief restraining any person or governmental unit or agency of any act which is prohibited by any provisions of these Rules and Regulations.

SECTION 11:

A. Unconstitutionality Clause:

Should any section, paragraph, sentence, clause, or phrase of these Rules and Regulations be declared unconstitutional or invalid for any reason, the remainder of said Regulations shall not be affected thereby.

SECTION 12:

A. Effective Date:

This Ordinance shall become effective on the 15th day of March, 1974.

Sec. 10-22. - Disposal sites and facilities.

All collectors shall dispose of all solid waste collected at an approved facility in a sanitary manner. A properly operated sanitary landfill shall be considered acceptable to meeting this requirement and shall meet the following minimum standards:

- (1) *Permit required.* All owners or operators of solid waste disposal facilities other than governmental units or agencies within the county shall be licensed with a refuse disposal site permit issued by the county health department. All owners or operators of solid waste disposal facilities including governmental units or agencies shall meet the minimum requirements as set forth in this article.
- (2) *Site location.* The disposal site shall:
 - a. Be easily accessible to collection vehicles, and where applicable, transfer vehicles;
 - b. Safeguard against water pollution originating from the disposal of solid waste;
 - c. Have an adequate quantity of acceptable earth cover. The cover material should be easily workable and compactible, should be free of large objects that would hinder compaction, and should not contain large amounts of organic matter. It shall be of sufficient quantity and distributed in such a manner as to prevent the harborage and breeding of insects, rodents, and other animal vectors;
 - d. Conform with the surrounding environment; and
 - e. Conform with future development of the area.
- (3) *Site design.* When a new sanitary landfill is constructed or an existing site is extensively redesigned, properly prepared plans and specifications by a registered professional engineer shall be submitted to the county health department for review and approval before work is begun; such plans and specifications shall include:
 - a. Map or aerial photograph of the area showing land use and zoning within one-fourth mile of the solid waste disposal site. The map or aerial photograph shall be of sufficient scale to show all homes, industrial buildings, wells, watercourses, dry runs, rock outcroppings, road and other applicable details and shall indicate the general topography.
 - b. Plot plan of the site showing dimensions, location of soil borings, proposed trenching plan or original fill face, cover stock piles, and fencing. Cross sections shall be included on the plot plan or on separate sheets showing both the original and proposed fill elevations. The scale of the plot plan should not be greater than 200 feet per inch.
 - c. A report shall accompany the plans indicating:
 1. Population and area to be served by the proposed site;
 2. Anticipated type, quantity and source of solid waste to be disposed of at the site;
 3. Geological formations and groundwater elevations to a depth of at least ten (10) feet below proposed excavations and lowest elevation of the site. Such data shall be obtained by soil borings and other appropriate means;
 4. Source and characteristic of cover material;
 5. Observation test wells which will reveal reliable data on groundwater contamination may be required if deemed necessary by the county health department; and
 6. Provisions to collect and treat leachate prior to discharge to receiving waters.
 - d. The engineering plans shall include one or more topographic maps at a scale of not over 200 feet to the inch. Contour intervals shall not exceed ten feet. These maps shall show: The proposed fill area; any burrow area; access roads; grades for proper drainage of each lift required and a typical cross section of a lift, special drainage devices if necessary; fencing; equipment shelters, existing and proposed utilities; employee facilities; and all other pertinent information to clearly indicate the orderly development, operations and completion of the sanitary landfill.
- (4) *Operation and maintenance of facility.* All solid waste facilities shall be operated and maintained as follows:
 - a. All garbage, solid waste, and other refuse placed in the landfill shall be thoroughly compacted by equipment of sufficient weight and capacity to carry out all necessary operations. Sufficient auxiliary equipment shall be maintained on the site or kept otherwise available to permit operation in case of equipment breakdown or increased volume of material handled.
 - b. Mixed refuse material shall be spread out on the working face of the landfill so that the depth does not exceed a maximum depth of two (2) feet prior to its compaction.
 - c.

The area shall be neat and sanitary at all times and shall be covered with earth or some inert material at the end of each day's operation as hereinafter set out in sufficient depth to prevent blowing papers and unsightly condition. The size of the active face on which refuse is being currently deposited shall be kept to a minimum.

- d. A minimum depth of six inches of compacted cover shall be kept on all inactive faces of the landfill at all times. The active faces of the landfill shall be covered at the end of each day's operation with at least six inches of compacted cover material.
- e. When the fill has been brought up to 24 inches below the desired finished grade, it shall be covered with at least 24 inches of compacted cover material for a final cover. The entire site, including the fill surface, shall be graded and provided with facilities to minimize drainage onto or into the fill, to prevent erosion or washing of the fill, and to prevent the collection of standing water. The surface of the fill should be smooth and graded to a minimum slope of one to 100. Maximum slope of the completed fill should not be greater than one to two as to provide either surface or subsurface drainage to prevent ponding.
- f. Whatever measures deemed necessary by the county health department personnel shall be taken to control the burning and blowing of paper and other materials from the landfill.
- g. Salvage operations shall not be allowed unless written permission is first obtained from the county health department. Suitable measures shall be taken to control fires. An adequate supply of water under pressure along with adequate stockpiles of earth close to the working place is acceptable. Other measures must secure approval of the county health department.
- h. Burning of any materials deposited in the landfill will be prohibited. This is the responsibility of the operation at the landfill site.
- i. The owner or operator of the sanitary landfill facility shall provide an access road within the dumping site which shall be kept passable in all types of weather conditions.
- j. Conditions unfavorable for the production of insects and rodents shall be maintained by carrying out routine landfill operations promptly in a systematic manner. Supplemental vector control shall be instituted whenever necessary.
- k. The landfill shall be open to inspection by personnel of the county health department at any time deemed necessary.
- l. Entrance to the landfill site must be controlled to prevent burning, salvaging and vandalism.

(Ord. No. 180, § 6, 3-5-74)

CHAPTER 9 | DEVELOPMENT STANDARDS

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CHAPTER 9 | DEVELOPMENT STANDARDS**ARTICLE 9.1 PURPOSE AND INTENT**

The purpose of the regulations contained in this Chapter is to protect the public health, safety, and general welfare; to promote harmonious and orderly development; and to foster civic beauty by improving the appearance, character and economic value of civic, commercial and industrial development within the unincorporated areas. The Development Standards are authorized for the following purposes, among others:

- A. Implement the goals, objectives, and policies of the County of Charleston *Comprehensive Plan*;
- B. Facilitate safe transportation, access, vehicular circulation, and parking;
- C. Assure the protection and preservation of natural resources, such as trees and wetlands;
- D. Implement the use of vegetated buffers in order to mitigate the effects of incompatible adjacent uses, to provide transition between neighboring properties and streets, to moderate climatic effects, and to minimize noise and glare;
- E. Implement basic architectural standards, right-of-way buffer standards, and sign standards that will promote attractive, well-designed development, foster balanced streetscapes, and reduce visual clutter along major roadways, thus enhancing safe traffic flow; and
- F. Insure protection from fire, flood and other dangers, and furthering the public welfare in any regard specified by a local governing body.

ARTICLE 9.2 APPLICABILITY

Unless expressly stated, the articles in this Chapter apply to development occurring on property within unincorporated Charleston County.

ARTICLE 9.3 OFF-STREET PARKING AND LOADING**§9.3.1 GENERAL****A. Applicability****1. New Development**

The off-street parking and loading standards of this Article apply to any new building constructed and to any new use established.

2. Expansions and Alterations

The off-street parking and loading standards of this Article apply when an existing structure or use is expanded or enlarged. Additional off-street parking and loading spaces will be required only to serve the enlarged or expanded area, not the entire building or use, provided that in all cases

the number of off-street parking and loading spaces provided for the entire use (preexisting + expansion) must equal at least 75 percent of minimum ratio established in Off-Street Parking Schedule "A" of this Article.

B. Timing of Installation

Required parking spaces and drives shall be ready for use and approved by the Planning Director prior to issuance of a Certificate of Occupancy.

C. Reduction Below Minimums

The Planning Director shall be authorized to reduce the number of required parking spaces by no more than 10 percent (10%) when more than ten (10) spaces are required with the following conditions:

1. The site can support the minimum required number of parking spaces and meet all development standards in this Ordinance including buffers and landscaping requirements; or
2. The reduction is necessary to meet the Tree Protection and Preservation regulations contained in Article 9.4 of this Ordinance.

This allowable reduction excludes medical offices and restaurant uses. Any change in use that increases applicable off-street parking or loading requirements will be deemed a violation of this Ordinance unless parking and loading spaces are provided in accordance with the provisions of this Article.

§9.3.2 OFF-STREET PARKING SCHEDULE A

Unless otherwise expressly allowed, off-street parking spaces shall be provided in accordance with the following table.

USE TABLE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED (MINIMUM)
RESIDENTIAL	
Congregate Living	1 per 3 beds
Farm Labor Housing (Dormitory)	0.5 per bed
Adult/Child Group Home or Residential Care Facility	1 per 3 beds, plus 1 per employee in single shift
Multi-Family	1.5 per 1-bedroom unit; 2 per 2-bedroom unit; 2.5 per 3-bedroom and larger units
Retirement Housing	0.75 per 1-bedroom unit; 1 per 2-bedroom unit; 1.5 per 3-bedroom and larger units
Single Family: Detached and attached, including dwelling groups, duplexes and manufactured housing units.	2 per dwelling unit
CIVIC/INSTITUTIONAL	
Cemetery	1 per full time employee
Court of Law	1 per employee plus 1 per every 3 seats of seating available to the public in the courtroom
College or University Facility	1 per 100 square feet classroom plus 1 per 300 square feet office/administrative plus 1 per 3 beds
Community Recreation	1 per 250 square feet of gross floor area
Convalescent Services	1 per 5 beds
Historical Sites, Libraries, Archives or Museums	1 per 300 square feet
Adult or Child Day Care Facilities	1 per employee plus 1 per 5 children/adults
Counseling Service	1 per 150 square feet
Hospital	1 per 2 beds plus 1 per 300 square feet of floor area of administrative and medical offices
Nature Exhibition or Botanical Gardens	1 per employee in single shift plus 2 spaces per acre
Parks & Recreation	1 per 5,000 square feet of land area plus outdoor recreation requirements
Postal Service, United States	1 per 150 square feet of floor area
Railroad Freight Depot	1 per 2,400 square feet
Recycling Collection, Drop-Off	1 per recycle collection container
Public Assembly: Including Conference Centers, Concert Halls, Religious Assemblies, Professional, Labor or Political Organizations and Social Clubs or Lodges	1 per 5 fixed seats or 1 per every three (3) persons in structures with non-fixed seating of the maximum occupancy load as established by building code. The number of spaces required may be reduced a maximum of 50% if the assembly area is located within 500 feet of any public or commercial parking lot where sufficient spaces are available by parking agreement.
Intermediate Care Facility for the Mentally Retarded	1 per bed plus 1 per employee in single shift

USE TABLE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED (MINIMUM)
Health Care Related Services: Including Home Health Agency, Laboratory, Outpatient Services and Rehabilitation facilities	1 per 200 square feet of gross floor area with a minimum of 4 spaces
Safety Services	1 per 2 employees
Pre-School or Educational Nursery	1 space per 6 students for which the facility is licensed plus 1 per employee
School, Primary	1 space for each vehicle owned and operated by the school plus two per employee (including faculty, administrative, etc.)
School, Secondary	1 space for each vehicle owned and operated by the school plus two per employee (including faculty, administrative, etc.) plus 1 per 8 students
Personal Improvement Education	1 per every 3 students plus 1 per employee
Utility Service, Major	1 space per employee plus 1 per stored vehicle
Utility Service, Minor	None
Zoo	10 plus 1 per employee in single shift
COMMERCIAL	
Agricultural Sales/Service	1 per 500 square feet of floor area plus 4 per acre outdoor sales/display/storage area
Pet Stores, Grooming Salons, or Small Animal Boarding	1 per 300 square feet of floor area
Bar or Lounge	1 per 75 square feet indoor seating area plus 1 per 200 square feet outdoor seating area
Bed and Breakfast	1 per guest room
Rooming or Boarding House	1 per guest room
Business or Trade School	1 per 100 square feet classroom plus 1 per 300 square feet business/administrative office
Communication: Including data processing and publishing services	1 per 300 square feet of floor area
Heavy Construction Service, General Contractor, or Special Trade Contractors	1 per 400 square feet indoor floor area plus 4 spaces per acre outdoor storage/display/sales area
Convenience Store	1 per 200 square feet of floor area
Charter Boat or Other Recreational Watercraft Rental Services	1 per rental boat or watercraft plus 1 per employee
Construction Tools, Commercial or Industrial Equipment Rental	1 per 250 square feet of floor area not including storage areas
Heavy Duty Truck or Commercial Vehicle Rental or Leasing	1 per rental vehicle plus 1 per employee in single shift
Banks and Financial Services	1 per 300 square feet of floor area, also see drive-thru requirements
Food Sales and Grocery Stores	1 per 175 square feet
Funeral Services	1 per 4 seats or 1 per employee, whichever is greater

USE TABLE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED (MINIMUM)
Hair, Nail or Skin Care Service	2 per employee or work station, whichever is greater
Hotel-Motel	1 per room plus spaces as required for associated restaurants, bars, and offices
Kennel	1 plus 1 per employee
Liquor Sales, Beer or Wine Sales	1 per 200 square feet of floor area
Marina	1 space per 200 sq. ft. of office area plus 1 per 3 wet slips and 1 per 5 dry stack storage
Boat Yard	1 per employee
Office, Medical	1 per 150 square feet of floor area
Outpatient Clinic	1 per 200 square feet of floor area with a minimum of 4 spaces
Office, Business/Professional/Administrative	1 per 300 square feet of floor area
Office, Resort Real Estate	1 per 200 square feet of floor area
Office, Parole or Probation	1 per employee plus 1 per 200 square feet of floor area
Office/Warehouse Complex	1 per employee in shift plus 1 per 2000 square feet of office space
Convention Center or Visitors Bureau	4 per 1000 square feet of floor area
Parking, Lot or Garage	1 per employee
Pawn Shop	1 per 200 square feet of floor area
Personal Improvement Service	1 per 200 square feet of floor area
Recreational Vehicle Park or Campground	1 per employee plus 1 per recreational vehicle and camp site
Recreation and Entertainment, Indoor	1 per 3 seats or 1 per 200 square feet of floor area, whichever is greater
Recreation and Entertainment, Outdoor	1 per 200 square feet of public activity area plus, Swimming Pool-1 per 200 square feet of water surface area Tennis-2 spaces per court Basketball- 5 spaces per court Athletic Field- 15 spaces per diamond or field
Fishing or Hunting Guide Service	5 per employee
Fishing or Hunting Lodge (Commercial)	1 per visitor plus 1 per 5 members
Recreation or Vacation Camp	1 per employee plus 1 per camp vehicle or camp site
Golf Courses or Country Clubs	1 per employee plus 4 per golf green, plus 1 per 4 seats for accessory restaurant or bar use
Repair Service, Consumer	1 per 300 square feet of floor area
Catering Service	1 per 400 square feet of floor area

USE TABLE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED (MINIMUM)
Restaurant, Fast Food	1 per 75 square feet indoor seating area plus 1 per 200 square feet outdoor seating area+vehicle stacking spaces per Article 9.3.8
Restaurant, Fast Food (no inside seating)	1 per employee plus 1 per 200 square feet outdoor seating area+vehicle stacking spaces per Article 9.3.8
Restaurant, General	1 per 75 square feet indoor seating area plus 1 per 200 square feet outdoor seating area
Retail Sales+Service, General	1 per 300 square feet indoor floor area+5 spaces per acre outdoor storage/display/sales area
Shopping Center (mixed retail, office, food sales, restaurant)	1 space per 200 square feet
Nonstore Retailers	1 per employee plus 2 spaces for deliveries
Building Materials or Garden Equipment and Supplies Retailers	1 per 200 square feet of floor area not including storage plus 1 per employee
Services to Buildings and Dwellings	1 per employee plus 1 space for deliveries
Scrap and Salvage Service	1 per employee plus 2 per acre
Self-Service Storage/Mini Warehouse	3 spaces plus 1 space per employee and 1 space per 100 units
Gasoline Service Station	1 per 200 square feet of gross floor area plus vehicle stacking spaces per Article 9.3.8
Truck Stop	1 per employee plus truck space parking plus any parking required in this table when restaurant or motel is included.
Stable (Boarding or Commercial for Hire)	1 per 2 stalls
Vehicle Repair, Consumer	2 per employee or service bay
Vehicle Sales or Vehicle Rental or Leasing	1 per 2,500 square feet of display, 1 per 250 square feet indoor enclosed floor space
Vehicle Parts, Accessories or Tire Stores	1 per 300 square feet of floor area (10 space minimum)
Vehicle Storage	1 per 2 employees
Veterinary Services	3 spaces per each veterinarian or allied professional
INDUSTRIAL	
Repair Service, Commercial	1 per 400 square feet office area plus 1 per 2 employees
Dry Cleaning Plant, Carpet Cleaning Plant or Commercial Laundry	1 per employee plus 1 per 3 washing/drying machines if provided for customer use
Photo Finishing Laboratory	1 per 200 square feet of floor area
Manufacturing and Production	1 per 400 square feet of office area plus 1 per 2 employees
Warehouse and Distribution Facilities	1 per 300 square feet office area plus 1 per 600 square feet for 1 st 12,000 square feet warehouse/storage area plus 1 per 900 square feet for remaining warehouse/storage area (over 12,000 square feet)
Wholesale Sales	1 per 600 square feet for 1 st 12,000 square feet+1 per 900 square feet for remaining area (over 12,000 square feet)

USE TABLE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED (MINIMUM)
AGRICULTURAL AND OTHER USES	
Animal Production	None
Aviation	1 space per 5 aircraft tie down or storage plus 1 space per 4 seats in waiting room areas
Sightseeing Transportation, Land or Water	1 per 2 seats of sightseeing vehicle
Taxi or Limousine Service	1 per employee plus one per vehicle that provides service
Urban Transit Service	1 per 100 square feet of public waiting area plus 1 per two employees and 1 per transit vehicle
Water Transportation	1 per two seats of transportation vehicle plus 1 per employee
Communications Towers	None
Crop Production	None
Agricultural Processing	1 per employee
Roadside Stands	3 per stand
Horticulture, Greenhouse or Hydroponics Production	1 per employee
Commercial Timber Operations	None
Lumber Mills, Planing or Saw Mills	1 per employee plus 1 per commercial vehicle plus 1 per 400 square feet of floor area
Recycling Center or Waste Related Use	1 per employee
Resource Extraction	1 per 2 employees

§9.3.3 RULES FOR COMPUTING PARKING AND LOADING REQUIREMENTS

The following rules apply when computing off-street parking and loading requirements:

- A. **Multiple Uses**
Lots containing more than one use must provide parking and loading in an amount equal to the total of the requirements for all uses.
- B. **Fractions**
When measurements of the number of required spaces result in a fractional number, any fraction of one-half or less will be rounded down to the next lower whole number and any fraction of more than one-half will be rounded up to the next higher whole number.
- C. **Area Measurements**
Unless otherwise expressly stated, all square-footage-based parking and loading standards must be computed on the basis of gross floor area. Storage areas or common areas incidental to the principle use shall be exempt from this measurement when the following conditions are met:

1. The storage area or common area is a minimum of two hundred fifty (250) square feet; and
2. The applicant has provided documentation that such areas will not be used as space for employees, customers, or residents.

D. Occupancy-Based Standards

For the purpose of computing parking requirements based on employees, students, residents or occupants, calculations shall be based on the largest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.

E. Unlisted Uses

Upon receiving a development application for a use not specifically listed in an off-street parking schedule, the Planning Director shall apply the off-street parking standard specified for the listed use that is deemed most similar to the proposed use or require parking spaces in accordance with a parking study prepared by the applicant.

§9.3.4 LOCATION OF REQUIRED PARKING

A. On-Site Parking

1. Except as expressly stated in this Section, all required off-street parking spaces must be located on the same lot as the principal use and shall be arranged and laid out so as to ensure that no parked or maneuvering vehicle will encroach upon a sidewalk, public right-of-way or property line.
2. Parking lots in Office (O) and Commercial (C) districts containing more than ten parking spaces shall be located to the side or rear of the principal structure's front facade or within a courtyard surrounded by a structure on at least three sides.

B. Off-Site and Shared Parking

Off-site parking is defined as the required parking not located on the parcel which the principal use is located. Shared parking is parking for uses with different operating hours or peak business periods that share required off-street parking spaces. Shared parking may or may not be off-site parking. Off-site and shared parking are allowed provided they meet the following standards. If any one of the following applicable standards cannot be met, Special Exception approval shall be required:

1. A maximum of fifty percent (50%) of the required parking spaces may be off-site however, off-site parking may not be used to satisfy the off-street parking standards for residential uses (except for guest parking), restaurants, convenience stores or other convenience-oriented uses unless approved as part of a mixed use development. Required parking spaces reserved for persons with disabilities shall not be located off site.

2. Shared or off-site parking must be located within 600 feet from the primary entrance of the use served, unless shuttle bus service is provided to the remote parking area. Shared or off-site parking spaces may not be separated from the use that it serves they serve by a street right-of-way with a width of more than 80 feet, unless a grade-separated pedestrian walkway is provided, or other traffic control or shuttle bus service is provided to the remote parking area.
3. An applicant requesting shared parking shall submit a shared parking analysis to the Planning Director that clearly demonstrates the feasibility of shared parking. The shared parking analysis must be approved by the Planning Director and made available to the public. It must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces. Approvals will only pertain to the specific uses addressed in the analysis and any change in use(s) will require a new shared parking analysis.
4. Off-site parking areas serving uses located in Nonresidential zoning districts must be located in non-residential zoning districts. Off-site parking areas serving uses located in Residential or Agricultural zoning districts may be located in Residential, Agricultural or Nonresidential zoning districts.
5. In the event that off-site parking area is not under the same ownership as the principal use served, a written agreement will be required. An attested copy of the agreement between the owners of record must be submitted to the Planning Director for recording on forms made available in the Planning Department. Recording of the agreement with the Register of Mesne Conveyance must take place before issuance of a zoning permit, building permit or Certificate of Occupancy for any use to be served by the off-site parking area. An off-site parking agreement may be revoked only if all required off-street parking spaces will be provided in accordance with this Article.
6. Shared parking areas must be connected by a continuous network of sidewalks and pedestrian crosswalks.

§9.3.5 ACCESSIBLE PARKING FOR PHYSICALLY DISABLED PERSONS

The parking standards of this Article are intended to ensure compliance with the Americans with Disabilities Act (ADA). A portion of the total number of required off-street parking spaces in each off-street parking area shall be specifically designated, located and reserved for use by persons with physical disabilities.

A. Number of Spaces

The minimum number of accessible spaces to be provided shall be a portion of the total number of off-street parking spaces required, as determined from the following schedule. Parking spaces reserved for persons with disabilities shall be counted toward fulfilling off-street parking standards.

Total Parking Spaces Provided	Minimum Number of Accessible Spaces	Minimum Number of Van-Accessible Spaces	Minimum Number of Car-Accessible Spaces
1—25	1	1	0
26—50	2	1	1
51—75	3	1	2
76—100	4	1	3
101—150	5	1	4
151—200	6	1	5
201—300	7	1	6
301—400	8	1	7
401—500	9	2	7
501—1,000	2% of total spaces	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces
Over 1,000	20 + 1 per each 100 spaces over 1,000		

B. Minimum Dimensions

All parking spaces reserved for persons with disabilities shall comply with the parking space dimension standards of this Section, provided that access aisles shall be provided immediately abutting such spaces, as follows:

1. Car-accessible spaces shall have at least a five-foot-wide access aisle located abutting the designated parking space.
2. Van-accessible spaces shall have at least an eight-foot-wide access aisle located abutting the designated parking space.

§9.3.6

PARKING SPACE AND PARKING LOT DESIGN

A. Parking Lot Design

Dead end type of parking layouts that cause or contribute to poor vehicular circulation will not be allowed unless all other site configurations and parking options of the required number of parking spaces have been exhausted.

B. Aisle Widths and Parking Space Dimensions

Drive aisle widths and parking space dimensions shall comply with the standards in the following table. Twenty percent (20%) of the minimum number of required parking for a development may utilize compact and sub-compact vehicle parking dimensions. These dimensions shall be a minimum of 7 feet 6 inches x 15 feet (7'6" x 15') and clearly marked for compact vehicles only.

x°	Stall Width A	Stall Depth B	Aisle Width C	Skew Width D
60°	8' 0" 8' 6" 9' 0"	19' 7" 18' 0" 17' 0"	19' 0" 18' 0" 17' 0" *One Way	9' 3" 9' 10" 10' 5"
45°	8' 0" 8' 6" 9' 0"	18' 5" 18' 8" 19' 1"	12' 0" 11' 0" 11' 0" *One Way	11' 4" 12' 0" 12' 9"
30°	8' 0" 8' 6" 9' 0"	15' 11" 16' 5" 16' 10"	11' 0" 10' 0" 9' 0" *One Way	16' 0" 17' 0" 18' 0"
0°	8' 0" 8' 6" 9' 0"	22' 0" 22' 0" 23' 0"	11' 0" 11' 6" 12' 0" *One Way	N/A (PARALLEL)
90°	8' 0" 8' 6" 9' 0"	18' 0" 18' 0" 18' 0"	28' to 32' 25' to 29' 23' to 27' *Two Way	N/A

Note: Two Way drive aisles shall always require a minimum width of 23 feet.

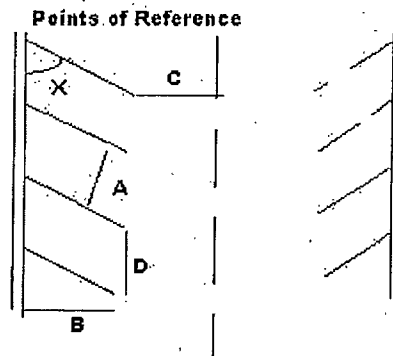


Figure 2

C. Parking Lot Landscaping

See Article 9.5 of this Chapter.

D. Markings and Surface Treatment

1. In paved parking areas, each off-street parking space shall be identified by surface markings at least four inches in width. Markings shall be visible at all times. Such markings shall be arranged to provide for orderly and safe loading, unloading, parking and storage of vehicles. In unpaved parking lots, all parking spaces must have a curb stop (minimum height of four inches) to delineate the location of the space and to prevent the encroachment of parking onto adjoining properties, rights-of-way, or landscaped areas.

2. One-Way and Two-Way accesses into required parking facilities shall be identified by directional arrows.
3. Unpaved parking lots must have an all weather surface such as gravel, slag or other pervious surface, not including asphalt shingles. Entrance and exit drives serving unpaved parking lots accessed from a paved street must be paved from the edge of the street pavement to a distance of 20 feet into the property. No more than 120 percent of the required number of off-street parking spaces may be paved and no more than 70 percent of all developable land within parcels may be paved, unless approved by the Planning Director.

E. Access

1. Required parking spaces shall not have direct access to a street or highway. Access to required parking spaces shall be provided by on-site driveways. Off-street parking spaces shall be accessible without backing into or otherwise reentering a public right-of-way.
2. Parking lot entrance and exit drive curb cuts will not be more than 30 feet in width. Entrances or exits which include a median strip to separate traffic flow in opposite directions may be expanded to 60 feet. Curb cuts shall be allowed in accordance with the following table:

LENGTH OF FRONTAGE	MAXIMUM NUMBER OF DRIVEWAYS
250 feet or less	1*
251 feet to 1,500 feet	2
1,500 feet or more	3

* On frontages of 250 feet or less, a pair of one-way driveways may be substituted only if the internal circulation on the site is compatible with the one-way driveways and wrong-way movements on the driveways are rendered impossible or extremely difficult for motorists. Refer to the South Carolina Department of Transportation's Access and Roadside Management Standards Manual for recommended spacing of driveways based on speed of traffic.

3. Entrance and exit drives shall be located at least 100 feet from the edge of the right-of-way of any street intersection. If the subject lot has less than 100 feet of frontage, the Planning Director shall be authorized to alter these requirements. Suitable provisions will be made to prevent ingress or egress at other than designated entrance or exit drives.
4. The Planning Director shall be authorized to require that access to dwelling units comply with the International Fire Code, as adopted by County Council.
5. Shared access between parcels may be allowed with written agreement among all owners of record. An attested copy of the access agreement between the owners of record must be submitted to the Planning Director for recording on forms made available in the Planning Department.

Recording of the agreement with the Register of Mesne Conveyance must take place before issuance of a zoning permit or certificate of occupancy for any use to be served by shared access. Any shared access must meet all dimensional requirements of this Ordinance and any applicable SCDOT requirements.

§9.3.7 USE OF REQUIRED PARKING SPACES

Required off-street parking areas shall be used solely for the parking of licensed, motor vehicles in operating condition. Required spaces may not be used for the display of goods for sale or lease, for motor vehicle repair or service work of any kind, or for long-term storage of vehicles, boats, motor homes, campers, manufactured housing units, or building materials.

§9.3.8 Vehicle Stacking Areas

A. Minimum Number of Spaces

Off-street stacking spaces shall be provided as follows:

Activity Type	Minimum Spaces	Measured From
Bank teller lane	3	Teller Window
Automated teller machine	2	ATM
Restaurant drive-through	5	Order Box
Restaurant drive-through	4	Order Box to Pick-Up Window
Car wash stall, automatic	4	Entrance
Car wash stall, self-service	3	Entrance
Dry Clean Service	3	Pick up Window
Gasoline pump island	2	Pump Island
Other	Determined by Planning Director	

B. Parking Area Design and Layout

Required stacking spaces are subject to the following design and layout standards:

1. Stacking spaces must be a minimum of eight feet by 20 feet in size.
2. Stacking spaces may not impede on or off-site traffic movements or movements into or out of off-street parking spaces.
3. Stacking spaces must be separated from other internal driveways by raised medians if deemed necessary by the Director of Public Works for traffic movement and safety.
4. The Planning Director may require pick-up and drop-off loop drives with sufficient vehicle stacking lanes to prevent vehicle backups into internal

travel lanes and parking lots for school uses, adult and child day care facility uses, public assembly uses, and conference facility uses.

§9.3.9 OFF-STREET LOADING

- A. Spaces Required**
For every retail sales, service, wholesaling, warehousing, or manufacturing establishment and each bus or truck terminal, there shall be provided sufficient space to accommodate the maximum number of trucks that will be loading, unloading, or standing at any one time.
- B. Size of Space**
Each off-street loading space shall be of a size commensurate with the buildings to be accommodated. In no case shall required off-street loading space encroach upon off-street parking space required under this Article.
- C. Location**
All required off-street loading spaces shall be located on the same lot as the building which they are intended to serve.
- D. Entrances and Exits**
Off-street loading entrance and exit drives shall be located at least 25 feet from any street intersection.
- E. Loading Spaces Adjacent to Sidewalks**
Where a loading space is adjacent to a public sidewalk or other public pedestrian way, it shall be so located, arranged, and improved with curbs or other barriers, as to provide adequate protection for pedestrians.
- F. Maneuvering Areas**
All off-street loading spaces shall be provided with adequate off-street maneuvering areas.
- G. Landscaping, Buffers and Screening**
See Article 9.5 of this Chapter.

§9.3.10 PEDESTRIAN WAYS

- A. Where Required**
 - 1. Paved pedestrian ways shall be provided in all non-residential development within the Urban and Suburban Areas of the County; and
 - 2. Paved pedestrian ways shall link surrounding roadways with the front entrance and shall provide pedestrian linkages between the proposed development and uses on adjoining lots.
- B. Placement**
Paved pedestrian ways within publicly dedicated right-of-ways shall conform to the construction details for paved sidewalks contained in Charleston County Road Construction Standards, Appendix A. Alternative surface walkways may

be used outside of right-of-ways when deemed appropriate to surrounding development characteristics by the Planning Director.

ARTICLE 9.4 TREE PROTECTION AND PRESERVATION

§9.4.1 GENERAL

A. Findings

Trees are an essential natural resource, an invaluable economic resource, and a priceless aesthetic resource. Trees play a critical role in purifying air and water, providing wildlife habitat, and enhancing natural drainage of stormwater and sediment control. They also help conserve energy by providing shade and shield against noise and glare. Trees promote commerce and tourism by buffering different land uses and beautifying the landscape. The Tree Protection and Preservation regulations of this Article are intended to enhance the health, safety and welfare of Charleston County citizens.

B. Applicability and Exemptions

1. Applicability

The provisions of this Article in their entirety shall apply to all real property in unincorporated Charleston County, except as otherwise expressly exempted.

2. Exemptions

- a. Single family detached residential lots of record shall be exempt from all provisions in this Article except for the Grand Tree documentation, protection and replacement provisions. This exemption does not include applications for Major or Minor Subdivisions for which landscape buffers may be required per Section 9.5.4.
- b. The Planning Director shall be authorized to modify or reduce the standards of this Article for commercial nursery operations.
- c. This Article shall not restrict public utilities and electric suppliers from maintaining safe clearance around existing utility lines, and existing easements in accordance with applicable state laws. Siting and construction of future gas, telephone, communications, electrical lines or other easements shall not be exempt from the provisions of this Article.
- d. Removal of trees for the purpose of conducting "bona fide forestry operations" shall be exempt from the provisions of this Article except for removal of Live Oak species of Grand trees.

- e. Removal of trees for the purpose of establishing bona fide agricultural uses, as specified in Section 3.8.2A of this Ordinance, shall be exempt from the provisions of this Article except for the Grand Tree documentation, protection and replacement provisions.
- f. Removal of trees for the purposes of maintaining safe clearance for aircraft as required by federal law or the establishment of facilities exclusively dedicated to aviation operations are exempt from this Article.
- g. Removal of trees on properties in the Industrial Zoning District is permitted pursuant to the following conditions:
 - i. Tree removal cannot occur prior to site plan approval;
 - ii. This exemption shall not apply to Live Oak species of Grand Trees or any protected trees within required buffers and parking lots; and
 - iii. Mitigation of removed trees, as stated in this Section, is required. Staff shall approve the mitigation of such trees in accordance with Section 9.4.6 of this Ordinance.

3. Partial Exemptions for SCDOT and CCPW

The South Carolina Department of Transportation (SCDOT) and Charleston County Public Works (CCPW) shall be exempt from the provisions of this Article except the following:

- a. All trees species measuring 6 inches or greater DBH located in right-of-ways along Scenic Highways as designated in this Ordinance shall be protected and require a variance from the Charleston County Board of Zoning Appeals for removal per Article 9.4.5B and 9.4.6.
- b. Grand Tree Live Oak species in all present and proposed right-of-ways and easements shall be protected and require a variance from the Charleston County Board of Zoning Appeals for removal per Article 9.4.5.B and 9.4.6.
- c. All Grand Trees other than Live Oak species in all present and proposed right-of-ways and easements not located on a Scenic Highway are protected but may be permitted to be removed administratively when mitigated per Article 9.4.6.

C. DEFINITION OF "TREE REMOVAL"

For the purpose of this Article, the term "tree removal" shall include, but not be limited to, damage inflicted to the root system by machinery; girdling; storage of materials and soil compaction, changing the natural grade above or below the root system or around the trunk; damage inflicted on the tree permitting fungus infection or pest infestation; excessive pruning; excessive thinning; paving with concrete, asphalt or other impervious material within such proximity as to be

harmful to the tree; or any act of malicious damage to a tree. Excessive pruning or thinning shall be pruning or thinning that exceeds more than 25 percent of the leaf surface on both the lateral branch and the overall foliage of a mature tree that is pruned within a growing season. Additionally, one-half of the foliage of a mature tree is to remain evenly distributed in the lower two thirds of the crown and individual limbs upon completion of any pruning.

D. MEASUREMENTS AND DEFINITIONS

1. Diameter Breast Height

Diameter Breast Height is used for measuring all trees greater than 12-inch caliper. The Diameter Breast Height (DBH) of a tree is the total diameter, in inches, of a tree trunk or trunks measured 4½ feet above existing grade (at the base of the tree). In measuring DBH, the circumference of the tree shall be measured with a measuring tape designed specifically to calculate diameter. A standard measuring tape may be used to measure diameter when the circumference is divided by 3.14. If a tree trunk splits at ground level and the trunks do not share a common base (separated by earth at natural grade), then each trunk shall be measured as a separate tree. If a multi-trunk tree splits below the 4.5 foot mark and the trunks share a common base, all trunks shall be measured separately, added together, and count as one tree. Any trunk measuring less than 8 inches DBH is not included in the calculation.

2. Caliper

Caliper is the diameter of a tree trunk measured six inches above the ground on trees with calipers of four inches or less. For trees between four-inch and 12-inch caliper, the trunk is measured 12 inches above the ground.

3. Grand Tree

Any tree measuring 24 inches or greater diameter breast height (DBH) except pines. All Grand Trees are prohibited from removal unless a Grand Tree Removal Permit is issued.

4. Protected Trees

Any tree on a parcel with a diameter breast height of eight inches or greater prior to development and all trees within required buffers or required landscape areas. Limited removal is allowed only when specified by the provisions of this Ordinance.

§9.4.2

ADMINISTRATION

A. Zoning Permit Required

1. Tree Removal

Removal of required trees is prohibited prior to the issuance of a Zoning Permit by the Planning Director. Zoning Permits will be issued only after a tree plan is approved by the Planning Director, as outlined below.

2. Excess Canopy (Limb) Removal

- a. Removal of three or more limbs with an individual diameter of six inches or greater shall require a Zoning Permit.
- b. Removal of any size limbs which contribute to more than one hundred continuous linear feet of canopy over public roadways shall require Variance approval from the Board of Zoning Appeals. This requirement shall not preclude the SCDOT, CCPW or other entities from maintaining height clearances of 14' or less and width clearances within designated travel ways and from removing unprotected trees along right-of-ways for road widening projects.

B. Documentation

Tree plans, prepared by a licensed registered surveyor, civil engineer or landscape architect shall be required on all non-exempt parcels before any zoning permits are issued.

§9.4.3 TREE PLANS AND SURVEYS

A. General

Tree plans of the same scale as, and superimposed on, a development site plan or preliminary plat shall include location, number, size (DBH), and species with a scaled graphic representation of each Grand Tree, canopy size and shape, and the trunk location. All required tree surveys shall include the name, phone number, address, signature, and seal of a licensed surveyor, landscape architect, or civil engineer registered in the State of South Carolina. The survey shall include all trees to be protected or preserved, and those scheduled to be removed, including dead and damaged trees. In cases where a previously approved recorded plat is utilized for the purpose of tree plans the name, address, phone number, signature and seal of the licensed landscape architect, civil engineer, forester or surveyor, registered in the State of South Carolina shall be provided. A scaled infrared or high resolution black and white aerial photograph or print of equal quality may be substituted in cases where the Planning Director determines that it would provide the same information as a tree plan. However, all Grand Trees within 40 feet of proposed construction and land disturbance areas and trees within required buffers must be surveyed and mapped.

B. Major and Minor Subdivision Preliminary Plats

Refer to Section 8.4.2.A.4 Preliminary Plat Application in the Subdivision Regulations of Chapter 8 of this Ordinance.

C. Commercial, Industrial and Multi-Family Parcels

1. All tree surveys must show the location, number, size and species of all trees 8 inches or greater DBH (Diameter Breast Height) including those scheduled to be removed.

2. When there are no trees 8 inches or greater DBH, documentation of this fact shall be provided from a registered surveyor, engineer or landscape architect.

[Commentary: Assistance in tree identification and condition should be provided by a forester or qualified arborist.]

D. Single Family Detached Residential Parcels

1. Single family detached residential parcels shall show all Grand Trees within the area of construction and land disturbance and in conjunction with the subdivision regulations of this Ordinance at the time a zoning or building permit application is made.

§9.4.4 REQUIRED TREE PROTECTION

A. General

All Grand Trees and any other trees required to remain on a site as outlined in this Ordinance must be protected during construction and development of the parcel. Tree protection must be shown on all development plans prior to site plan approval. A site inspection of the tree barricades must be scheduled by the applicant with the Planning Department for approval prior to the issuance of permits or the start of development activities.

Prior to issuance of a zoning permit, a pre-construction planning conference for tree preservation is required on site with the Planning Director's representative, the applicants, and any parties deemed appropriate for the purpose of determining if there is a need for additional tree protection techniques and for designating placement of tree barricades, construction employee parking, temporary construction office and dumpsters.

B. Tree Protection During Development and Construction

Protective barricades shall be placed around all required trees in or near development areas on all zoning parcels, prior to the start of development activities. These barricades, constructed of wood or plastic fencing or other approved materials shall be erected in accordance with standards by the Planning Director and placed beneath the canopy drip line or one and one-half feet times the DBH of the tree. Other protective devices or construction techniques may be used as approved by the Planning Director. The barricades shall remain in place until development activities are complete. The area within the protective barricade shall remain free of all building materials, dirt, fill, or other construction debris, vehicles, and development activities. All required trees are also subject to the provisions of Section 9.5.6 of this Chapter and subject to the enforcement criteria of Chapter 11.

C. Partial Exception for Limited Clearing

Limited clearing and grubbing may be authorized by the Planning Director prior to the installation of protective tree barricades on sites that exhibit unusually heavy undergrowth where access to the interior of the site and its protected trees would be otherwise highly impractical. Limited clearing shall be for the

express purpose of accessing the property and protected trees to erect the required tree protection and silt fencing. For the purposes of this Article, limited clearing shall be clearing done with hand tools, push or walk behind equipment or lightweight bush-hog type equipment designed specifically for brush and undergrowth clearing that is not capable of removing vegetation greater than 3 inches in diameter. Under no circumstances will metal tracked bulldozers, loaders, or similar rider/operator types of equipment be allowed on the site until the protective barricades are erected and a zoning permit is issued.

D. Separation of Trees from Pavement, Grading and Structures

Paved areas shall be separated from trees by a minimum distance of the drip line or one and one-half feet times the DBH or as modified by the Planning Director as deemed necessary to protect the root system of the tree. Paved areas shall not constitute more than 25 percent of the protected area beneath a tree. Any paving, grading, trenching, or filling within the remaining 75 percent of the protected area must be approved by the Planning Director and may require specific construction techniques be used in order to preserve the health of the tree. Refer to Chapter 9 exhibits for examples. When grading and construction within the protected area of a tree has been approved, all damaged roots shall be severed clean and inspected by the County Landscape Architect or Inspector prior to the receipt of a Zoning Permit.

E. Quantity and Location of Trees to be Protected

Before the issuance of a Zoning Permit for Commercial, Industrial, Multi-Family, and Civic/Institutional uses, the following number of trees with a diameter breast height of 8 inches or greater shall be preserved and protected in accordance with the provisions of Section 9.4.4.B of this Ordinance. All trees located within required buffers as outlined in Article 9.5 shall be protected.

1. 20 trees per acre; or
2. Any number of trees with a combined diameter breast height of at least 160 inches per acre.
3. Required drainage improvements such as detention and retention ponds and wetlands may be subtracted from the area used to calculate tree preservation requirements.

§9.4.5 TREE REMOVAL

A. Generally

Permits for tree removal may be approved where one or more of the following conditions are deemed to exist by the Planning Director:

1. Trees are not required to be retained by the provisions of this Article.
2. Trees are diseased, dead or dying (as determined by the Planning Director or a qualified arborist);

3. Trees pose an imminent safety hazard to nearby buildings, or pedestrian or vehicular traffic (as determined by the Planning Director or a qualified arborist); or
4. Removal of required trees has been approved by the Board of Zoning Appeals.

B. Variances

Grand Trees and protected trees that do not meet the above criteria may be removed only where approved by the Board of Zoning Appeals, and shall be replaced according to a schedule determined by the Board. The Planning Director will make recommendations to the Board concerning the number, species, DBH or caliper, and placement of such trees.

C. Emergency Provisions

In the event that a tree poses a serious and imminent threat to public safety due to death, disease or damage resulting from emergencies including, but not limited to, fires, flooding, storms, and natural disasters, the Planning Director may waive requirements of this Article. Documentation must later be submitted for review outlining the threat to public safety which initiated the removal. Documentation must include any written findings by a qualified arborist and photographs supporting the tree removal emergency. The Planning Director may require replacement of required trees that are removed where it is determined that death or disease resulted from negligence.

D. Violations and Penalties

Violations and penalties are specified in Chapter 11 of this Ordinance.

§9.4.6

TREE REPLACEMENT

A. Generally

Tree replacement shall be required accompanying development on all non-exempt properties in the manner described below:

1. When replacement canopy trees are required in fulfillment of the requirements of this Article, they shall be no smaller than two and one-half-inch caliper.
2. The Planning Director or Board of Zoning Appeals is empowered to require trees of larger caliper as determined appropriate for site-specific conditions and the circumstances, lawful or illegal, under which removal occurred.

B. Protected Trees Removed in Violation

When trees of 8 inches DBH or greater have been removed in violation of this Ordinance, replacement trees shall be planted in the same general area according to a replacement schedule approved by the Planning Director.

C. Sites with Less Than 160 Inches per Acre Combined DBH

When lots lack a sufficient number of trees to meet the requirement for DBH/number of trees per acre, all trees six inches DBH or greater shall be

preserved and protected in accordance with Section 9.4.4.B of this Chapter during development and must equal no less than 40 inches per acre combined DBH. On lots with less than 40 inches per acre combined DBH, additional trees shall be planted on the lot equaling or exceeding 40 inches per acre combined DBH. Planting schedules shall be approved by the Planning Director.

D. Previously Cleared Sites

Where sites were completely cleared of trees prior to adoption of this Article or have been cleared subsequently for activities exempted from this Article, replacement trees shall be planted, the combined caliper of which equals or exceeds 40 inches per acre. Replacement schedules, including number, species, caliper and placement shall be approved by the Planning Director.

E. Tree Fund

The Tree Fund is a fund established to receive monies exacted from tree removal violation fines to include, but not be limited to, removal, damage, destruction, or as defined in Section 9.4.1.C of this Chapter, and as a form of mitigation when planting of the required trees is determined to be detrimental to the overall health of existing trees or impractical for the intended site design. The Planning Director shall impose a Tree Mitigation fee based on the current market retail value of two- to three-inch caliper trees installed to the American Association of Nurserymen Standards. If the applicant disagrees with the amount of the Tree Mitigation fee imposed, they may file appeal with the Board of Zoning Appeals in accordance with the provisions contained in this Ordinance. All Tree Mitigation fees collected shall be paid to the County Treasurer and placed in an account established exclusively for public beautification through the planting of trees in Charleston County.

F. Bankruptcy or Abandonment of Site

When trees have been removed through an approved mitigation program and the project will not be completed for any reason (i.e., bankruptcy, abandonment, change in ownership, etc.), the owners of the subject property are responsible for the mitigation of the removed trees as outlined and agreed or subject to Section 9.4.6E of this Chapter.

§9.4.7 INSPECTIONS AND FINAL APPROVAL

- A.** The Planning Director shall periodically visit development sites prior to completion to monitor compliance with the tree plan approved for a project.
- B.** Prior to issuance of a Certificate of Occupancy for a completed structure by the Director of Building Services, the Planning Director shall issue a statement of approval attesting to the developer's compliance with the site plan approved for the project (including landscaping, parking, drainage, etc.). The Director of Building Services shall withhold certificates of occupancy pending verification of compliance. It is the responsibility of the owner or agent to contact the Planning Director regarding the compliance inspection. Such inspections will occur within five working days of contact. Failure to obtain a Certificate of Occupancy prior to occupying or using the building for its intended purpose will result in ticketing and fines. However, the Planning Director shall approve a

delayed schedule for planting materials (provided by the applicant's contractor) when the immediate planting schedule would impair the health of the plants. When a delayed planting schedule is approved, the applicant shall provide a bond equivalent to one and one-half times the projected cost of the planting materials. This is designed to include severe weather, such as droughts, heat waves, and floods.

- C. Within three years of the issuance of the Certificate of Occupancy, the Planning Director shall perform a site inspection to verify the health of trees which were retained to meet the requirements of this Article and which may have suffered damage due to insufficient protective measures during development.
- D. Each required tree that is determined by the Planning Director to be diseased or injured to the extent it is irreparably damaged shall be approved for removal. The burden of proof of the extent of the disease or injury shall rest with the applicant, who must provide documentation from a qualified arborist. Any tree damaged during or as a result of construction shall be repaired to the satisfaction of the Planning Director and in accordance with accepted ANSI A300 or International Society of Arboriculture practices. Tree damage must be repaired prior to issuance of a Certificate of Occupancy.
- E. The owners of a non-exempt property or properties shall be responsible for the maintenance of all required trees. No department or agent of the County of Charleston is in any way responsible for the maintenance of required trees on private property.

ARTICLE 9.5 LANDSCAPING, SCREENING AND BUFFERS

§9.5.1 APPLICABILITY

Unless expressly exempted, the landscaping, screening and buffering standards of this Article shall apply to all new non-residential development and all new major roadways that serve Residential Major Subdivisions (ten or more lots). Minor Subdivisions (those with fewer than ten lots) may be required to provide landscaping, screening or buffering on major roadways when the Planning Director determines that such landscaping, screening or buffering is necessary to ensure that the purposes of this Ordinance are met. When modifications or additions are being made to an existing non-residential building or site, the standards of this Article shall apply to those portions of the subject parcel that are directly affected by the proposed improvements, as determined by the Planning Director, provided that when modifications or additions are proposed that would increase the number of parking spaces, the area of vehicular use areas or gross floor area of buildings by more than 25 percent (above existing), then the entire parcel shall be brought into compliance with all applicable standards of this Article. Before calculating the percentage of area for re-development and improvement, any proposed demolition of structures and parking is subtracted from the existing gross floor area of buildings and number of parking spaces.

§9.5.2 EXHIBITS

Drawings included as exhibits at the end of this Chapter are meant to compliment the language of the Ordinance. In the event of a conflict with the text of the Ordinance, the text shall apply.

§9.5.3**PARKING, LOADING AND VEHICULAR USE AREA LANDSCAPING****A. Parking, Loading and Vehicular Area Perimeters**

Unless otherwise expressly stated, perimeter landscaping shall be required around the outer perimeter of all off-street, surface parking, loading and vehicular use areas. Parking areas for the exclusive use of single family or agricultural uses shall be exempt from these requirements. Any off-street parking, loading or vehicular use area that will be entirely screened from view by an intervening building or structure or by a buffer provided to satisfy the standards of this Chapter shall also be exempt from these (parking, loading and vehicular use Area) perimeter landscaping requirements.

1. A perimeter landscape area at least eight feet in depth shall be provided at the perimeter of all off-street parking, loading and vehicular use areas, except where permitted driveway openings are to be provided. Where drainage or other utility easements exist along property lines, the perimeter landscape area shall be located adjacent to the easement.
2. Required perimeter landscape areas shall be planted in accordance with the following minimum standards:
 - a. One canopy tree shall be provided for each 50 linear feet of parking, loading or vehicular use area perimeter. These trees may be used to satisfy the interior parking lot landscaping requirements.
 - b. A hedge or other landscape material of at least three feet in height (at maturity) shall be planted within the perimeter landscape area to provide a continuous landscape element, or a combination of trees, hedge, other durable landscape material or approved wall, fence or earth berm may be used to form the continuous landscape element;
 - c. All portions of the perimeter landscape area not planted with shrubs or trees or covered by a wall or fence barrier shall be planted in grass or ground cover; and
 - d. Parked vehicles may overhang a landscaped area if curbing or wheel stops are installed to prevent any damage to plants within the required perimeter landscape area. Landscaping, walls, fences and earth berms will be so located as to prevent their damage and/or destruction by overhanging vehicles.

B. Interior Areas

The following interior parking lot landscaping requirements shall apply to all parking lots except those exclusively serving single family residential or agricultural uses.

1. A minimum of one landscape island shall be provided for each ten parking spaces within an off-street parking area. Required landscape islands shall have a minimum of 325 square feet, variably dependent upon the species of the canopy tree proposed by the designer. Each parking lot bay must terminate with a tree island.

2. Each required landscaping island shall contain at least one canopy tree and there shall be no more than ten parking spaces in a row between tree islands. Interior parking landscape islands that separate double loaded parking bays shall be a minimum of nine feet wide. Canopy trees planted in these islands must be planted in line with the parking stripes (between vehicles) and may be used to satisfy the parking lot tree requirements, however, all parking lot bays must terminate with a tree island. Example shown in Chapter 9, exhibits.
3. Curbs, wheel stops or other approved protective barriers shall be installed around all required landscape islands, as approved by the Planning Director.
4. Landscaping provided to meet the right-of-way buffer standards of Section 9.5.4 of this Chapter may not be used to satisfy interior parking lot landscaping requirements. Canopy trees provided to meet perimeter adjacent use buffer landscaping requirements may be counted to satisfy interior parking lot landscaping requirements.

§9.5.4**LANDSCAPE BUFFERS****A. Right-of-Way Buffers****1. Applicability**

Right-of-way buffers shall be required adjacent to road rights-of-way for all uses except for the following; agricultural and residential uses existing on or prior to November 20, 2001. Minor Subdivisions may not have to comply with the requirements of this Section if the Planning Director determines that compliance is not necessary to satisfy the purposes of this Ordinance.

2. Buffer Reductions

The Planning Director shall be authorized to reduce the depth of a required right-of-way buffer as follows:

- a. General: A required right-of-way buffer may be reduced by up to one-third its depth when the following circumstance exist:
 - i. The parcel is located on a corner lot with required right-of-way buffers of thirty-five (35) feet or more; or
 - ii. The area of all the required buffers, including land use buffers and tree protection area, exceeds thirty percent (30%) of the site.
- b. A required right-of-way buffer of thirty-five (35) feet or more located within the Urban/Suburban Area as defined by the Urban Growth Boundary (UGB) may be reduced as follows:

- i. When no parking or vehicular use area is located between the building and the right-of-way, the required buffer may be reduced to no less than eight (8) feet (Type A land use buffer) provided there is a direct connection with the street and the front entrance with a pedestrian way.
- ii. When no more than ten (10) parking spaces are located between the building and the right of way, the required buffer may be reduced to no less than fifteen (15) feet (S2 buffer) provided there is a direct connection with the street and the front entrance with a pedestrian way.
- iii. Buffers required on parcels that are part of redevelopment that preserves existing structures may be reduced up to a depth no less than ten (10) feet (Type A land use buffer) in order to meet the parking and tree preservation requirements of this Ordinance.

3. Buffer Types by Roadway

Landscape buffers shall be required along roadways in accordance with the following table. Streets and roads not indicated in the table shall comply with the S2 buffer requirements. Section 9.5.4 of this Chapter describes buffer types and planting requirements.

4. Development Within Buffer Areas

- a. No development may occur within required buffer areas; with the exception of sidewalks and permitted drives and signs;
- b. All buffer areas shall accommodate required plant material within the buffer;
- c. Drainage swales and stormwater detention ponds may be placed in the buffer only when trees are not endangered and only when they meander through the buffer in a natural manner; and
- d. Stormwater detention ponds may not occupy more than twenty-five percent (25%) of the buffer area.

ROADWAY	BUFFER TYPE	ROADWAY	BUFFER TYPE
Abbapoola Road	S4	Magwood Road	S3
Ashley Hall Road	S1	Main Road (Limehouse Bridge to Maybank Hwy.)	S5
Hwy. 61/Ashley River Road (Saint Andrews Boulevard to Sam Rittenberg Boulevard)	S1	Main Road (Bees Ferry Road to Limehouse Bridge)	S4
Hwy. 61/Ashley River Road (Sam Rittenberg Boulevard to Mark Clark Expressway)	S2	Manse Road	S4
Hwy. 61/Ashley River Road (Mark Clark Expressway to Church Creek)	S3	Mark Clark Expressway	S5
Hwy. 61/Ashley River Road (Church Creek to Muirfield Parkway/MacLaura Hall Ave.) [1]	S5	Mary Ann Point Road	S3
Hwy. 61/Ashley River Road (Muirfield Parkway/ MacLaura Hall Avenue intersection to Charleston County Line)[1]	S6	Mathis Ferry Road [1]	S4
Bears Bluff Road	S5	Maybank Highway Corridor Overlay District	[2]
Bees Ferry Road	S4	Maybank Highway [James Island]	S1
Belvedere Road	S4	Maybank Hwy (Main Road to Rockville)	S5
Betsy Kerrison Parkway [1]	S5	Meeting Street	S1
Bohicket Road [1]	S5	Murraywood Road	S4
Botany Bay Road	S4	Old Georgetown Road	S4
Brownwood Road	S4	Liberia Road	S4
Abbapoola Road	S4	Old Georgetown Road in the "Loop" area (designated on the Mount Pleasant Overlay map)	S1
Cane Slash Road	S4	Old Jacksonville Road	S4
Chisolm Road	S4	Old Pond Road	S4
Chuck Dawley Boulevard	S1	Old Towne Road	S1
Coleman Boulevard	S1	Orange Grove Road	S1
Doar Road	S4	Orleans Road	S1
Dorchester Road	S1	Parkers Ferry Road	S4
Eddingsville Beach Road	S4	Patton Avenue/Fickling Hill Road	S4
Edenvale Road	S4	Peters Point Road	S4

ROADWAY	BUFFER TYPE	ROADWAY	BUFFER TYPE
Fordham Road	S1	Pine Landing Road	S4
Fort Johnson Road [1]	S3	Plow Ground Road	S4
Hamlin Road	S3	Raccoon Island Road	S4
Harborview Road	S1	Rifle Range Road	S3
Highway 162	S4	River Road [1]	S5
Highway 165	S4	Riverland Drive [1]	S4
Highway 17 (Hwy. 41 to County Line)	S5	Rivers Avenue	S1
Highway 17 (east of Isle of Palms Connector to Hwy. 41, not including Old Georgetown Hwy "Loop" Area)	S4	Rutledge Road	S4
Highway 17 in the Old Georgetown Road "Loop" area (as designated on the Mount Pleasant Overlay map)	S1	Saint Andrews Boulevard	S1
Highway 17 (west of the Isle of Palms Connector including bypass)	S1	Savannah Highway [Bees Ferry Rd. to County Line] otherwise S2	S3
Highway 174 (Highway 164 to Edisto Beach) [1]	S5	Seewee Road	S4
Highway 174 (Highway 17 to Highway 164)	S3	South Santee Road	S4
Highway 41	S4	Steamboat Landing Road (Jenkins Hill Rd to Steamboat Creek)	S4
Highway 45	S4	Tibwin Road	S4
Humbert Road	S3	Toogoodoo Road	S4
James Island Bridge/Highway 61 Connector	S3	Venning Road	S3
James Island Expressway	S4	Wappoo Road	S1
Liberia Road	S4	Wescott Road	S4
Long Point Road (SPA Wando Terminal to I-526)	S1	Willtown Road	S4
Long Point Road (Outside of MP-O district) [1]	S4		

[1] Denotes Scenic Road designation that shall require protection under the provisions of this Ordinance of all trees 6 inches or greater in diameter breast height (DBH) which are located within rights-of-way.

[2] S6 for industrial use; S5 all other uses.

5. Buffer Depth and Planting Standards

STANDARD	BUFFER TYPE					
	S1	S2	S3	S4	S5	S6
MIN. BUFFER DEPTH (ft from right-of-way)[1]	15	20	35	50	75	100
MINIMUM BUFFER LANDSCAPING (Plants per 100 linear feet)[2][3]						
Canopy Trees[4]	2	2	4	6	9	12
Understory Trees (at least 50 percent evergreen)	3	4	6	9	12	15
Shrubs	25	30	40	50	60	75
Street Trees (may be counted toward canopy tree req.)[5]	2	2	2	2	2	NA

All trees with a diameter breast height (DBH) of 6 inches or greater within buffers shall be preserved.

[1] Buffers may be traversed by permitted driveways and pedestrian ways.

[2] The retention of natural buffers shall be required along all road or street rights-of-way of S3 designation or greater. The Planning Director shall be authorized to waive/modify minimum buffer planting requirements when an undisturbed natural buffer exists that is the same depth and amount of plant material as that which is required.

[3] Bradford Pears cannot be used to fulfill any of the tree requirements of this Ordinance. Any exotic species which are proposed by the designer are subject to approval of the Planning Director.

[4] When existing overhead utility lines are located such that they may pose interference with required canopy trees, Palmetto trees may be substituted to fulfill the canopy tree requirements. These trees are to be planted at a ratio of three Palmetto trees to one canopy tree and are to be planted in groupings of three.

[5] Street trees are trees planted in rights-of-way for the purpose of fulfilling these requirements. Any planting in rights-of-way must be approved by party(ies) authorized to grant encroachment.

Note: The Planning Director shall be authorized to require the installation of berms within required buffers where deemed necessary to protect the visual quality of a road corridor or ensure land use compatibility.

B. Land Use Buffers

1. Applicability

Land use buffers shall be provided in accordance with the standards of this Section, provided that the Planning Director shall be authorized to modify or waive buffer or landscape planting requirements if it is determined that:

- a. Buffers will not serve any useful purpose due to the fact that fences, walls, berms, or landscaping of at least equivalent height, opacity, and maintenance already exist on the adjacent parcel;
- b. Buffers will not serve any useful purpose due to the location of uses, vehicles, buildings, structures, or storage, loading, display or service areas; or

- c. The area of required buffers would exceed 25 percent of the site proposed for development.

When landscape buffer requirements are modified or waived, the Planning Director may require that additional plant material be added within remaining buffers or elsewhere on the site.

2. Exemptions

Single family development on individual lots shall be exempt from the land use buffer requirements of this Section.

3. Determination of Required Buffers

The following procedure shall be used in determining which of the buffer types in the Land Use Buffer Table (Section 9.5.4.B.4) of this Chapter apply:

- a. Determine the type of use proposed for the site that is being developed. This is the "Proposed Use" (Column 1);
- b. Determine the residential use type that exists on the adjacent parcel (if residential) or the zoning district classification that applies to the adjacent parcel. This is the "Adjacent Site's Use or Zoning";
- c. Identify the type of landscape buffer required along the developing site's boundary (A, B, C, D, E, or F);
- d. Refer to Section 9.5.4.B.5 of this Chapter to identify the buffer depth and landscaping standards for the required buffer type.

4. Land Use Buffer Table

Land Use Buffers shall be provided along side and rear yards in accordance with the following minimum requirements:

Proposed Use	Use or Zoning of Adjacent Site											
	Residential Type			Zoning District								Agricultural Use
	1	2	3	R [1]	OR	OG	CN	CT	CR	CC	I	
Residential Type 1	-	A	B	-	A	B	B	B	B	C	D	F
Residential Type 2	A	-	A	-	A	B	B	B	B	C	D	F
Residential Type 3	B	A	-	-	A	A	B	B	B	C	D	F
Civic/Institutional	B	B	A	A	-	-	-	-	-	-	-	-
Commercial Type 1	B	B	B	B	-	-	-	-	-	-	-	-
Commercial Type 2	C	C	C	C	C	B	B	-	-	-	-	-
Industrial Type 1	E	E	D	D	D	D	C	C	C	B	-	-
Industrial Type 2	F	F	F	F	E	E	D	C	C	C	A	-

[1] Applies to undeveloped (vacant) R and AGR zoned property.

Residential Use Types: Type 1 = Single family Detached; Type 2 = Duplex and Single family Attached; Type 3 = Multi-Family and all other residential use types, including manufactured housing parks.

Commercial Use Types: Type 1 = Any commercial use allowed by right in an OR, OG or CN district; Type 2 = all other commercial uses that are allowed in commercial (c) zoning districts (commercial uses are those listed in the "Commercial" rows of Use Table 6.1-(1))

Industrial Use Types: Type 1 = Any industrial or commercial use that is first allowed in an industrial (I) zoning district; Type 2 = Waste-Related uses, Resource Extraction uses and Recycling Centers.

5. Buffer Depth and Landscaping Standards

Standard	Buffer Type					
	A	B	C	D	E	F
MINIMUM BUFFER DEPTH (feet from property line)	10	15	25	40	60	100
MINIMUM LAND USE BUFFER LANDSCAPING (Plants per 100 linear feet)[1][2]						
Canopy Trees	2	3	3	5	7	9
Understory Trees (at least 50 percent evergreen)	3	4	4	7	9	11
Shrubs	20	20	25	30	40	50

[1] The Planning Director shall be authorized to require the installation of fences, walls or berms within required buffers where deemed necessary to ensure land use compatibility or otherwise protect the visual quality of an area.

[2] All trees with a diameter breast height (DBH) of 8 inches or greater within buffers shall be preserved.

C. General**1. Location of Buffers**

Buffers shall be located along the perimeter of a lot or parcel and shall extend to the boundary of the lot parcel. They shall not be located on any portion of public right-of-way. Where drainage or other utility easements exist along property lines, required landscape buffers shall be located adjacent to the easement and may be reduced in width by the width of the easement, but in no case shall the buffer width be less than ten feet. Required buffers shall be noted on all plats, plans and permit requests submitted for review and approval under this Ordinance.

2. Plant Material Within Buffers

Plant material within required buffers shall be selected and spaced properly to allow plant material to thrive considering site specific conditions. Plant material to be located adjacent to public drainage easements and right-of-ways shall be selected and placed to not create future access or maintenance impediments including low lying lateral branches. Additionally, plant material within required buffers that contain utility easements shall be selected and sited to minimize pruning for future maintenance and clearance of such utilities. The Planning Director must approve all selections and may require modifications (substitutions and relocation) of plant material on proposed landscape plans when necessary to assure access and ease of maintenance to any easements and right-of-ways and to preserve the public health, safety and welfare.

3. Use of Buffers

The Planning Director shall be authorized to allow on-premises signs, fences, walls, berms, mailboxes, access to community boat ramps, permitted driveways, and sidewalks within required buffers. Other improvements may be allowed within buffers if the Planning Director determines that such improvements will not detract from the intended purpose and function of the buffer or have any adverse affect on adjacent property.

§9.5.5 Landscape Plans

Landscape and Planting Plans submitted to meet the requirements of the Ordinance are to be drawn to the same scale as the Site Plan depicting proposed shrubs and trees at maturity. It is strongly encouraged that all Landscape Plans be prepared by a licensed registered Landscape Architect or Landscape Designer familiar with the growth habits and characteristics of plant material available in the Charleston area. Landscape Plans shall be prepared by a licensed, registered Landscape Architect whenever the area of land disturbance or development activity exceeds one acre or when the total area of proposed building footprint exceeds 5,000 square feet.

§9.5.6 Landscape Material Standards

Landscape and plant material used to satisfy the standards of this Ordinance shall comply with the minimum standards of this Section.

A. Plant Material**1. Existing Plant Material**

Vegetation and plant material that exists on a parcel prior to its development may be used to satisfy the landscaping standards of this Section provided that it meets the size and locational requirements of this Article.

2. Size

Unless otherwise expressly stated, all plant materials used to satisfy the requirements of this Ordinance shall meet the following minimum size standards:

PLANT TYPE	MINIMUM SIZE
Canopy Tree	2 1/2 inches caliper and 12 feet in height
Understory/Ornamental Tree	8 feet (height)
Evergreen/Conifer Tree	5 feet (height)
Shrubs	3 gallon and 18" to 24" in height or spread

Note: At least 50 percent of required understory trees shall be evergreens. Any plant material that grows to an ultimate height of less than 18 inches shall be considered a groundcover and cannot be used to fulfill any of the shrub requirements of this Ordinance.

3. Species

Species of plant material used to satisfy the requirements of this Section shall be indigenous to the Charleston County area or are cultivated to survive in the climate of this area. No single plant species shall represent more than 40 percent of total landscape plantings, except for projects whose landscape requirements for canopy trees are lower than ten.

4. Quality

Plants installed to satisfy the requirements of this Section shall meet or exceed the plant quality standards of the most recent edition of American Standard for Nursery Stock, published by the American Association of Nurserymen. Plants shall be nursery-grown and balled and burlapped or container-grown.

5. Additional Landscape Treatment

All required landscape areas, including drainageways and detention/retention ponds, and buffers not dedicated to trees, shrubs or preservation of existing vegetation shall be landscaped with grass, ground cover, or other landscape treatment, not including sand, rock or pavement. All grass areas are to be installed using proper and accepted landscape methods to assure germination and erosion control.

B. Berms and Landscape Structures

Berms and landscape structures shall comply with the following minimum standards.

1. **Fences and Walls**

Fences and walls used as a screen shall be at least 95 percent opaque, with a minimum height of six feet.

2. **Berms**

Earthen berms shall have a minimum height of three feet, with a slope not to exceed 3:1, variable dependent upon the plant materials and soil type used. The toe of any berm shall be located at least three feet from the ultimate right-of-way or property line.

§9.5.7

Installation, Maintenance and Replacement

- A. **Installation**

All landscaping shall be installed according to American Association of Nurserymen Standards and sound nursery practices in a manner designed to encourage vigorous growth. Sites for plant material shall be prepared or improved in accordance with American Association of Nurserymen Standards for soil preparation and drainage. Subsurface drainage shall be provided where berms, elevated planting areas or other suitable means for providing proper drainage do not exist.

- B. **Irrigation**

The Planning Director shall be authorized to require the installation of automatic irrigation (sprinkler) systems when deemed necessary to ensure plant survival and proper growth.

- C. **Maintenance and Replacement**

Required trees, shrubs, walls and other landscape features shall be considered as elements of the project in the same manner as parking, building materials and other details are elements of the plan. The land owner, or successors in interest, shall be jointly and severally responsible for the following:

1. Regular maintenance of all landscaping in good condition and in a way that presents a healthy, neat, and orderly appearance. All landscaping shall be maintained free from disease, pests, weeds and litter. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching or other maintenance, as needed and in accordance with acceptable horticultural practices, including ANSI standards for Tree Care Operations and American Association of Nurserymen Standards;
2. The repair or replacement of required landscape structures (e.g., fences) to a structurally sound condition;
3. The regular maintenance, repair, or replacement, where necessary, of any landscaping required by this Section; and
4. Continuous maintenance of the site as a whole

When replacement of trees, plant material or other landscape features is required, such replacement shall be accomplished within one growing season, one year or such time-frame as required by the Planning Director, whichever is shorter.

ARTICLE 9.6 ARCHITECTURAL AND LANDSCAPE DESIGN STANDARDS

§9.6.1 PURPOSE

The purpose of these standards is to promote attractive, well-designed development that is built to human scale; to promote and protect the appearance, character and economic value of new development; to encourage creativity in new development (as opposed to homogeneity or "look-alike" projects); and to foster attractive streetscapes and pedestrian environments, while accommodating safe vehicular movement and access.

§9.6.2 APPLICABILITY

These standards shall apply to all developments that are subject to Site Plan Review. (See Article 3.7)

§9.6.3 ARCHITECTURAL DESIGN GUIDELINES

The intent of the Architectural Design Guidelines is to assure respect for the character, integrity, and quality of the built and natural environments of the county; it is not intended to stifle innovative architecture. The following criteria shall be used in evaluating applications:-

A. General Design

1. Single, large building masses shall be avoided. Structures with walls of more than 1,500 square feet should incorporate fascias, canopies, arcades, building setbacks of three feet or more or other multidimensional design features to break up large wall surfaces on their street facing elevations. Wall surfaces shall be visually divided by such features into areas of 750 square feet or less.
2. All elevations of a structure shall be in harmony, one with another, in terms of scale, proportion, detail, material, color, and high design quality.
3. The side and rear elevations of buildings shall be as visually attractive as the front elevation, especially where those side or rear elevations are most often viewed by the public. Rooflines and architectural detailing shall present a consistency in quality design.
4. All structures within a proposed development, including gasoline canopies, shall utilize a uniform architectural theme and shall be designed to create a harmonious whole. It is not to be inferred that buildings must look alike to achieve a harmony of style. Harmony of style can be created through property considerations of scale, proportion, detail, materials, color, site planning, and landscaping.

5. The scale of buildings and accessory structures (including canopies) shall be appropriate to the scale of structures located in the surrounding area. Canopies designed as domineering or overpowering architectural features are strongly discouraged.
6. Long, monotonous facade design, including, but not limited to, those characterized by unrelieved repetition of shape or form, or by unbroken extension of line, shall not be permitted.
7. The architectural design and material finish of buildings, signage, gasoline pump canopies, and other necessary structures shall be compatible with one another and with adjacent and surrounding structures where such structures are substantially in compliance with these requirements.
8. Structures which are of symbolic design for reasons of advertising shall not be permitted. A symbol or symbols attached to a building shall not be allowed unless it is secondary in appearance to the structure and landscape, and is an aesthetic asset to the building and surrounding area.
9. The location and dimension of wall signs shall be indicated upon the architectural elevations of proposed structures and shall maintain compatibility with the architectural features of the structure.

B. Building Materials

1. Concrete finishes or precast concrete panels (tilt wall) that are not exposed aggregate, hammered, sandblasted or covered with a cement-based acrylic coating shall be prohibited as an exterior building material along any building elevation visible from public rights-of-way.
2. Unpainted or bare metal panels, regardless of depth or thickness, shall be prohibited as an exterior building material.
3. Corrugated or sheet metal, except stainless steel, copper, or galvanized metal shall be prohibited as an exterior building material along any building elevation visible from public rights-of-way.
4. Mirrored glass with a reflectance greater than 40 percent shall be prohibited from covering more than 40 percent of the exterior walls of any building.
5. Materials shall express their function clearly and honestly and shall not appear as materials which are foreign to the character of the rest of the building.
6. Any building exterior elevation shall consist of architectural materials which are equal in quality, appearance, and detail to all other exterior elevations of the same structure. Nothing in this Section shall preclude

the use of different materials on different exterior elevations of the same structure so long as those materials maintain the architectural unity and integrity of the entire structure.

7. Shingles, metal standing seam, tile, or other roofing materials with similar appropriate texture and appearance shall be utilized. Flat roofs will not be discouraged where they are appropriate to the design theme of a structure.

C. Building Color

1. Color shades shall be used to unify the development.
2. Color combinations of paints shall be complementary. In no case shall garish colors be permitted. In general, no more than three different colors per building shall be allowed.

D. Multiple-Building Developments

Each individual building within a development shall feature predominant characteristics including, but not limited to, consistent rooflines, use of compatible proportions in building mass and outdoor spaces, complementary relationships to the street, similar window and door patterns, and the use of complementary building materials in terms of color, shades, and textures. Monotony of identically designed multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. The use of different textures, shadow lines and contrasting shapes may also be used to provide visual interest.

E. Building Orientation

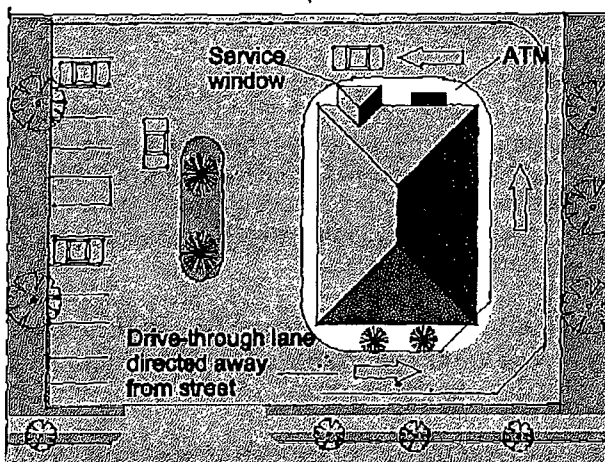
1. To the maximum extent feasible, primary facades and entries should face the adjacent street. Except in industrial districts, a main entrance shall face the adjacent street or a connecting walkway with a direct pedestrian connection to the street without requiring pedestrians to walk through parking lots or cross driveways.
2. Where it is reasonably practical, proposed structures shall not impede scenic rural views from the main road, from existing structures, or from natural settings.
3. Structures shall be oriented so that loading areas are in no manner visible from Residential districts, from existing rights-of-way or from planned future public rights-of-way. Loading areas may be oriented toward adjoining developed properties which are commercially zoned or toward adjoining properties eligible for future commercial development if and only if they are entirely screened from view by the use of fencing which is compatible with the overall architectural scheme of the project and/or are appropriately landscaped.
4. All corner developments shall have buildings located close to the corner with majority of parking to the side and rear.

5. All buildings shall be sited so that a direct relationship with the primary street is established. The architecture, landscaping and building siting must work in concert to create a unified appearance.
6. Gas Stations.
Buildings shall be sited so that gasoline pump dispensers are located to the side of the building or located behind the buildings so that the building is between the pumps and the primary street frontage. If located on a corner lot, the building would have to be situated in the corner of the lot at the intersection.

F. Mechanical Equipment and Trash Receptacle Screening

Locations of all mechanical equipment and dumpsters shall be shown on all site plans. All mechanical equipment and trash receptacles shall be shielded and screened from public view. Mechanical equipment shall be shielded with walls, fencing or landscaping that screens the equipment entirely. Dumpsters shall be screened with a minimum 6-foot opaque fence or wall on all four sides and located toward the side or rear of the principle structure.

- G.** All order boxes, menu stands, pickup windows, service/teller windows, and required vehicle stacking associated with drive thru services shall be located to the side or rear of buildings. For the purpose of this Section, the side or rear shall mean the area behind a projected line running parallel from the front (street facing) side(s) of the structure to the side property lines. This concept is depicted in the graphic below:



§9.6.4 LANDSCAPING DESIGN GUIDELINES

The purpose and intent of Landscaping Design Guidelines is to reduce the visibility of paved areas from adjacent properties and streets, moderate climatic effects, minimize noise and glare, and enhance public safety by defining spaces to influence traffic movement. Landscaping will reduce the amount of stormwater runoff and provide transition between neighboring properties. The following criteria shall be used in evaluating applications:

A. General Design

1. Landscaping shall be required between buildings and sidewalks, and parking lots and driveways. The scale of the proposed landscaping shall be in proportion to the building.
2. Landscaping does not only include trees and plantings but also paving, benches, fountains, exterior lighting fixtures, fences, and any other item of exterior furniture. All items of the landscape are to be selected not only for their functional value but [also] for their aesthetic value and must compliment [complement] the whole.
3. All utility lines in the suburban areas such as electric, telephone, CATV, or other similar lines serving individual sites as well as all utility lines necessary within the property shall be placed underground. All junction and access boxes shall be screened with appropriate landscaping. All utility pad fixtures and meters should be shown on the site plan. The necessity for utility connections, meter boxes, and the like, should be recognized and integrated with the architectural elements of the site plan. All properties shall comply with the County's Right-of-Way Management Ordinance where applicable.
4. Ease of pedestrian access between proposed developments and adjacent developments shall be a required consideration in the development of a proposed project's site and circulation plans.

B. Parking/Drives

1. Parking areas and driveways shall be paved with material which is appropriate to the comprehensive design scheme of the project and to the intensity of use to which parking areas and driveways will be subject.
2. Buildings shall be sited so that the majority of parking is located to the side and rear of the building. The placement of the major portion of a proposed development's parking area to the rear of a main structure's corridor facade, or within a courtyard surrounded on three sides by a proposed structure, is strongly encouraged. The rationale for this guideline is to promote good proportional spatial definition for the corridors to be accomplished through a reduction in the distance required for a building's setback.
3. Drive-through access shall be integrally designed with the building and not dominate the design. Only single lane drive-throughs are allowed. Multi-lane drive-throughs are only allowed for banks (or similar financial institutions), post offices or utilities.

C. Site Lighting

Site lighting shall be from a concealed light source fixture and shall not interfere with the vision of vehicular traffic. A lighting plan with photo-metrics shall be stamped and signed by a registered professional engineer and comply with the following criteria:

1. Maximum average foot-candles shall not exceed 5 foot candles as depicted on photometric plans with a maximum not to exceed 12 foot candles close to light sources. Maximum foot candles under gasoline canopies and outdoor sales lots shall not exceed 30 foot candles.
2. All exterior lights shall be arranged and installed so that the direct or reflected illumination does not exceed one-half foot candle above the background measured at the lot line of any adjoining residential or agricultural parcel and public right-of-way.
3. Lighting shall enhance the overall aesthetics of the site.
4. Security lighting shall be provided, particularly at pedestrian walkways.
5. Lighting shall be integrated with architectural design of the buildings.
6. Light sources (light bulbs) shall not be visible. They shall be shielded to reflect down onto the ground and not out onto the streets or neighboring property.

ARTICLE 9.7 WETLANDS, WATERWAYS AND OCRM CRITICAL LINE

§9.7.1 WETLAND BUFFERS AND SETBACKS

A. Intent

The buffer standards of this Article are intended to provide a natural vegetated area between the furthestmost projection of a structure, parking or driveway area, or any other building elements, and all saltwater wetlands, waterways and OCRM (saltwater) critical lines. The purpose of these required buffers is to provide a visual, spatial, and ecological transition zone between development and the County's saltwater wetlands and waterways, and to protect water quality and wildlife habitat.

B. Wetland, Waterway and OCRM Critical Line Buffer Depth and Setbacks

1. Standards

The following minimum wetland/waterway buffers/setbacks shall be required:

Minimum Buffers/Setbacks (feet)	RM	AG-15	AG-10	AG-8	AGR	RR-3	S-3	R-4	M-8	M-12
OCRM Critical Line Buffer	35	35	35	35	35	35	15	15	15	15
Setback from OCRM Critical Line	50	50	50	50	50	50	35	35	35	35

Minimum Buffers/Setbacks (feet)	MHS	MHP	OR	OG	CT	CN	CR	CC	J
OCRM Critical Line Buffer	15	15	35	35	35	35	35	35	35
Setback from OCRM Critical Line	35	35	50	50	50	50	50	50	50

2. Reduction of OCRM Critical Line Setbacks

The Planning Director shall be authorized to reduce OCRM Critical Line setbacks to a distance not less than the buffer depth, when deemed necessary by the Director to accommodate reasonable development of the parcel and when it is determined by the Director that the setback reduction will not have a significant adverse impact on public health or safety.

3. Reduction of Buffers and Setbacks on Parcels Created Prior to April 21, 1999

When the application of buffer/setback requirements contained within this Ordinance render a parcel that existed prior to April 21, 1999, unbuildable, the Planning Director shall be authorized to reduce front, side and rear yard buffers/setbacks as necessary to make a parcel buildable. The Planning Director cannot reduce any front and/or rear yard buffer in an amount which would result in the placement of a structure closer to either the front or rear property line than any structure on an adjacent property. Any further reduction in any required buffer shall be made by appeal to the Board of Zoning Appeals.

C. Measurement

Required OCRM critical line buffers and setbacks shall be measured from the OCRM critical line, whether the critical line or wetland/waterway is located on, adjacent to, or near the subject parcel.

D. Lot Width

The minimum lot width standards of the underlying zoning district shall apply at the required buffer or setback line.

§9.7.2 PROHIBITED ACTIVITIES

The following activities are specifically prohibited in a buffer area:

- A. Removal excavation, or disturbance of the soil, except for minimal disturbance associated with the planting of shrubs or trees for landscaping;
- B. Grassed lawns requiring regular maintenance such as herbicides; pesticides, fertilizers and frequent mowing;
- C. Gardens, fences, or structures, except for permitted crossings;
- D. Paved or other impervious surfaces; and
- E. Destruction or addition of plant life which would alter the existing pattern of vegetation.

ARTICLE 9.8 HISTORIC PRESERVATION**§9.8.1 INTENT**

The standards of this Section are intended to safeguard the integrity of historic structures, sites, and their context, and to protect public views of these resources along public rights-of-way.

§9.8.2 APPLICABILITY

The standards of this Section shall apply to all sites (existing and future) listed on the National Register of Historic Places.

§9.8.3 DEMOLITION

No demolition of a historic structure or site may occur until a Special Exception has been approved in accordance with the provisions of this Ordinance.

§9.8.4 MOVING

No relocation of a historic structure or site may occur until a Special Exception has been approved in accordance with the provisions of this Ordinance. Relocation should not be considered, except as a final alternative to demolition.

§9.8.5 NEW CONSTRUCTION; EXTERIOR ALTERATIONS

No new construction located on a historic structure or site or significant exterior alteration of a historic structure or site may occur until a Special Exception has been approved in accordance with the provisions of this Ordinance. The applicant must demonstrate that all proposed renovations are consistent with the National Register of Historic Places (NRHP) such that the structure shall remain listed on the NRHP following the completion of the proposed new construction and exterior alterations.

§9.8.6 NEARBY DEVELOPMENT

Subdivision plats for multi-family, manufactured housing park, office, commercial, or industrial development or residential subdivisions proposed to be located within 300 feet of a historic structure or site should be reviewed to determine their impact on the historic site. The Planning Director shall require that potential negative impacts be minimized through the location of vehicular access points, screening/buffering and other site design tools.

ARTICLE 9.9 TRAFFIC IMPACT STUDIES**§9.9.1 APPLICABILITY**

A traffic impact study shall be required with applications for zoning map amendments, preliminary plats and planned developments that are projected to generate 100 or more peak hour vehicle trips, based on trip generation rates from the latest edition of the Institute of Transportation Engineers Trip Generation manual. The Planning or Public Works Director shall also be authorized to require traffic impact studies when it is determined that a proposed development is likely to have a significant impact on transportation capacity, transportation levels of service or traffic safety in the vicinity of the proposed development.

§9.9.2 STUDY SCOPE

When a traffic impact study is required, the type and scope of the study shall be determined during a scoping meeting with the Planning and Public Works Directors. The meeting may also involve representatives of or request assessments from other agencies and departments. The elements to be determined during the scoping session shall include:

- A. Type of Study**
The possible types of reports include: a letter report, full traffic impact analysis report or special report (e.g., sight distance survey).
- B. Definition of Impact Area**
The points of access and key streets and intersections that may be affected by development of the subject tract constitute the impact area. Traffic recorder and turning movement assessment locations shall be determined.
- C. Period of Analysis**
Periods of analysis may include: daily traffic, a.m., p.m. or weekend peak hour.
- D. Analysis Scenarios**
Scenarios for analysis include: existing conditions, opening year conditions with and without development, and 10 years after opening with and without development.
- E. Process**
Process for determining trip generation and distribution including: trip generation category, diversion assumptions and distribution assumptions.
- F. Growth Rate Assumption**
The rate of growth assumed in background traffic assumptions.
- G. Pipeline Development**
Developments in the area that have been approved or are under review.

§9.9.3 TRAFFIC STUDY ELEMENTS

A letter report or special report shall include those elements agreed upon in the scoping meeting. A full traffic impact study shall include the following elements:

- A. Existing Condition Survey**
 - 1. Street System Description**
The street system shall be described including geometric features, lane usage, traffic control, signage, sight distances and adjacent uses and curb cuts.
 - 2. Traffic Volumes**
Existing traffic volumes shall be provided for the impact area including both AADT (Average Annual Daily Traffic) and "Design" peak hour volumes. AADT may be derived from current counts of the South Carolina Department of Transportation (if available) and peak hour volumes shall be done from field counts. Data shall be adjusted for daily and seasonal variations. Turning movement counts for the peak hour shall be provided for critical intersections. Peak hour periods shall be as determined at the scoping meeting.
 - 3. Capacity Analysis**
Existing capacity of signalized and unsignalized intersections.

4. **Other**

Other items may be required at the discretion of the Public Works Director depending upon the type and scale of the project. These may include but are not limited to: queue length analysis, pedestrian counts, accident data, traffic speeds (both 50th and 85th percentile), and stopping sight distances.

B. Future without Development

Capacity analysis is to be provided for opening year and plus ten-year for key intersections (and roadway segments where appropriate) without the development but including any planned developments. The analysis shall be based upon the Highway Capacity Manual or other methodologies approved in advance by the Public Works Director.

C. Future with Development

1. Projections of the daily and peak hour traffic generation of the project shall be made using the latest edition of the Institute of Transportation Engineers Trip Generation manual unless the Public Works Director determines that locally derived data will provide more accurate forecasts. Data from similar facilities may be used where the information is not available from the Institute of Transportation Engineers.
2. The projected trips shall be distributed onto the road network as agreed in the scoping meeting.
3. Capacity analysis for opening year and plus ten-year for key intersections (and roadway segments where appropriate).
4. Special analysis as may be required to determine warrants for signalization, minimum safe sight distances, gap analysis, turning radius requirements, queue length analysis, turning lane length analysis, curb cut locations or similar requirements.

D. Mitigation Plan

Where the analysis indicates that the project will create deficiencies in the impact area, improvements shall be recommended which shall include projected cost estimates. The design of improvements shall be in accordance with specifications of the Public Works Director and, where appropriate, the South Carolina Department of Transportation. Where a Decision-Making Body determines that a mitigation plan is not adequate to address the traffic impacts of the project, it may serve as a basis for denial of the rezoning, preliminary plat or planned development request.

E. Consultants

The Public Works Director may require that a mutually agreed upon independent consultant be hired by the County to perform required traffic impact studies or to review all or part of a study prepared by the applicant's consultants. The Public Works Director is authorized to administer the contracts for such consultants.

1. The Public Works Director shall determine the scope of services to be performed by the independent consultant and receive a cost estimate of such services.
2. The applicant shall provide an amount equal to the estimate to the Public Works Director, who will deposit the amount in an escrow or special account set up for this purpose. Any funds not used for the independent consultant shall be returned to the applicant in a timely manner without interest.
3. The Public Works Director may require additional fees for the independent review if: the Decision-Making Body expands the scope of the required review; the applicant substantially amends the application; additional meetings involving the consultants are requested by the applicant; the consultant's appearance is requested at Planning Commission or County Council meetings beyond what was initially anticipated; or the consultant's attendance is required at meetings with regional, state, or federal agencies or boards which were not anticipated in the earlier scope of services.

ARTICLE 9.10 VISION CLEARANCE

§9.10.1 MAJOR ROADWAYS

Corner lots on major roadways shall have no structure or obstruction that obscures travel vision from 30 inches to ten feet above ground level in a triangular area formed by measuring from the point of intersection of the front and side lot lines a distance of 40 feet along the lot lines and connecting the points to form a triangle.

§9.10.2 COLLECTOR STREETS

On Collector Streets, the triangular area formed by measuring from the point of intersection of the front and side lot lines is 30 feet.

§9.10.3 SUB-COLLECTOR STREETS

On Sub-Collector Streets, the triangular area formed by measuring from the point of intersection of the front and side lot lines is 20 feet.

§9.10.4 PRIVATE DRIVES AND PRIVATE LANES

On private driveways of commercial or industrial activities, the triangular area formed by measuring from the point of intersection of the drive edge is 15 feet.

ARTICLE 9.11 SIGNS

§9.11.1 GENERAL PROVISIONS

A. Purpose

This Article provides comprehensive regulations for signage in Charleston County designed to promote public safety and welfare by reducing visual clutter along highways, facilitating the efficient transfer of information, and thus enhancing traffic flow and the ability to locate needed goods and services.

B. Administration and Enforcement**1. Non-Commercial Copy**

Any sign authorized in this Section is allowed to contain non-commercial copy in lieu of any other copy. Non-commercial on-premises signs are permitted in any zoning district provided that such signs comply with the regulations of that district.

2. Building and Electrical Code Standards

All permanent signs must meet the structural and installation standards of the Standard Building Code and electrical standards of the National Electrical Code as enforced by the Charleston County Building Inspection Services Director

3. Permit Required

No signs, except real estate signs shall be erected unless a zoning permit has been issued by the Planning Director in accordance with the procedures of this Ordinance.

4. Fees

An applicant for a zoning permit shall pay such fees as determined necessary for application processing. These fees are due upon submission of an application and shall be determined by County Council.

5. Permits

A permanent tag shall be attached to every installed sign. The tag shall remain the property of Charleston County and shall not be removed without the Planning Director's approval.

6. Documentation of Signs

Upon request, the owner of any existing sign shall provide the Charleston County Planning Director with evidence that documents the size, location and date of construction of all existing signs on the premises.

C. Prohibited Signs

Except as otherwise permitted by this Ordinance, the following signs shall be prohibited:

1. Flashing Sign;
2. Pennants, Streamers, Balloons, and other Animated Signs;
3. Signs Imitating Traffic Devices (Signal);
4. Signs Imitating Traffic Signs;
5. Signs in Marshes;
6. Signs in Right-of-Way;
7. Snipe Sign;
8. Vehicle Sign;
9. Roof Sign;
10. Banners; and
11. Off-Premises Signs (except Billboards, Shared Signs and Bona Fide Agricultural Use Signs as defined by this Ordinance).

D. House Numbers

All permanent, free-standing, On-Premises signs shall contain house numbers containing number at least four inches in height. The area devoted to required house numbers shall not be included in the calculation of maximum sign area.

E. Illumination

All lighted On-Premises signs shall comply with all dimensional standards set forth in this Ordinance. Additionally, all non-LED internally illuminated signs on property not adjacent to commercial or industrial uses shall have an opaque background on the sign face with a maximum of 80 watts per bulb and no more than one bulb per foot in height of the sign face. See section 9.11.4.B for illumination requirements for LED message board signs.

F. Signs in Disrepair

Signs in disrepair shall be repaired, renovated, or removed from the premises within 60 days following notice by Planning Director.

G. Abandoned Signs

Signs advertising a person, business, service, event or other activity that is no longer available or other signs that contain inaccurate or outdated information shall be considered abandoned. Remedial action shall be taken within 30 days after a sign becomes abandoned. If no remedial action is taken, the Planning Director shall give notice to the owner of record who shall have 30 days to remove the sign prior to any further enforcement action being pursued. This provision shall apply to all abandoned signs, including those abandoned before April 21, 1999.

H. Signs Interfering with Vehicular Vision

1. In the area near the entrance of a driveway, no sign shall obscure the travel vision from 30 inches to ten feet above ground level in triangular areas formed by measuring from the point of intersection of any front lot line and driveway, a distance of 15 feet along the front lot line and driveway and connecting the points to form a triangle.
2. No sign or structure shall be erected so as to interfere with the vision of vehicles operated along any highway, street, road or driveway, or at any intersection of any street, highway or road with a railroad track. Signs determined by the Planning Director to be in violation shall be removed or relocated immediately upon notice.

§9.11.2 FREE-STANDING SIGNS

- A. Maximum size, height, width, length, number of sign faces, number of signs per establishment and required minimum height and setbacks are based upon establishment size and shall conform with Table 9.11.2.
- B. A maximum of one reader board shall be allowed per zoning lot for single or multi-tenant structures containing office, commercial, or industrial uses if attached to permanent free-standing signs. The area of the reader board shall be included in the site's total sign area allowance.

- C. All new free-standing signs are to be designed as monument signs, pedestal style signs or pole mounted signs.
- D. All pedestal style signs shall have a pole skirt.
- E. The predominate materials used for free-standing signs, excluding copy material or materials not visible from the public right-of-way, must incorporate the following:
 - 1. If the predominate building materials colors and design elements on the principal building conform to Section 9.6.3B. of this Ordinance, the exterior sign materials must compliment those found on the principal structure as reviewed and approved through the site plan review process. Materials, design and color of the sign do not need to be the same as those found on the principle structure to be considered complimentary.
- F. Signs that are located in parking lots (such as directional signs) may be internally lit when constructed with routed letters or an opaque background.
- G. The hanging or attachment of objects is not permitted unless they are shown on the drawings approved for sign construction and meet all the requirements of this Ordinance.
- H. When calculating the sign area of a "monument sign", "pedestal sign", or "pole sign", the internal structural framework supporting the sign or other solid structural features (not containing copy or any graphic, word, symbol, insignia, text sample, model, device, or combination thereof which is primarily intended to advertise, identify or notify, exclusive of a frame or border) shall not be used in the calculation of the maximum area of the sign. Signs may be mounted on a base or foundation that will not be included in the square footage; however, the base for monument signs must be as wide as the sign.

TABLE 9.11.2
FREE-STANDING ON-PREMISES SIGNS

ZONING DISTRICT													
Requirement [1] [2]	Agricultural	Residential	Non-Residential										
Maximum Area (sq. ft.)	10 (32 with Special Exception)	10	<table><tr><th>Bldg. Size (sq. ft.)</th><th>Sign Size</th></tr><tr><td>0 sq. ft. to 2,500 sq. ft.</td><td>= 50</td></tr><tr><td>2,500 sq. ft. to 25,000 sq. ft.</td><td>= 100</td></tr><tr><td>25,000 sq. ft. to 100,000 sq. ft.</td><td>= 150</td></tr><tr><td>100,000 sq. ft. +</td><td>= 200</td></tr></table>	Bldg. Size (sq. ft.)	Sign Size	0 sq. ft. to 2,500 sq. ft.	= 50	2,500 sq. ft. to 25,000 sq. ft.	= 100	25,000 sq. ft. to 100,000 sq. ft.	= 150	100,000 sq. ft. +	= 200
Bldg. Size (sq. ft.)	Sign Size												
0 sq. ft. to 2,500 sq. ft.	= 50												
2,500 sq. ft. to 25,000 sq. ft.	= 100												
25,000 sq. ft. to 100,000 sq. ft.	= 150												
100,000 sq. ft. +	= 200												
Maximum Height (ft.)	14	5	5-foot setback = 20 ft. maximum height OR Districts: 5 ft. minimum setback-6 ft. maximum height										
Minimum Height (ft.)	None	None	None										
Maximum Width (height of sign with face) (ft.)	N/A	5	Ratio—Longest side: Shortest side 5:1										
Maximum Length (ft.)	N/A	5	Ratio—Longest side: Shortest side 5:1										
Setbacks (Front/Int) (ft.)	10/10	10/10	5/10										
Max. No. Sign Faces	2 per sign	2 per sign	2 per sign										
Max. No. Signs	2 per major frontage	1 per major frontage	1 per major road frontage										

[1] Sign regulations for the CT Zoning District can be found in Section 4.18.4.

[2] Sign regulations for properties located in overlay districts can be found in Chapter 5.

§9.11.3 WALL/FACADE SIGNS

- A. A maximum of two signs shall be allowed per wall/facade, with a maximum of four per building. Total area of all signs shall not exceed square footage of Table 9.11.3.
- B. Maximum size of wall/facade signs is dependent upon building frontage and setback, in accordance with Table 9.11.3.
- C. The hanging or attachment of objects is not permitted unless they are shown on the drawings approved for sign construction and meet all the requirements of this Ordinance.
- D. Awning Signs
 1. The use of awnings for the purpose of providing signage will be considered

a wall sign. The awning signage must meet all dimensional and intensity standards applicable to wall signs in this Article.

2. For purposes of the subsection, an awning sign is a sign used for the purpose of providing signage and must be located above a display window or entryway.
3. Text or graphic shall be limited to the face of an awning.

TABLE 9.11.3 WALL/FACADE SIGNS

Building Length Facing Street	Setback	Maximum Size (sq. ft.)
50 feet or less	0—99 ft.	50
	100—399 ft.	100
	400 or more ft.	150
More than 50 feet	0—99 ft.	Bldg. Frontage x 1
	100—399 ft.	Bldg. Frontage x 2
	400 or more ft.	Bldg. Frontage x 3

§9.11.4 SPECIAL SIGNS

Maximum size, number, location and height of special signs shall conform with Table 9.11.4 and the following standards:

A. Flags Used As Signs

1. A permit shall be required for the installation of all flag poles or flag display devices erected on lots zoned for multi-family, office, commercial, or industrial use or occupied by a multi-family, office, commercial, or industrial use.
2. Applicants must submit with the permit application a scaled site plan giving the location of all flag poles and complete dimensional and installation engineering data.
3. Applicants must provide documentation of minimum clearance from electric, telephone or cable TV lines as certified by the proper utility prior to issuance of permit, or installation.
4. Maximum size and number of flags used as signs, and height of flag poles shall conform with Table 9.11.4 of this Chapter.
5. The American flag and the flag of the State of South Carolina are exempt from the provisions for maximum size of flags and maximum size of flagpoles in Table 9.11.4 of this Chapter.

B. Light Emitting Diode (LED) Message Board Signs

An LED Message Board may be permitted as part of a free standing sign provided that documentation has been submitted demonstrating that it complies with all applicable sections of this ordinance and the following standards:

1. The sign is within the Urban/Suburban Area of the County as defined by the Urban Growth Boundary (UGB) and located on and adjacent to (share side property boundaries) parcels with the Community Commercial (CC) or Industrial (I) zoning district classification.
2. The sign is not located within any of the Overlay or Special Purpose Districts as described in Chapter Five of this Ordinance.
3. The sign is monument style, maximum ten (10) feet in height and the electronic message board constitutes no more than twenty-five percent (25%) of the overall allowable sign area as defined by Table 9.11.2.
4. The electronic message board will exhibit low intensity, night dimming red or amber text (no graphics) on a black background associated only with the business of the subject parcel and the text will not scroll, fade, or move except on and off.
5. The copy will not change at intervals less than eight (8) seconds on LED signs that front on roads with a speed limit of forty-five (45) mph or greater and fifteen (15) seconds on roads with a speed limit less than forty-five (45) mph. On corner or double frontage lots, the required time interval will be based upon the speed limit of the road which the parcel is addressed.

C. Sandwich Board/Sidewalk Sign

A permit may be issued for a maximum of two sandwich board signs per lot or business provided the signs comply with the following criteria:

1. The sign is located within the Commercial zoning districts on the subject parcel or in front of the business being advertised.
2. It is a maximum of three (3) feet in height with a maximum of nine (9) square feet per sign face.
3. The sign is erected only during the hours of operation of the subject business and must be removed daily after close of business.
4. The sign is not located within any right of ways or within any pedestrian ways which would impede or interfere with vehicular or pedestrian use of roads, sidewalks or seating areas.

D. Shared Free Standing Signs

1. Off-premises shared free standing signs are allowed in the Commercial and Industrial zoning districts for the advertisement and identification of two or more businesses or residential developments located on separate parcels.
2. One shared sign is allowed at the location of a jointly shared curb cut/entry drive.

3. Multiple businesses may participate on multiple shared signs; however, a business that participates on a shared free standing sign shall not be allowed to erect a single tenant on-premise free-standing sign.
4. Participating businesses must either share a property boundary on at least one (1) side or be part of an approved multi parcel development.
5. The size of a shared sign face may be one and one half (1.5) times the size allowed by the accumulated building square footages of the subject businesses advertised as defined in Table 9.11.2. Shared free standing signs must meet all other setback and dimensional standards for Non-Residential Free Standing Signs including all architectural standards and overlay district requirements of this Ordinance.

E. Off-Premises Bona Fide Agricultural Use Signs

Off-premises signs advertising products from Bona Fide Agricultural uses, related activities and farm identification may be permitted on properties located in Agricultural or Commercial zoning districts, subject to the following requirements:

1. A maximum of one (1) off-premises sign is permitted per Bona Fide Agricultural use;
2. The applicant shall submit a plan drawn to scale showing the proposed location of the sign on the property on which the sign is to be placed;
3. The sign shall comply with the setback and dimensional requirements of Table 9.11.2. Free-Standing On-Premises Signs, of this Ordinance. The applicable requirements of Table 9.11.2. shall be determined based on the Zoning District of the property where the sign is to be located;
4. The sign shall be located outside of any right-of-ways and easements, shall comply with the requirements of Article 9.10, Vision Clearance, of this Ordinance, and shall not be internally or externally illuminated;
5. The applicant shall submit a signed letter of intent and supporting documentation indicating that the primary use of the property being advertised is a Bona Fide Agricultural use as defined in this Ordinance and that the products and events advertised are grown, produced, and/or will occur on the Bona Fide Agricultural use property; and
6. The applicant shall submit a signed letter of agreement from the property owner of the parcel on which the sign is to be located stating that the property owner will allow the sign to be erected at the location indicated on the site plan;
7. The sign shall comply with all other applicable sections of this Ordinance; and
8. Off-Premises Bona Fide Agricultural use sign permits shall be assigned to the property on which the sign is to be located.

**TABLE 9.11.4
SPECIAL SIGNS**

Type	Maximum Size	Maximum Number	Minimum Setback Maximum Height
Subdivision/Multi-Family I.D. Signs	32 sq. ft.	2 per entrance	Minimum setback: 5 ft. Maximum height: 12 ft.
Directional	3 sq. ft.	Unlimited	4 ft.
Flags	60 sq. ft.	3 per zoning lot	35 ft. or 15 ft. above highest point of roof
Civic/Institutional	100 sq. ft. 50 sq. ft. in Residential or Agricultural uses	1 per zoning lot	Min. setback: 5 ft. Max. height 12 ft. Sign must have opaque background except the marquee. Marquee cannot exceed 25% of total sign size

§9.11.5

TEMPORARY SIGNS

All Temporary signs, unless expressly exempt, require a Zoning Permit and shall comply with all other regulations of this Ordinance. Maximum size, number, duration, location and height of temporary signs shall conform with Table 9.11.5 and the following standards:

1. Portable signs are permitted in accordance with standards of the National Electrical Code and anchoring provisions of the International Building Code where applicable.
2. A site plan and letter of intent indicating the type, amount and location of balloons, pennants, streamers, banners and portable signs must be submitted for review. The application will be reviewed to insure that all proposed signage will not pose any pedestrian or vehicular danger as determined by the Planning Director.

A. Special Sales Event Signs

1. A legally established business may submit an application for temporary signs for the advertisement of one Grand Opening and five Special Sales Events per calendar year.
2. Permitted Signs for Grand Openings or Special Sales Events shall be removed no later than ten consecutive days after being installed.

B. Permitted Temporary Special Events

1. A permitted Special Event is allowed one Special Event sign per event.
2. Signs for permitted Special Events shall be removed no later than ten

consecutive days after being installed.

C. Real Estate Signs

1. Signs less than 12 square feet do not require a Zoning Permit.
2. All signs shall be removed no later than 15 days after the property is sold.
3. Signs shall face a maximum of two directions, and may be mounted back-to-back or V'ed.
4. Where signs are V'ed, the space between panels shall not exceed 3 feet at the point at which panels are closest, and the interior angle formed by signs shall not exceed 60 degrees. For purposes of these requirements, V'ed signs shall be counted as one sign.
5. Where signs face two directions, whether back-to-back or V'ed, both signs must be the same standard size.

D. Nonconforming Signs

Refer to Chapter 10, Nonconformities, of this Ordinance.

**TABLE 9.11.5
TEMPORARY SIGNS**

Type	Maximum Size	Maximum Number	Minimum Setback Maximum Height
Real Estate Signs	48 sq. ft.	1 per 1500 ft. frontage Maximum: 3 per lot	Minimum setback: 5 ft Maximum height: 12 ft Maximum 6 ft. height in residential zoning districts
Permitted Grand Opening and Special Sales Event signs	50 sq. ft.	2 per zoning lot including banners, Balloons (max. 2 square ft), pennants, streamers allowed	Minimum setback: 5 ft
Permitted Temporary Special Event signs	100 sq. ft., 50 sq. ft. in Residential and Agricultural districts and no internal illumination	1 per zoning lot	Minimum setback: 5 ft Maximum height: 12 ft Maximum 6 ft. height in residential zoning districts

§9.11.6 BILLBOARDS (Outdoor Advertising Structures)

A. Outdoor Advertising of America Standards

All Billboards shall be constructed in compliance with Outdoor Advertising of America Standards.

B. Location and Setbacks

Billboards shall be allowed in those zoning districts indicated in Chapter 6.

**TABLE 9.11.6-A
BILLBOARDS**

Maximum Length	48 ft.
Maximum Width	14 ft.
Maximum Area	672 sq. ft.
Maximum Height	40 ft.
Minimum Setback (front/side)	25/20 ft.
Location Criteria	1,000 ft.
Minimum distance to nearest billboard	
Minimum distance to nearest on-premises sign	500 ft.

C. Orientation

1. Signs shall face a maximum of two directions, and may be mounted back to back or V'ed.
2. Where signs are V'ed, the space between panels shall not exceed three feet at the point at which panels are closest, and the interior angle formed by signs shall not exceed 90 degrees.

D. Compatible Size Signs

Where signs face two directions, whether back to back or V'ed, both signs must be the same standard size.

E. Nonconforming Signs

Refer to Chapter 10, Nonconformities.

**TABLE 9.11.6-B
OFF-PREMISES SIGNS**

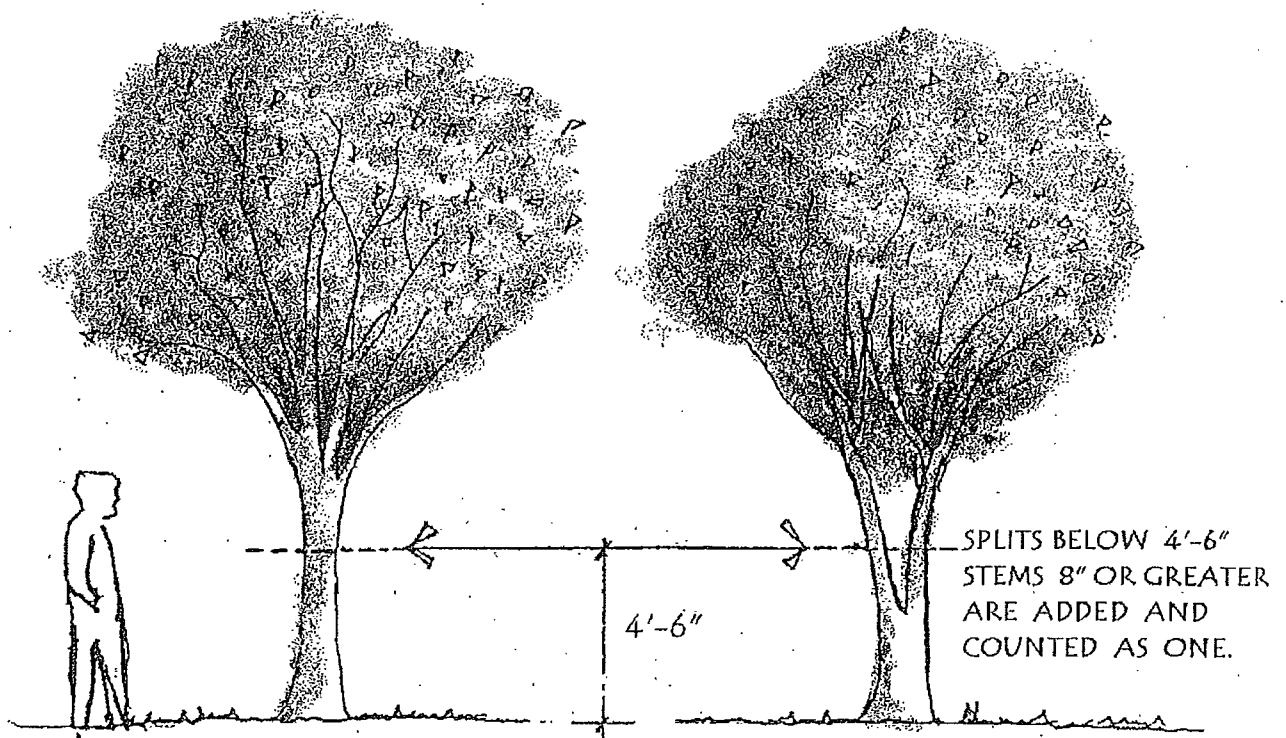
Maximum Length	48 ft.
Maximum Width	14 ft.
Maximum Area	672 sq. ft.
Maximum Height	40 ft.
Minimum Setback (front/side)	25/20 ft.
Location Criteria	1,000 ft.
Minimum distance to nearest off-premises sign	
Minimum distance to nearest on-premises sign	500 ft.

ARTICLE 9.12 DRAINAGE DESIGN

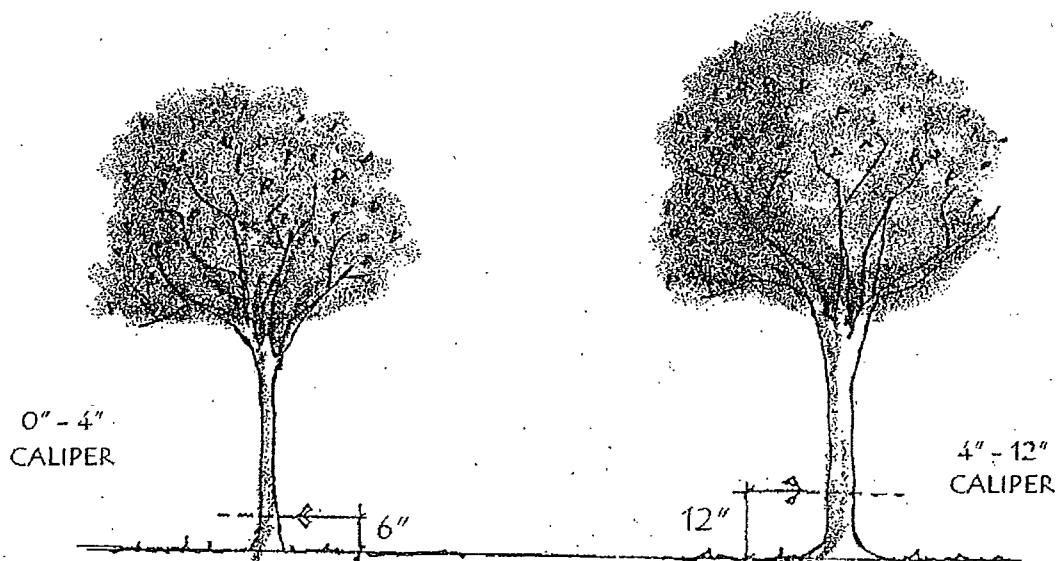
Refer to the Charleston County Stormwater Management Ordinance # 1518 approved on August 14, 2007 and found in Appendix B of this Ordinance.

CHAPTER 9 EXHIBITS

Note: The following exhibits are for illustration purposes only. In case of any difference of meaning or implication between the text of this Ordinance and any heading, drawing, table, figure, or illustration, the text shall control.



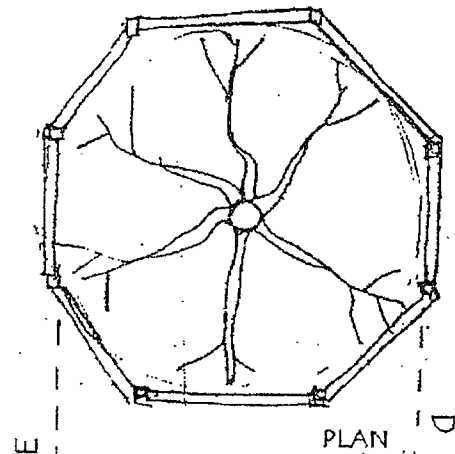
DBH DIAMETER BREAST HEIGHT FOR TREES
GREATER THAN 12" CALIPER.



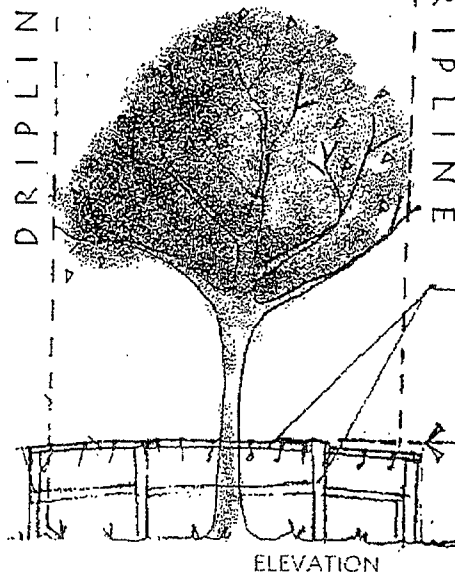
CALIPER MEASUREMENT FOR TREES LESS
THAN 12" IN CALIPER.

TREE MEASUREMENT METHODS

ILLUSTRATION FOR 9.4.1. D

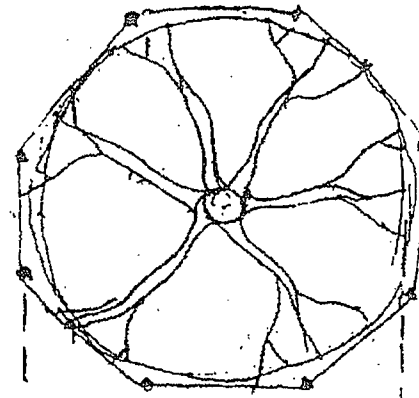


PLAN

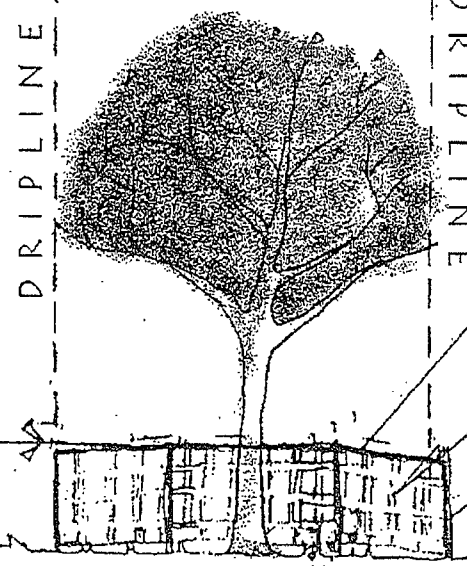


ELEVATION

A. SHOWS WOOD POST & TOP RAIL
OPTION WITH ORANGE SURVEY
TAPE EVERY 2' ON TOP RAIL.



PLAN

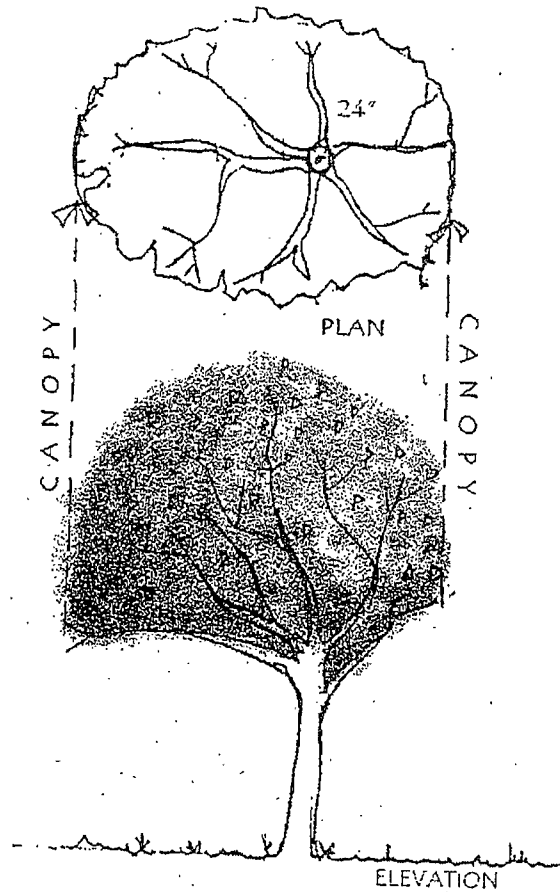


ELEVATION

B. STEEL FENCE POSTS WITH ORANGE
SAFETY MESH OR SILT FENCE WITH
STENCILED "TREE PROTECTION ZONE"
IN 6" TALL LETTERS.

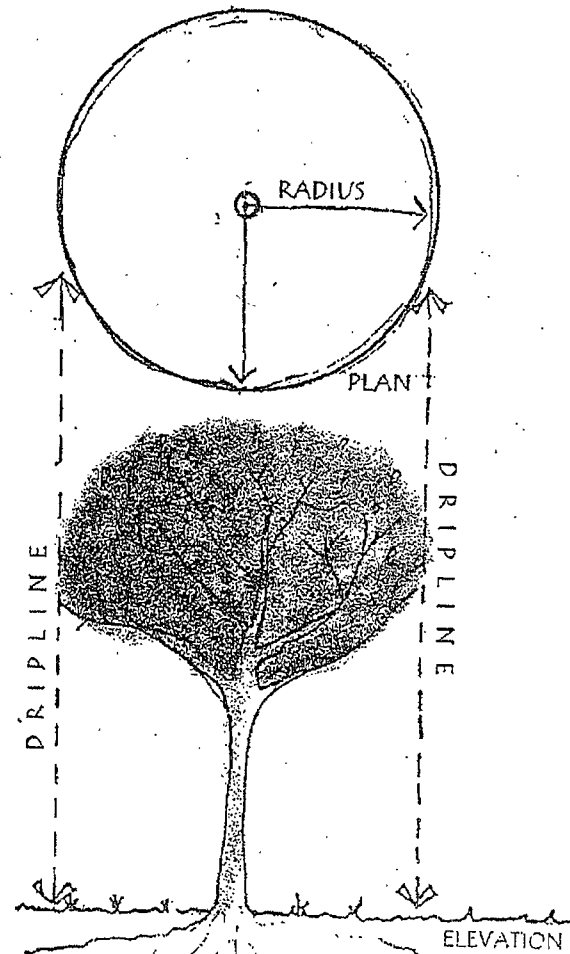
TREE PROTECTION OPTIONS

ILLUSTRATION FOR 9.4.4 B



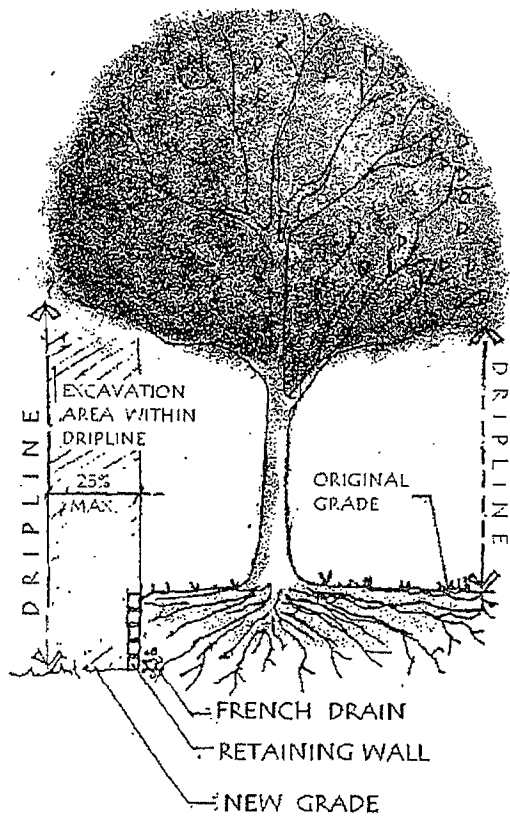
ACCURATE SCALED GRAPHIC
REPRESENTATION OF TREE CANOPY
AND TREE TRUNK FOR SURVEYS.

ILLUSTRATION FOR 9.4.3 A

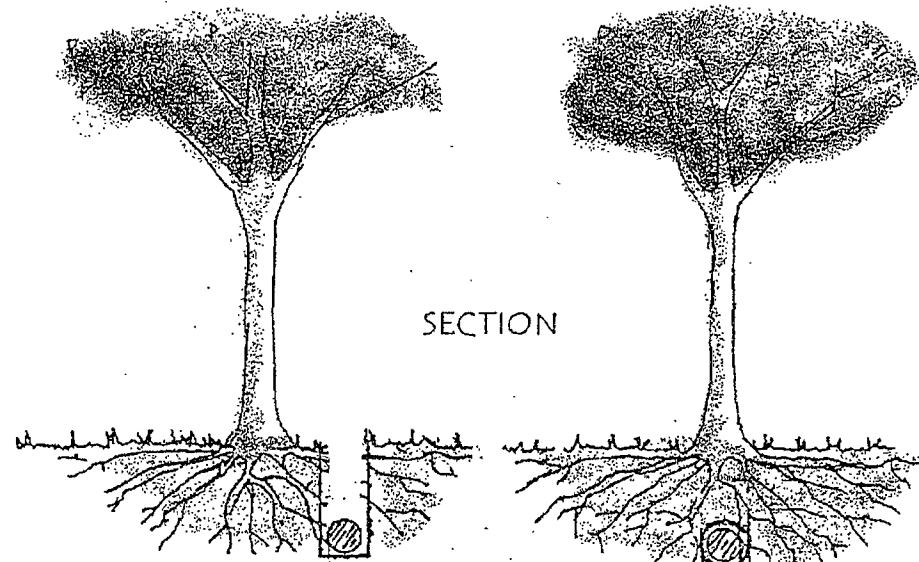


DRIPLINE OF A TREE
RADIUS LINE FROM THE TRUNK TO
THE OUTER EDGE OF THE CANOPY.

ILLUSTRATION FOR 9.4.4 B.

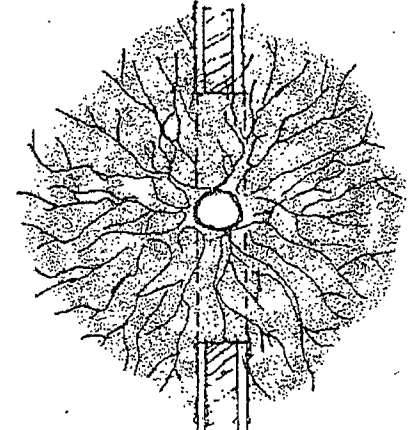
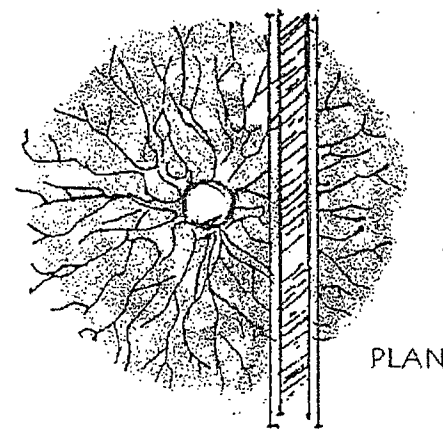


EXCAVATION WITHIN DRIPLINE



A. NOT ACCEPTABLE

B. ACCEPTABLE



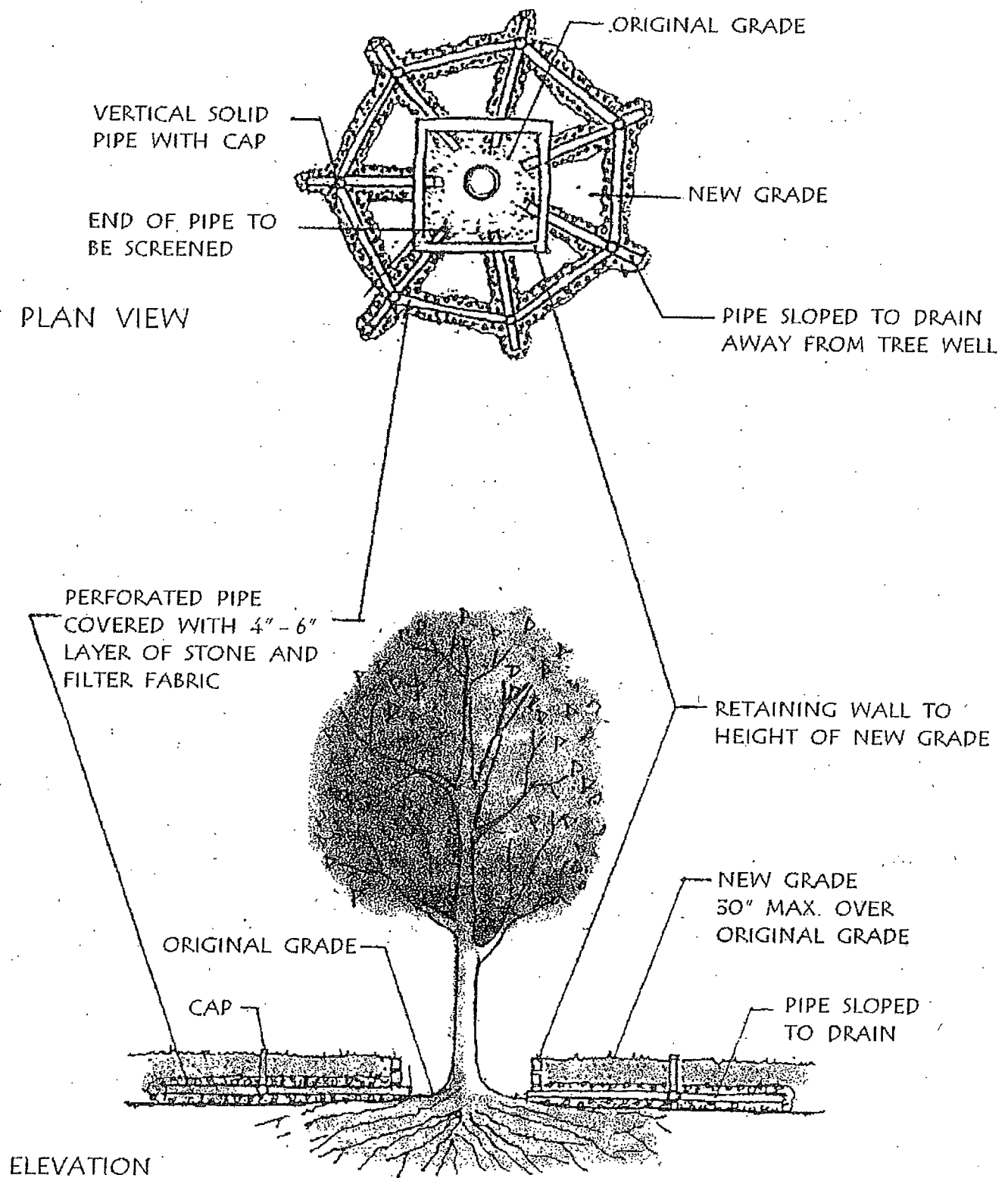
PLAN

TRENCHING METHODS FOR UTILITY LINES

A. THIS TYPE OF TRENCHING
WILL KILL THE TREE.

B. TUNNELING UNDER THE
TREE WILL PRESERVE THE
IMPORTANT FEEDER ROOTS.

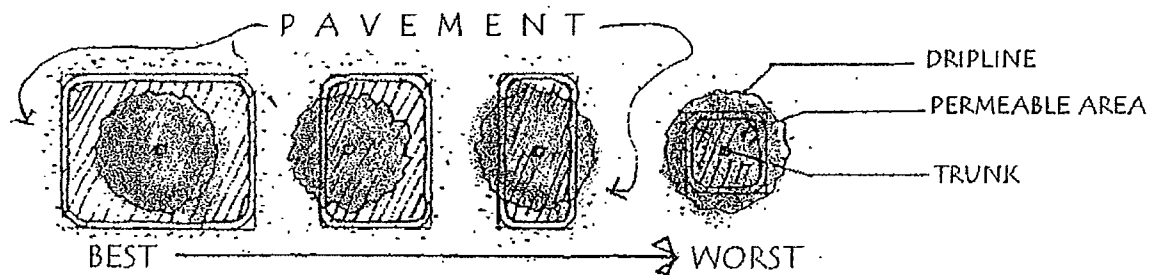
ILLUSTRATION FOR 9.4.4 D



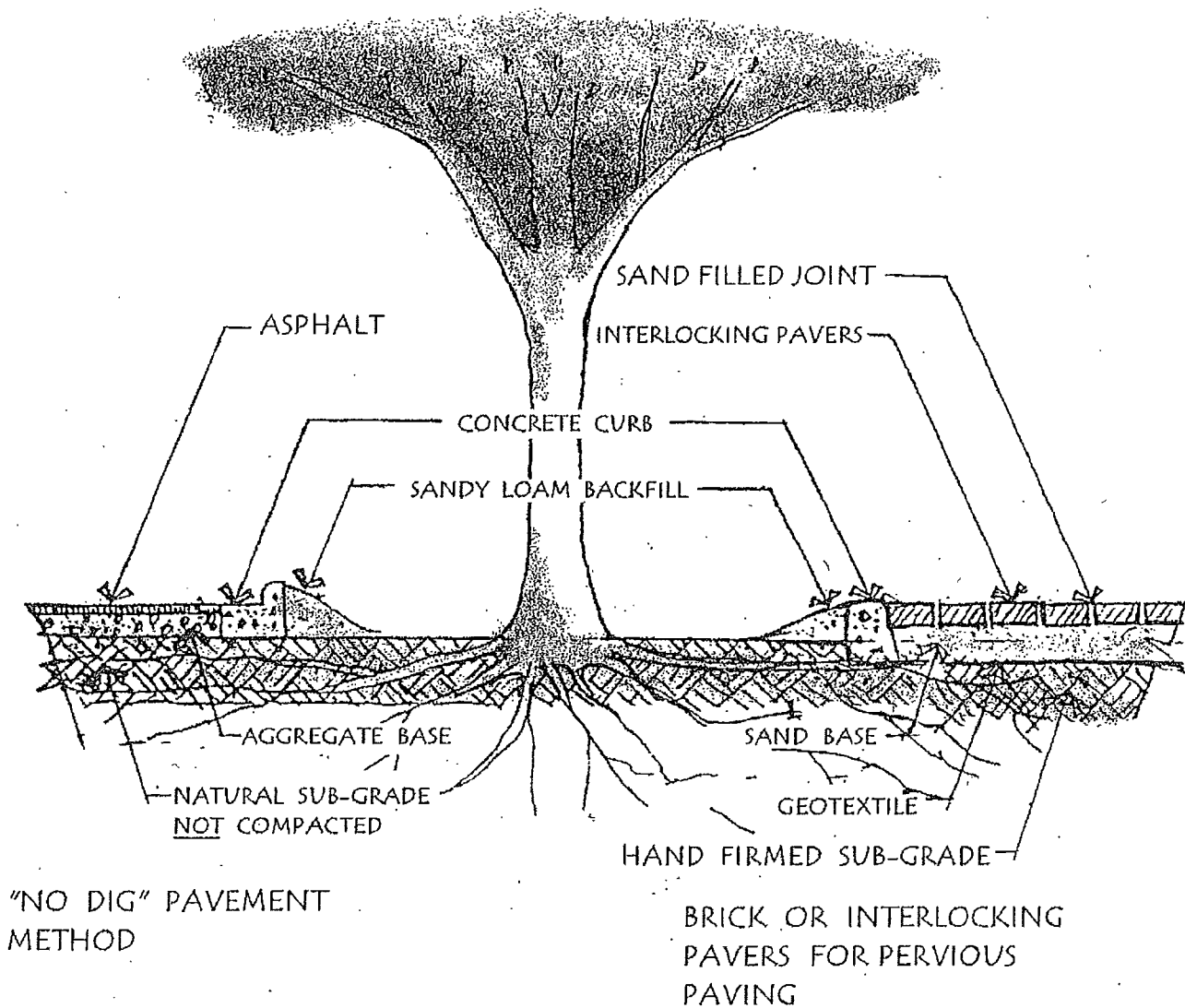
TREE PROTECTION FROM FILL

ILLUSTRATION FOR 9.4.4 D

9-61

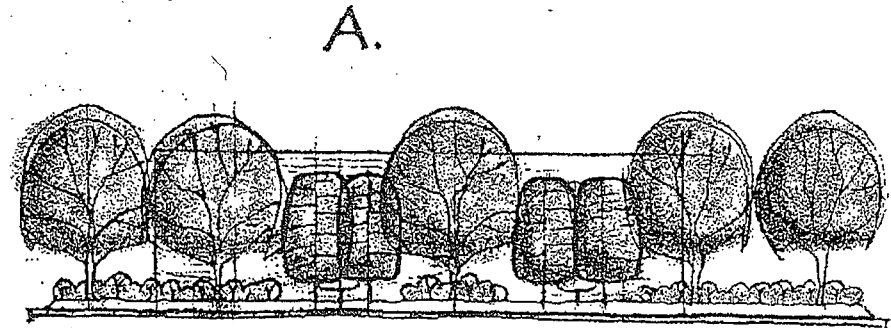
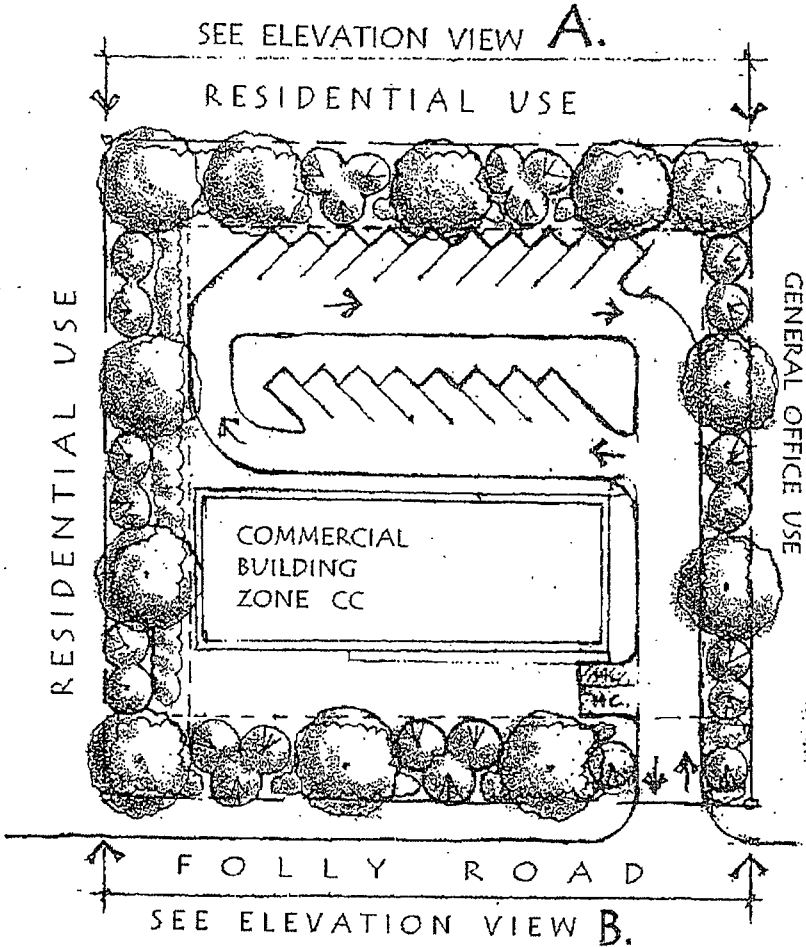


THE MORE PERMEABLE SURFACE OUTSIDE THE DRIPLINE, THE LESS IMPACT THERE IS TO THE TREE.

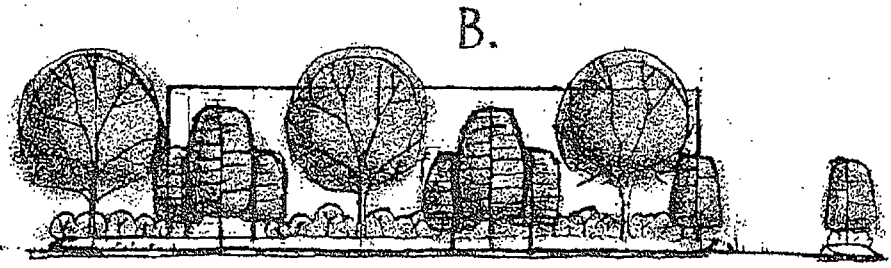


PAVEMENT METHODS UNDER DRIPLINE

ILLUSTRATION FOR 9.4.4 D



A. SHOWS ELEVATION OF REQUIRED 20' LANDSCAPE BUFFER BETWEEN PROPOSED COMMERCIAL USE AND EXISTING ADJACENT RESIDENTIAL USE.



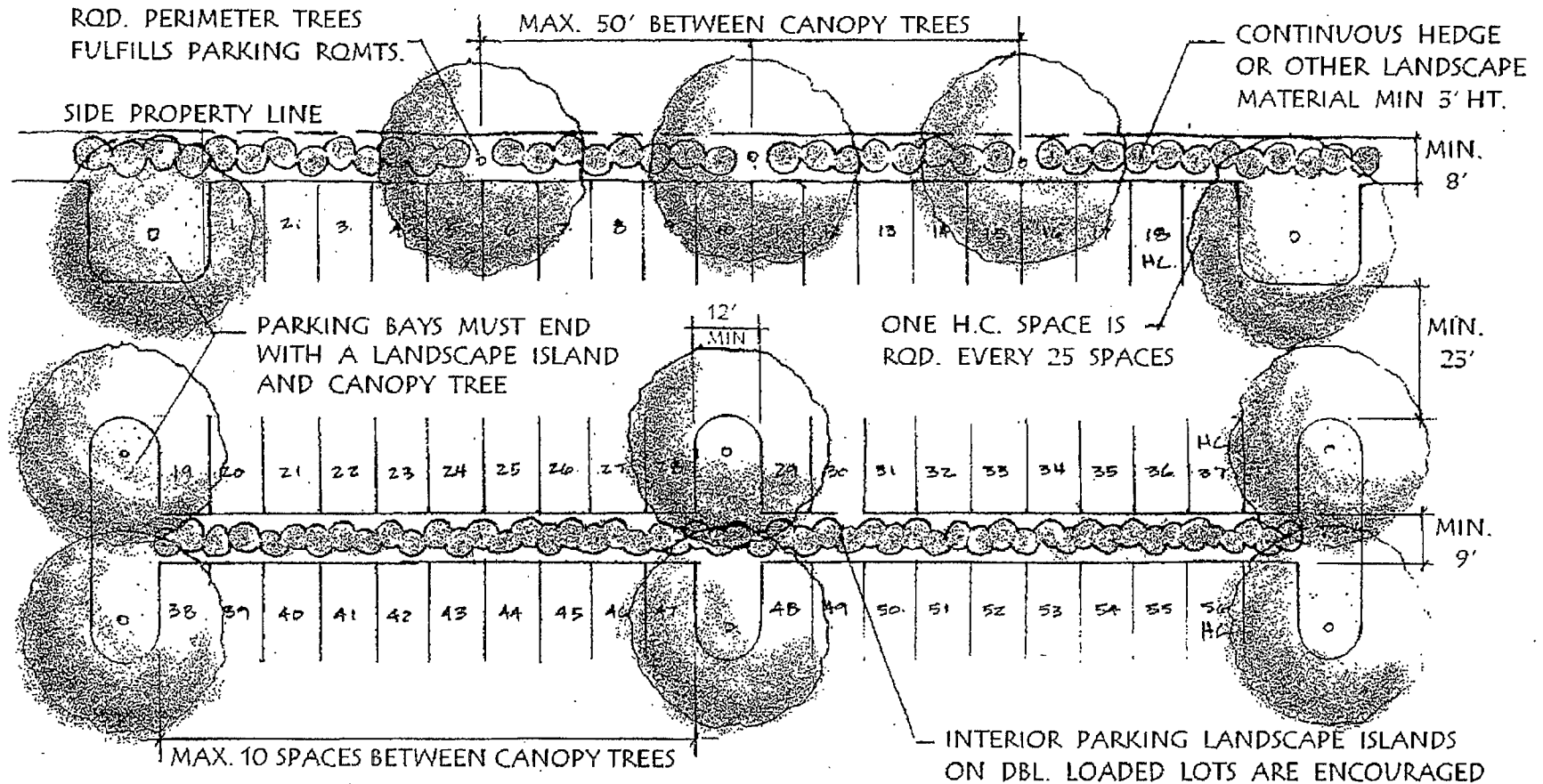
B. SHOWS ELEVATION OF REQUIRED 25' R.O.W. LANDSCAPE BUFFER ALONG FOLLY ROAD.

- NOTES
1. THIS EXAMPLE SHOWS THE REQUIRED PARKING IN "SIDE OR REAR" OF BUILDING WHEN THERE ARE 10 OR MORE SPACES.
 2. DIFFERENT ADJACENT USE REQUIRE DIFFERENT SIZE LANDSCAPE BUFFERS RANGING FROM 0 TO 100. SEE THE LAND USE BUFFER TABLE AND LANDSCAPE STANDARDS FOR BUFFER DEPTH AND PLANT MATERIAL REQUIREMENTS.

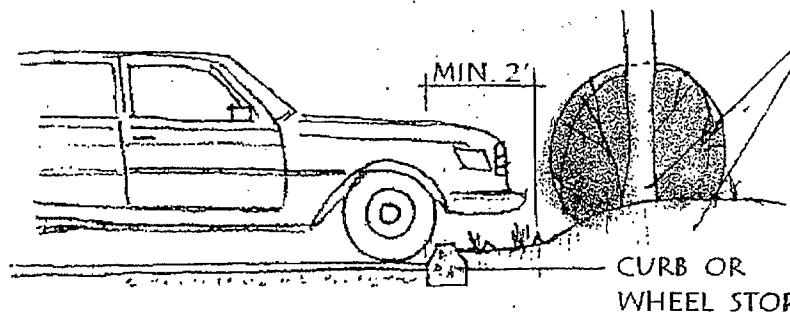
LANDSCAPE BUFFERS

ILLUSTRATION FOR ARTICLE 9:5

PERIMETER PARKING/VEHICULAR USE LANDSCAPE REQUIREMENTS



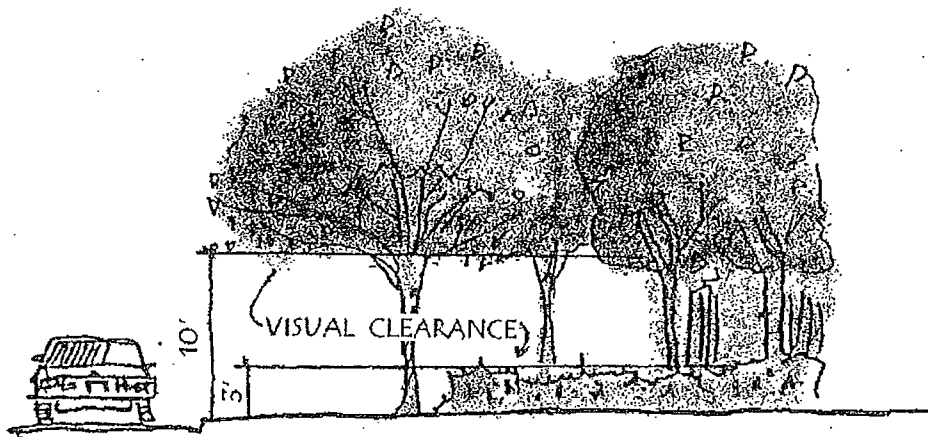
INTERIOR PARKING LANDSCAPE REQUIREMENTS



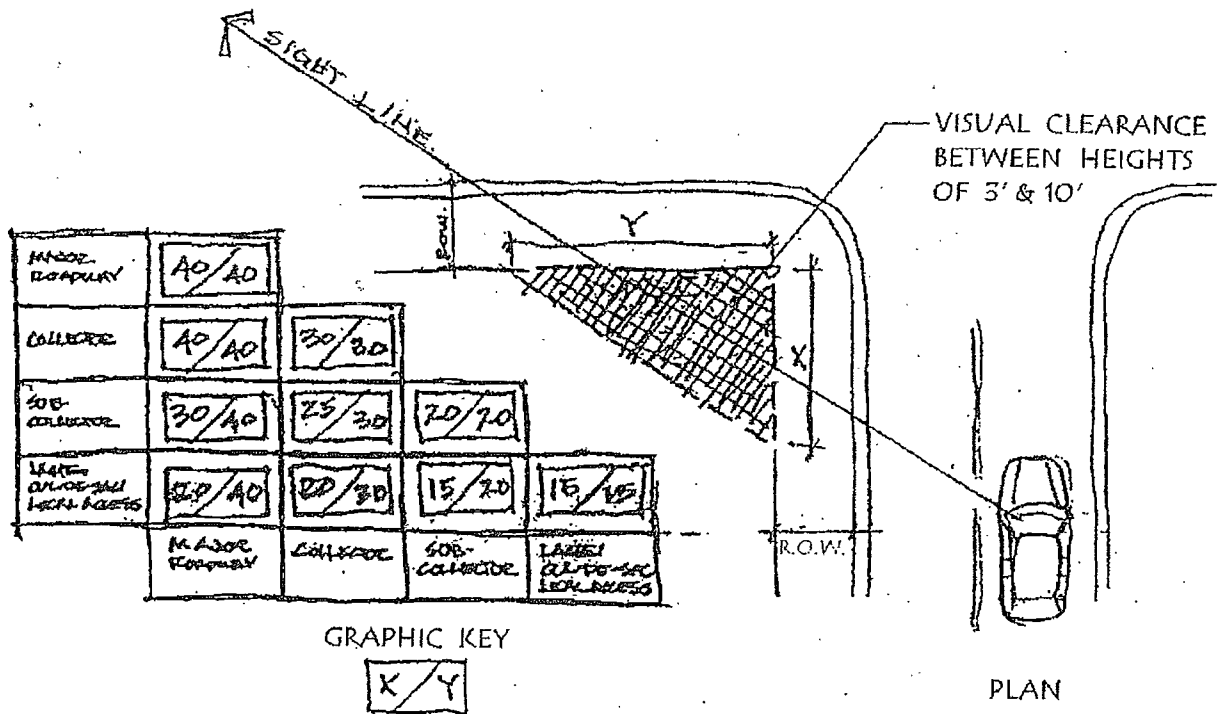
EARTHEN BERMS, TREES, SHRUBS ARE TO BE LOCATED A MIN. OF 2' FROM EDGE OF PAVEMENT TO PREVENT THEIR DAMAGE OR DESTRUCTION.

PARKING LANDSCAPE STANDARDS

ILLUSTRATION FOR 9.5.3



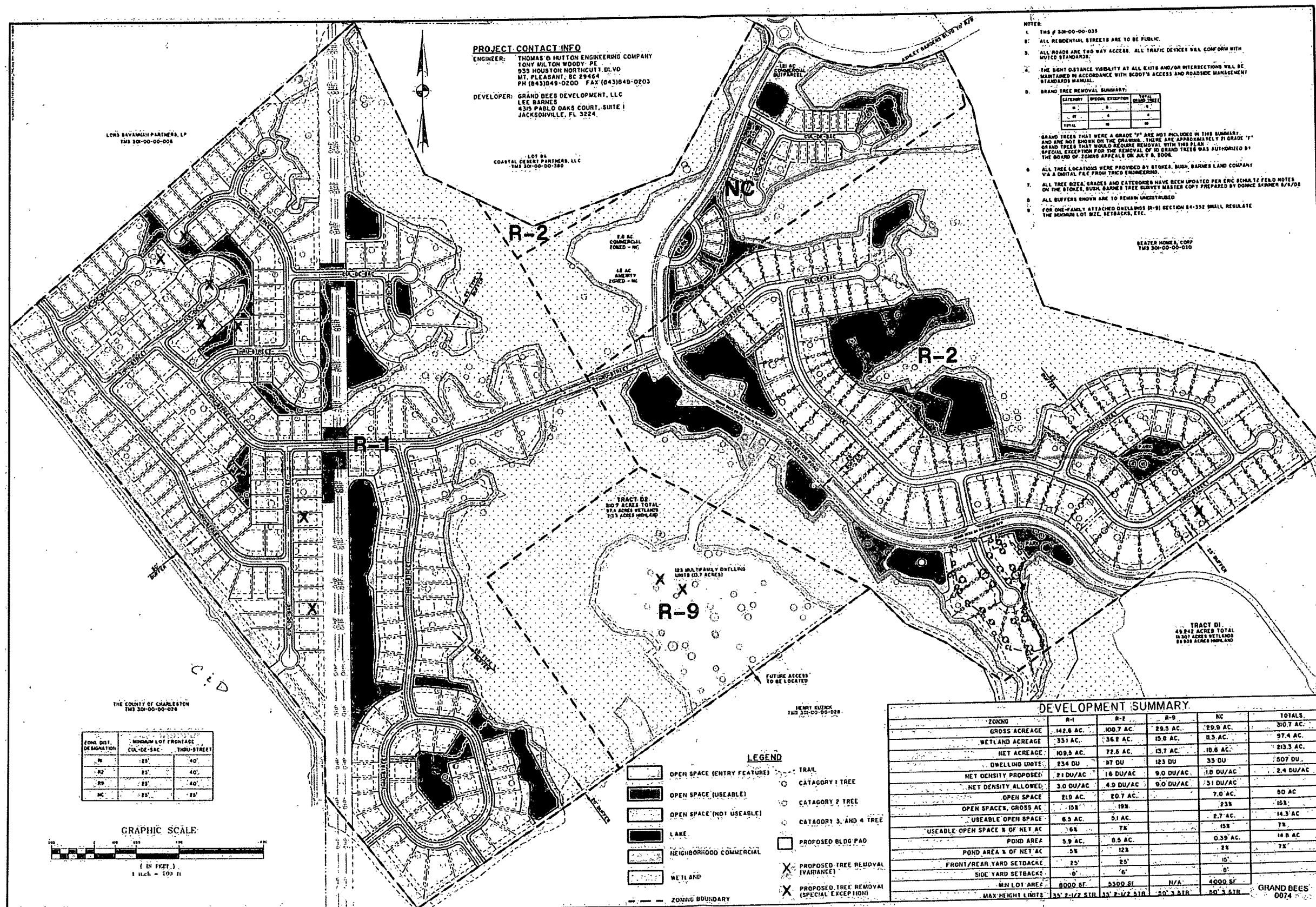
ELEVATION



NOTE: SITE TRIANGLES ARE SUBJECT TO SCDOT APPROVAL AND MAY NEED ADJUSTMENTS FOR ROAD HORIZONTAL AND VERTICAL CURVATURE.

SITE TRIANGLE STANDARDS

ILLUSTRATION FOR ARTICLE 9.10



THOMAS & HUTTON ENGINEERING CO.
 933 HOUSTON NORTHCUTT BLVD.
 POST OFFICE BOX 122
 MT. PLEASANT, SC 29464 (843) 649-0200
 SAVANNAH, GA - JAYLOR BEACH, SC

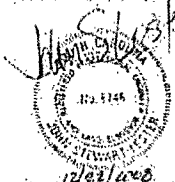
GRAND BEES DEVELOPMENT, LLC
 CITY OF CHARLESTON, SC

GRAND OAKS
 ZONING INFORMATION PLAN

4

THIS IS TO CERTIFY THAT THE DEVELOPMENT PLAN FOR THE GRANDE BRES DEVELOPMENT, LLC PROPERTY IS AN ACCURATE AUTOCAD PLOT OF THE CITY OF CHARLESTON APPROVED PLAN FOR SECTION 7 OF GRANDE OAKS, PREPARED BY THOMAS AND HUTCHINSON, DATED 15 FEBRUARY, 2007, SIGNED AND SEALED 8 NOVEMBER, 2007. THE LAND, FILL, CONTOURS AND LOCATION ARE AS DEPICTED ON THE DHEC APPROVED CONSTRUCTION DRAWINGS PREPARED BY HOB, ENTITLED "GRANDE FERRY LANDFILL WITH DHEC PERMIT NUMBER 101001-1201" AND DATED 17 JANUARY, 2008. THIS DRAWING REPRESENTS AN ACCURATE, TO SCALE DEPICTION OF THAT INFORMATION FOR BOTH SITES.

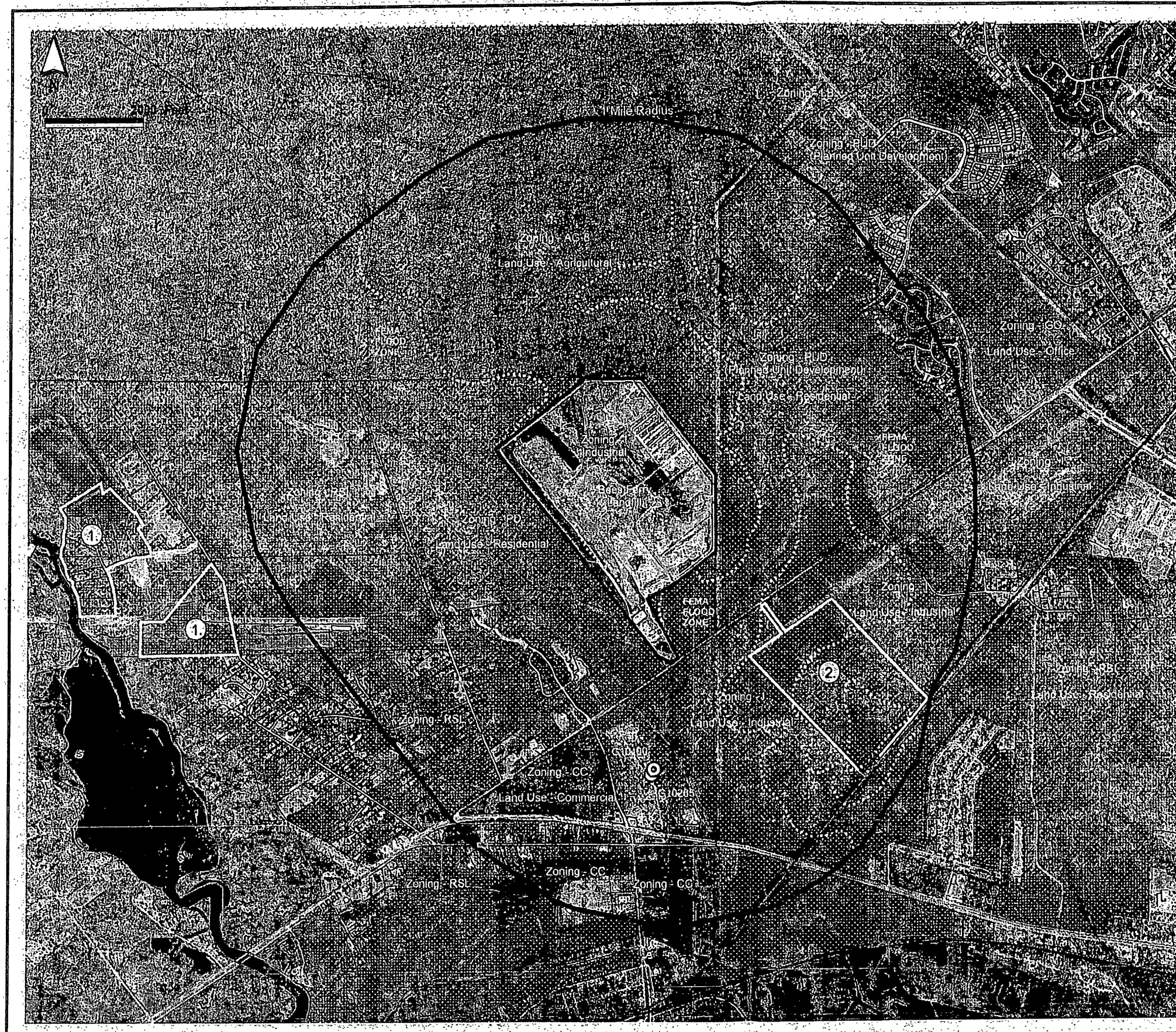
JOHN S. LESTER, P.E., P.L.S.



1 1000' LIMIT PLAN
2 SCALE: 1"=200'



PROPOSED LANDFILL IMPACT
STUDY
SUBMITTAL
H.A. 1000' LIMIT PLAN



Legend

- 1-Mile Radius from Property Line
- Streams / Rivers
- Railroad
- Property Line
- Land Use: Agricultural
- Land Use: Commercial
- Land Use: Industrial
- Land Use: Office
- Land Use: Planned Development
- Land Use: Residential
- Church / Cemetery
- Public Water Supply
- FEMA Floodplain (approximate)
- Residential Structures

Sources: County of Charleston GIS Department, South Carolina Department of Health and Environmental Control (SC DHEC), South Carolina State Historic Preservation Office (SHPO), South Carolina Institute of Archaeology and Anthropology (SCIAA), Federal Emergency Management Agency (FEMA).

Aerial Photography: Current as of 2001, County of Charleston GIS Department.

Planimetric Data (Road Centerlines, Parcel Boundaries, Building Footprints, Zoning, Land Use, Hydrography): Current as of November 2003, County of Charleston, South Carolina.

Water Wells: According to SCDHEC records, there are no registered private water wells located within the 1-mile radius of the landfill property boundary as of May 2003. According to SCDHEC records, on December 2003 there are two public water supply wells (G10265 and G10400) located approximately 5,700 feet south of the proposed lined MSW unit, they are within a separate watershed of the uppermost aquifer and therefore outside of the buffer zone requirement (R.61-107.258.18).

Watershed: Project site is located in the Siono River Watershed 03050202-050.

Floodplain Approximation: Digitized from FEMA Flood Insurance Rate Map: 455413-0225, 455413-0286, dated July 1988. Boundary area represents the limits of the 500-year floodplain.

Historic Sites: On January 22, 2004 HDR reviewed available records housed at the SHPO and the SCIAA. Based on that visit, HDR determined that there are no historic or archaeological sites located within the 1-mile radius around the landfill facility.

- ① Archaeological survey conducted (2002) by SCIAA found 4 archaeological sites, none eligible for National Register of Historic Places.
- ② Archaeological survey conducted (1996) by SCIAA found 0 archaeological sites.

Vicinity Map

Sheet:

G-04

Charleston County

South Carolina

Project:

Bees Ferry Landfill

11613 - 018 - 018

Date:

March 2004

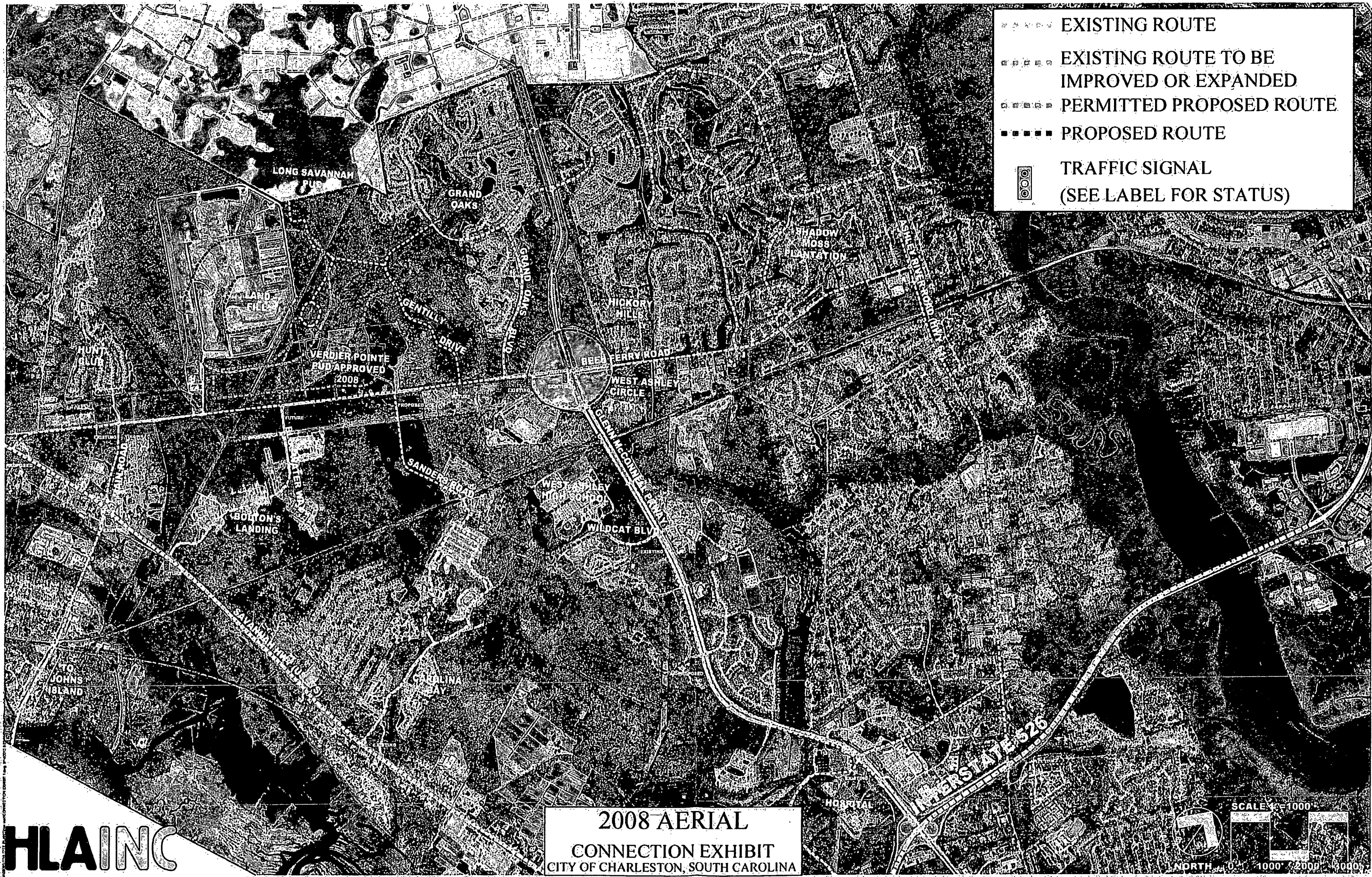
HDR

HDR Engineering, Inc.
of the Carolinas

10000 Hwy 100, Suite 100
Charlotte, NC 28226-5000
(704) 366-1000

PETITIONER'S
EXHIBIT
13

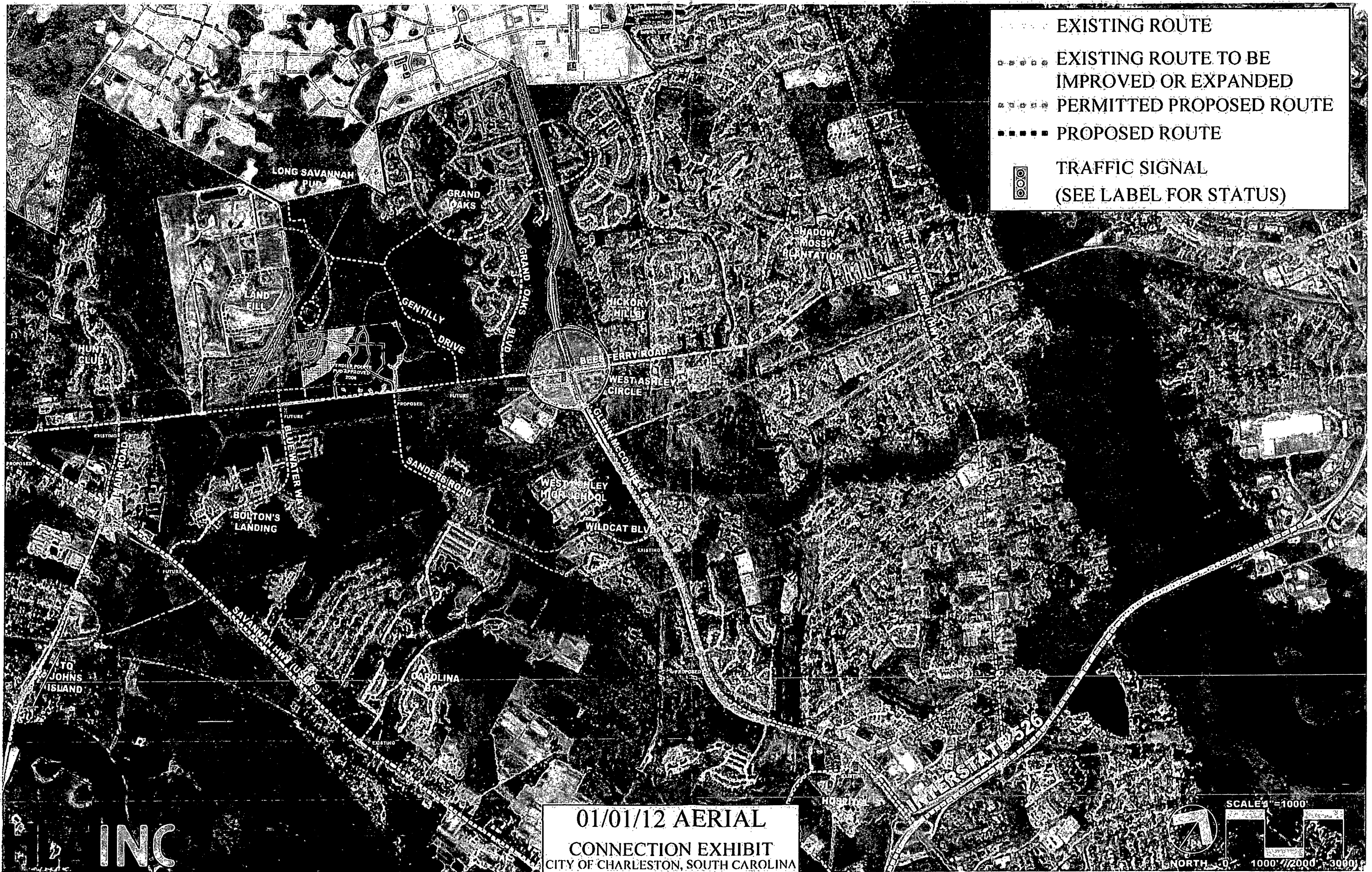
DATE FOR
01701

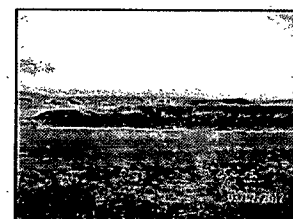


HLA INC

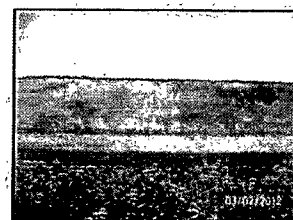
29 Leinbach Drive, Bldg A, Charleston, SC 29407-6988
www.hlainc.com

tel 843.763.1166
fax 843.763.1909





PICTURE NO. 5



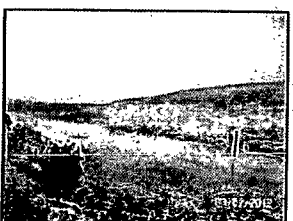
PICTURE NO. 4



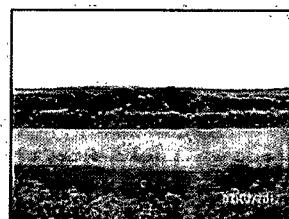
PICTURE NO. 3



PICTURE NO. 2



PICTURE NO. 1



PICTURE NO. 6



PICTURE NO. 7



PICTURE NO. 8

THE COUNTY OF CHARLESTON
TMS NO. 301-00-00-026



PICTURE NO. 9

HENRY KUZNIK
TMS NO. 301-00-00-037

HENRY KUZNIK
TMS NO. 301-00-00-036

LONG SAVANNAH PARTNERS, LP
TMS NO. 301-00-00-006

GRAND BEES DEVELOPMENT, LLC
TMS NO. 301-00-00-035

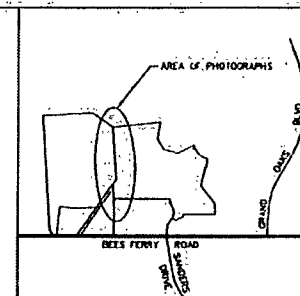
- LEGEND**
- BOUNDARY LINE & CORNER FOUND (AS DESCRIBED)
 - BOUNDARY LINE & CORNER SET (5/8" REBAR)
 - ADJACENT BOUNDARY LINE
 - RIGHT OF WAY LINE
 - EASEMENT LINE (AS DESCRIBED)
 - CENTERLINE
 - OVERHEAD POWER LINE
 - POWER POLE
 - UTILITY POLE

NOTES

1. TMS NO. 301-00-00-035
2. NO UNDERGROUND EXPLORATION PERFORMED FOR THIS SURVEY.
3. PROPERTY IS LOCATED IN FLOOD ZONE X, X*, AC (EL. 8), AE (EL. 9) & AE (EL. 10), AS PER FEMA MAP NUMBER 4501C0480L, COMMUNITY PANEL NUMBER 45512 0480 L, EFFECTIVE DATE NOVEMBER 17, 2004.

FLOOD ZONE X AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN.

FLOOD ZONE X* AREAS OF 500-YEAR FLOOD; AREAS OF 100-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOOD.



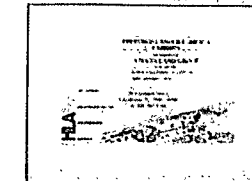
LOCATION MAP
NOT TO SCALE

REFERENCES

1. PLAT BY HLA, INC. DATED SEPTEMBER 28, 2006, RECORDED IN PLAT BOOK EX, PAGE 109, CHARLESTON COUNTY RMC.
2. PLAT BY FORSBERG ENGINEERING & SURVEYING, INC. DATED SEPTEMBER 9, 2004, RECORDED IN PLAT BOOK EH, PAGE 427, CHARLESTON COUNTY RMC.

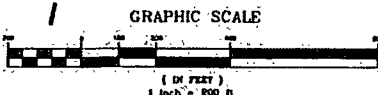
EXHIBIT SHOWING
RESULTS OF SURVEY ALONG A PORTION OF
COMMON BOUNDARY BETWEEN
TMS NO. 301-00-00-035
AND
TMS NO. 301-00-00-026
AND SHOWING
ORIENTATION OF PHOTOGRAPHS OF
WASTE DISPOSAL FACILITY

LOCATED IN
THE CITY OF CHARLESTON
CHARLESTON COUNTY - SOUTH CAROLINA
DATE: DECEMBER 18, 2008 SCALE: 1" = 200'
REVISED: MARCH 5, 2012



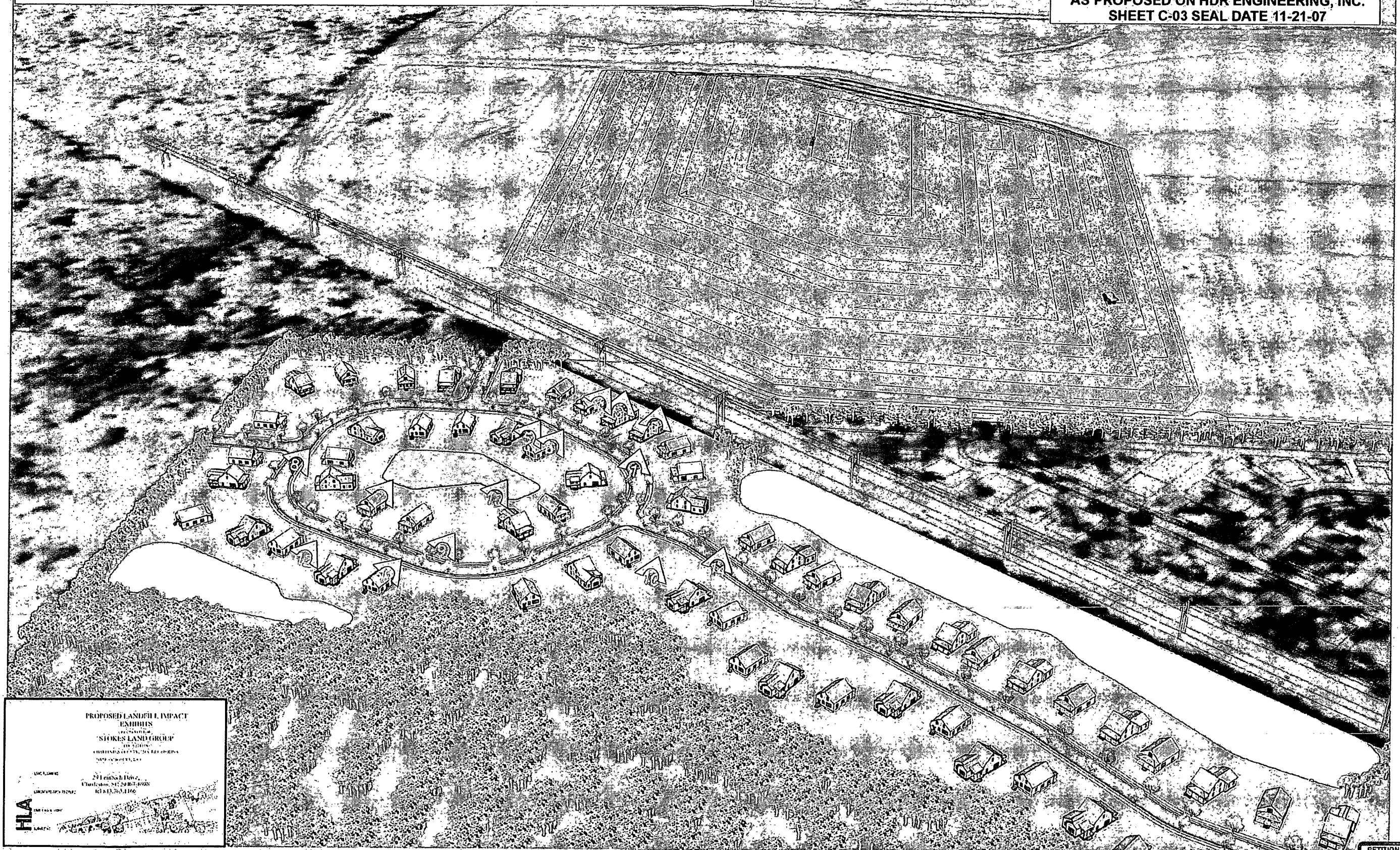
I HEREBY CERTIFY THE BOUNDARY MARKERS SHOWN HEREON WERE LOCATED UNDER MY DIRECT SUPERVISION, BASIS OF BEARING WAS TAKEN FROM A PLAT ENTITLED "SUBDIVISION PLAT OF TRACT D BEES LANDING CITY OF CHARLESTON, CHARLESTON COUNTY, SOUTH CAROLINA," DATED OCTOBER 12, 2004, BY FORSBERG ENGINEERING AND RECORDED IN PLAT BOOK EX, PAGE 427 AT THE CHARLESTON COUNTY RMC.

John S. Lester
JOHN S. LESTER, P.E., RLS



NOTE:
 EXISTING CONDITIONS REFERS TO CONDITIONS AS DEPICTED ON SHEET C-01 SEAL DATE 7-06-07 OF HDR ENGINEERING SET
 PERMIT CONDITIONS REFERS TO CONDITIONS AS DEPICTED ON SHEET G-03 SEAL DATE 7-06-07 OF HDR ENGINEERING SET
 PROPOSED CONDITIONS REFERS TO CONDITIONS AS DEPICTED ON SHEET C-03 SEAL DATE 11-21-07 OF HDR ENGINEERING SET

IMAGE KEY NUMBERS REPRESENT THE LOCATION OF THE IMAGES AND THE ARROWS SHOW THE VANTAGE POINT OF THE IMAGE
 CONDITIONS SHOWN ON THIS SHEET ARE AS PROPOSED ON HDR ENGINEERING, INC. SHEET C-03 SEAL DATE 11-21-07



PROPOSED LAND USE IMPACT
 EXHIBIT
 'STOKES LAND GROUP'
 291 E. Main St., Suite 100
 Charleston, SC 29401-1106

HILA
 HILA CONSULTING, LLC
 291 E. Main St., Suite 100
 Charleston, SC 29401-1106
 TEL: 843.763.1106

[illegible][illegible]

0521



IMAGE 1

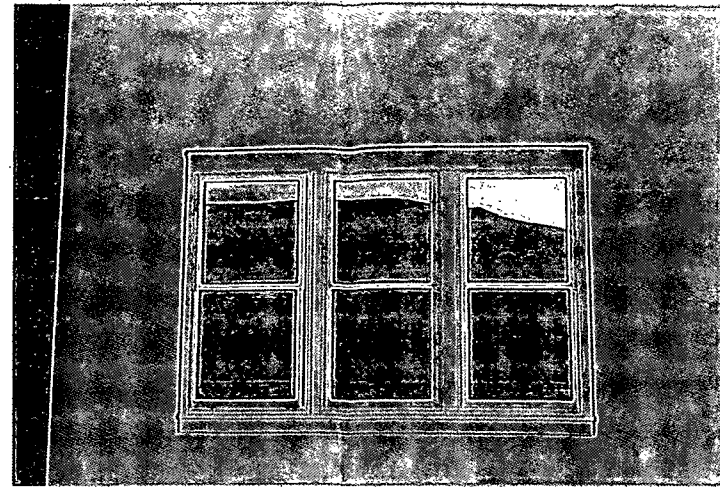


IMAGE 2

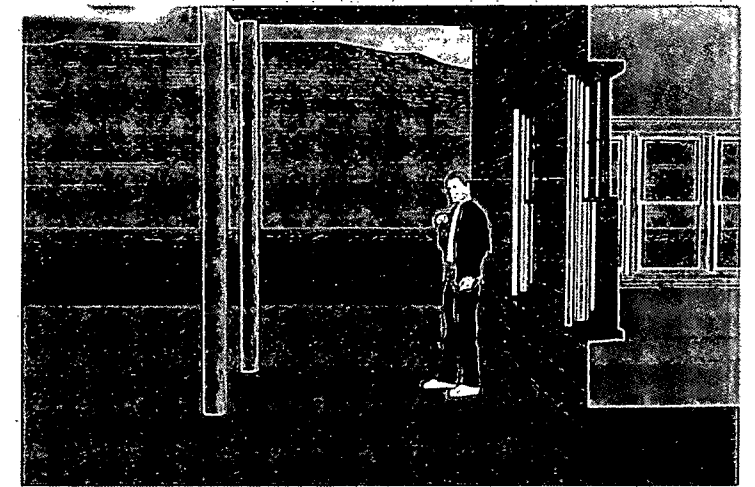


IMAGE 3

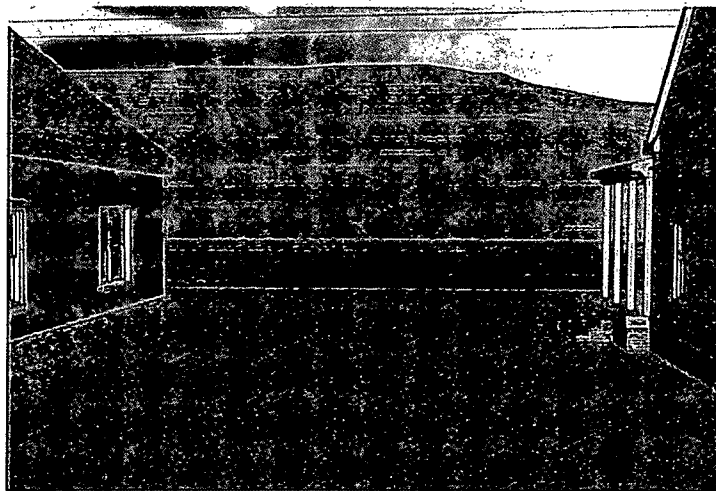


IMAGE 4

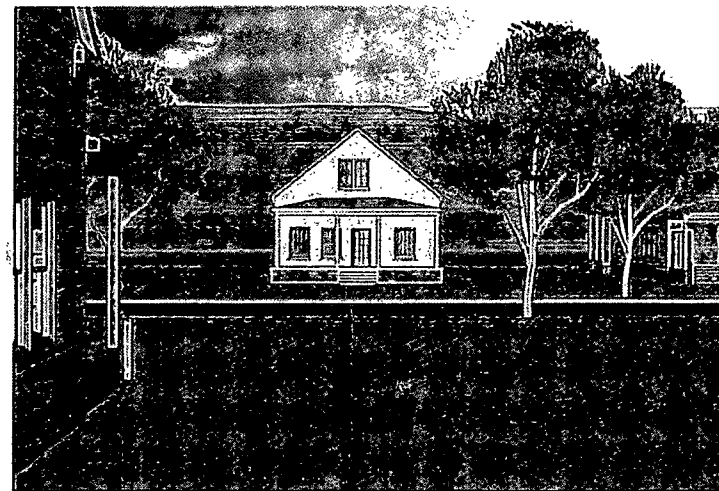


IMAGE 5



IMAGE 6



IMAGE 7



IMAGE 8



IMAGE 9

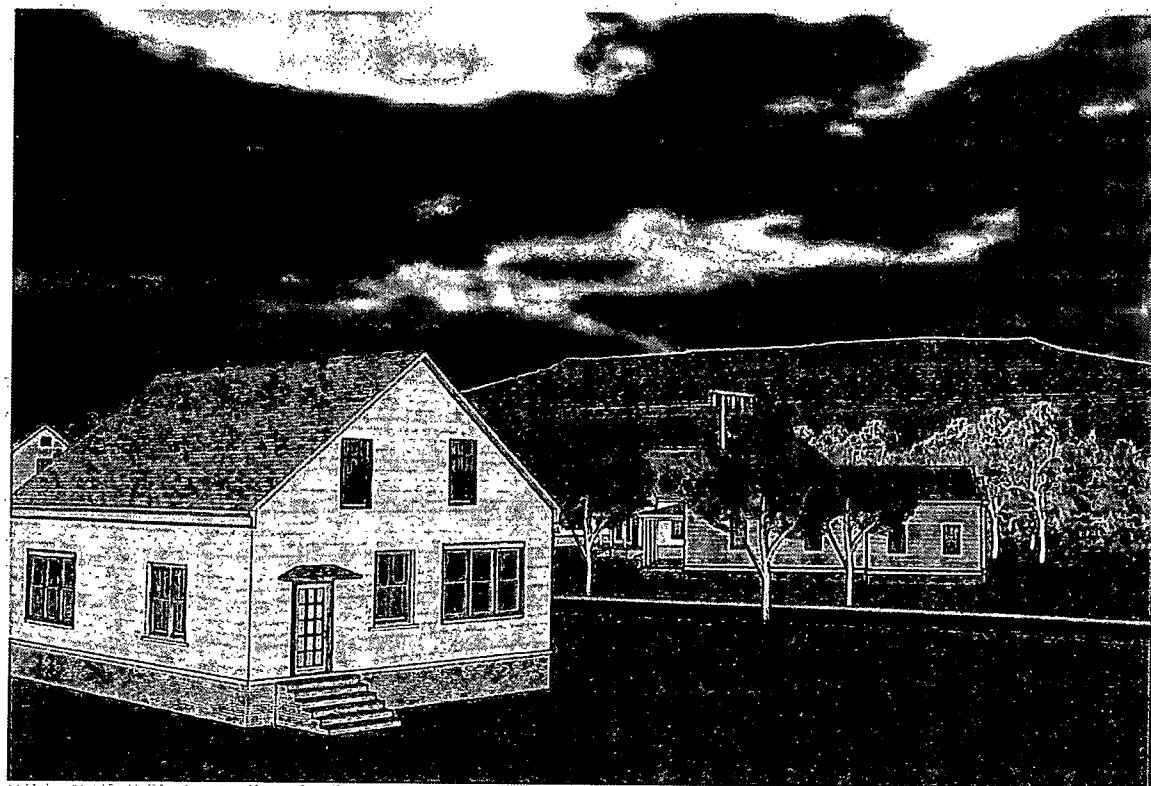


IMAGE 10

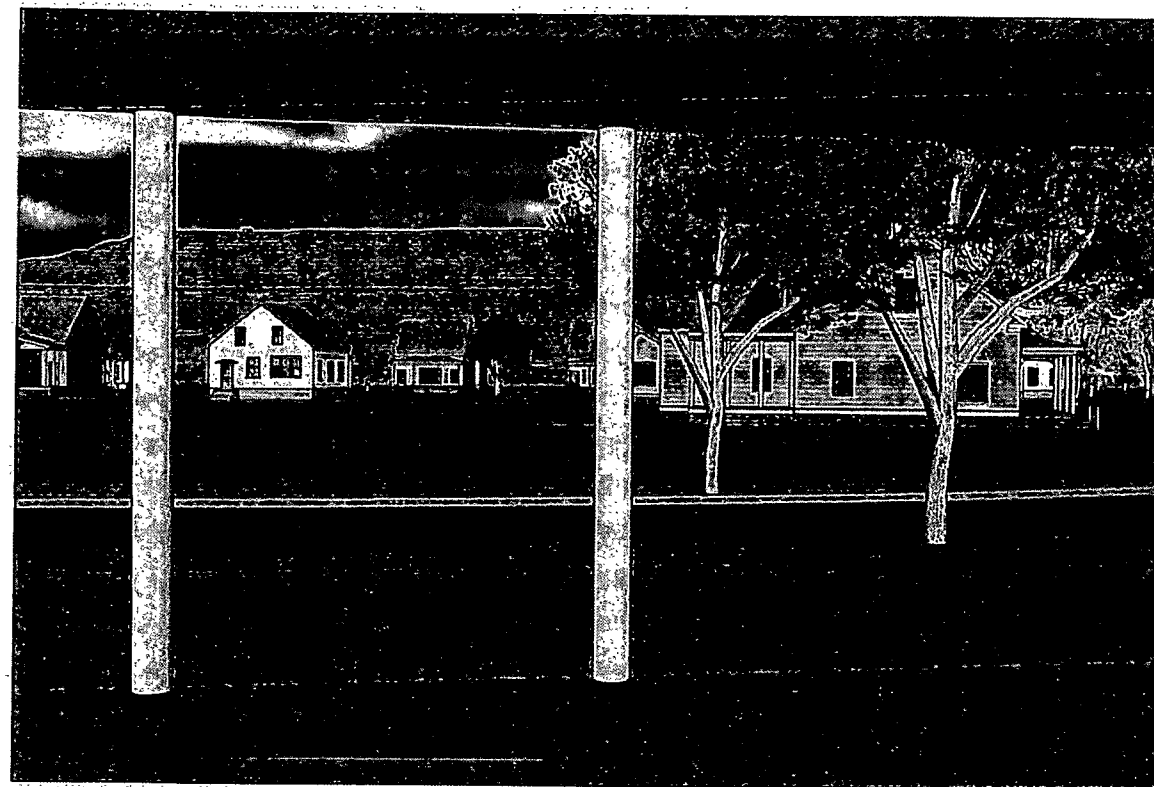


IMAGE 11

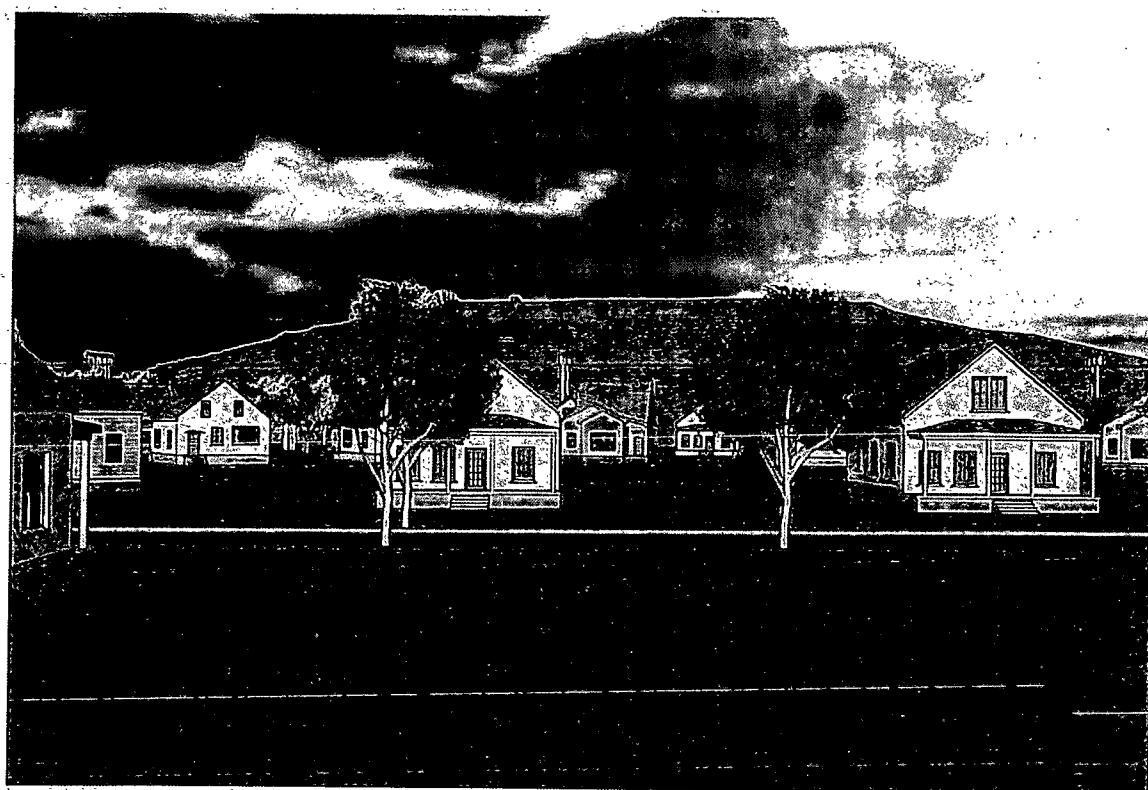


IMAGE 12



IMAGE 13



EXISTING CONDITIONS (IMAGE LOCATION 8)



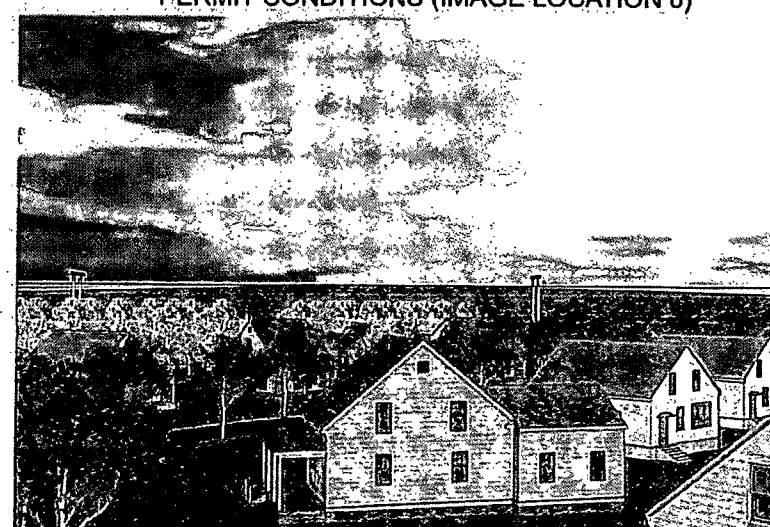
PERMIT CONDITIONS (IMAGE LOCATION 8)



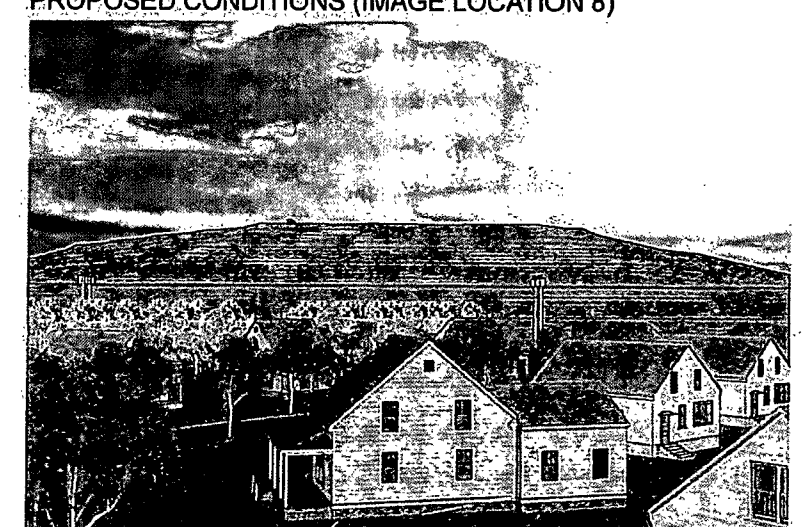
PROPOSED CONDITIONS (IMAGE LOCATION 8)



EXISTING CONDITIONS (IMAGE LOCATION 8
30' ABOVE STREET LEVEL)



PERMIT CONDITIONS (IMAGE LOCATION 8
30' ABOVE STREET LEVEL)



PROPOSED CONDITIONS (IMAGE LOCATION 8
30' ABOVE STREET LEVEL)



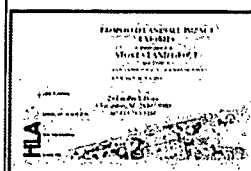
EXISTING CONDITIONS (IMAGE LOCATION 6)



PERMIT CONDITIONS (IMAGE LOCATION 6)



PROPOSED CONDITIONS (IMAGE LOCATION 6)



NOTE:
EXISTING CONDITIONS REFERS TO CONDITIONS AS DEPICTED ON SHEET C-01 SEAL DATE 7-06-07 OF HDR ENGINEERING SET
PERMIT CONDITIONS REFERS TO CONDITIONS AS DEPICTED ON SHEET G-03 SEAL DATE 7-06-07 OF HDR ENGINEERING SET
PROPOSED CONDITIONS REFERS TO CONDITIONS AS DEPICTED ON SHEET C-03 SEAL DATE 11-21-07 OF HDR ENGINEERING SET



BUFFER PLANTING ADDED TO SHOW THAT EXISTING CONDITIONS COULD BE BUFFERED BUT PROPOSED CONDITIONS ARE UNAFFECTED



EXISTING CONDITIONS (IMAGE LOCATION 9)



PERMIT CONDITIONS (IMAGE LOCATION 9)



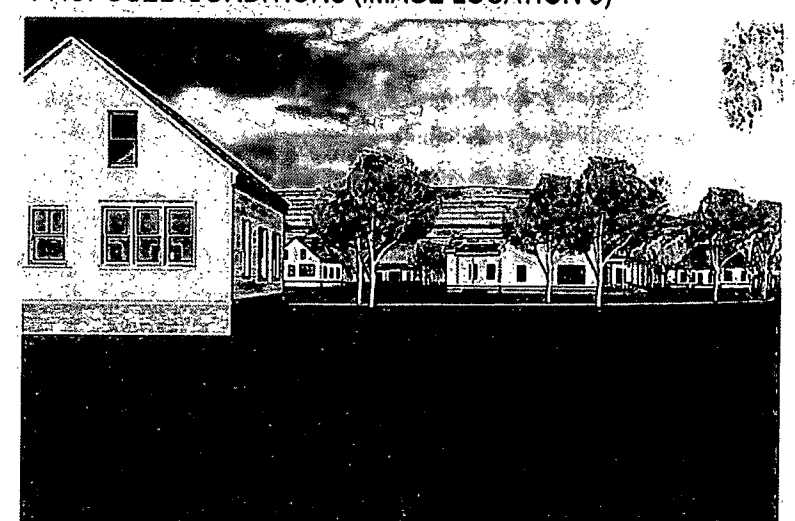
PROPOSED CONDITIONS (IMAGE LOCATION 9)



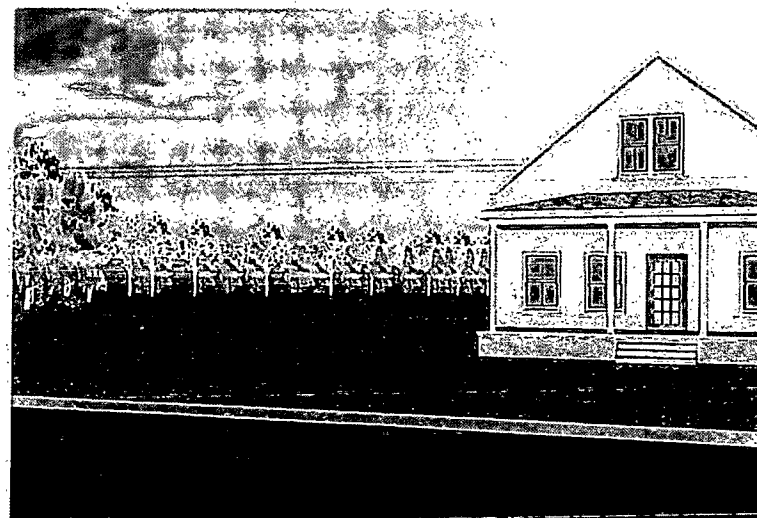
EXISTING CONDITIONS AT 1000' LINE



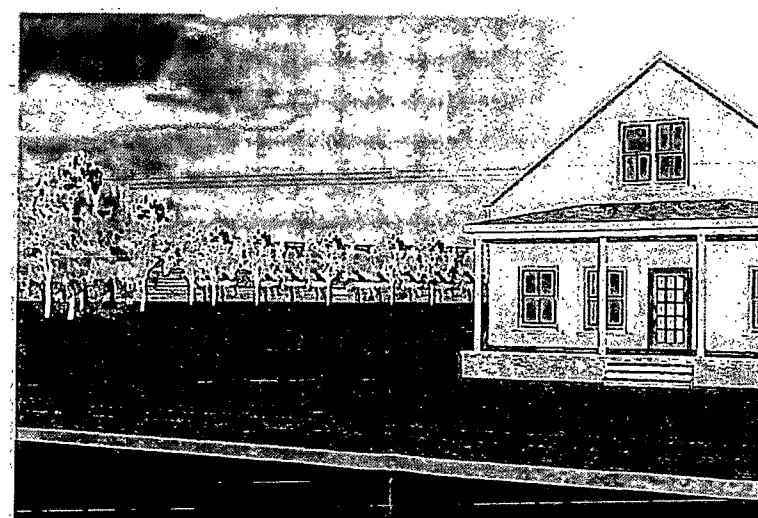
PERMIT CONDITIONS AT 1000' LINE



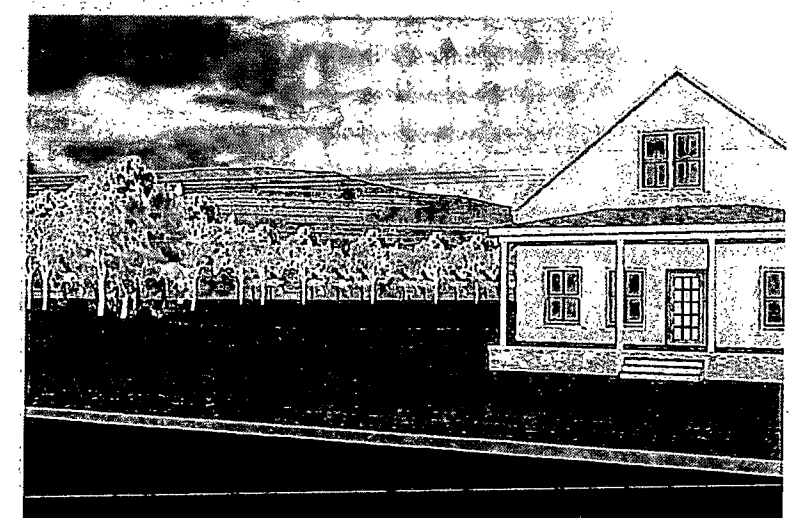
PROPOSED CONDITIONS AT 1000' LINE



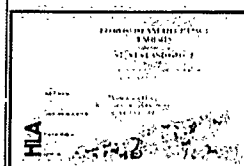
EXISTING CONDITIONS (IMAGE LOCATION 14)



PERMIT CONDITIONS (IMAGE LOCATION 14)



PROPOSED CONDITIONS (IMAGE LOCATION 14)



NOTE:
 EXISTING CONDITIONS REFERS TO CONDITIONS AS DEPICTED ON SHEET C-01 SEAL DATE 7-06-07 OF HDR ENGINEERING SET
 PERMIT CONDITIONS REFERS TO CONDITIONS AS DEPICTED ON SHEET G-03 SEAL DATE 7-06-07 OF HDR ENGINEERING SET
 PROPOSED CONDITIONS REFERS TO CONDITIONS AS DEPICTED ON SHEET C-03 SEAL DATE 11-21-07 OF HDR ENGINEERING SET

- SHADED AREA REPRESENTS THE HEIGHT OF THE PROPOSED LANDFILL COMPARED TO THE HEIGHT OF THE REPRESENTED ITEM
- SHADED AND CROSS HATCHED AREA REPRESENTS THE HEIGHT OF THE PERMITTED LANDFILL COMPARED TO THE HEIGHT OF THE REPRESENTED ITEM
- SHADED AND HATCHED AREA REPRESENTS THE HEIGHT OF THE EXISTING LANDFILL COMPARED TO THE HEIGHT OF THE REPRESENTED ITEM

RAVENEL BRIDGE TOWER -575' ABOVE
MEDIAN HIGH WATER MARK

RAVENEL BRIDGE ROADWAY -200' ABOVE
MEDIAN HIGH WATER MARK

HOLIDAY INN RIVER VIEW
"ROUND HOLIDAY INN" -160'

PROPOSED LANDFILL HEIGHT-158**
ACTUAL FINAL ELEVATION OF - 168' MSL

MATURE PINE TREE-85'

EXISTING LANDFILL PERMIT HEIGHT-64***
ACTUAL FINAL ELEVATION OF 74' MSL

EXISTING LANDFILL HEIGHT-52'
ACTUAL FINAL ELEVATION OF 62' MSL

SINGLE STORY
HOUSE-23'

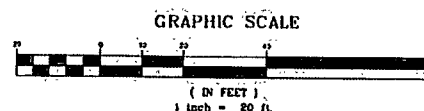
TWO STORY
HOUSE-33'

MATURE HARD
WOOD TREE-45'

PERSON-6'



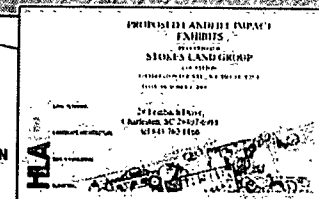
SIZE / MASS COMPARISON CHART
SCALE: 1" = 20'



HEIGHT: IS THE LINEAR MEASURE OF DISTANCE FROM THE BASE OF THE OBJECT TO THE HIGHEST POINT OR LINE PROJECTED FROM THE HIGHEST POINT TO A RIGHT ANGLE TO THE GROUND.
ELEVATION: IS THE TOPOGRAPHIC MEASURE OF THE OBJECT BASED ON ITS RELATIVE MEASURE TO A GIVEN KNOW DATUM.

NOTES

- * PROPOSED LAND FILL HEIGHT IS BASED ON HDR ENGINEERING PLANS WITH THE PERMIT NUMBER 101001-1201 DATED 01-17-08, SHEET C-03 WITH STAMP DATE OF 11-21-07 PROPOSED HEIGHT IS BASED ON A 10' MSL BASE ELEVATION
- **EXISTING LAND FILL HEIGHT IS BASED ON HDR ENGINEERING EXISTING CONDITIONS PLAN IN THE SET WITH PERMIT NUMBER 101001-1201 DATED 01-17-08, SHEET C-1 WITH STAMP DATE 7-6-07
- THE EXISTING HEIGHT IS BASED ON A 10' MSL BASE ELEVATION.
- *** EXISTING LAND FILL PERMIT HEIGHT IS BASED ON HDR ENGINEERING PERMITTED C&D LANDFILL PLAN IN THE SET WITH PERMIT NUMBER 101001-1201 DATED 01-17-08, SHEET C-03 WITH STAMP DATE 7-6-07
- THE EXISTING PERMIT HEIGHT IS BASED ON 10' MSL BASE ELEVATION.



PETITIONER'S
EXHIBIT
015

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Grand Bees Development, LLC,

Petitioner,

vs.

South Carolina Department of Health
and Environmental Control and the
County of Charleston,

Respondents,

DOCKET NO. 11-ALJ-07-0556-CC

PETITIONER'S TRIAL BRIEF

Petitioner Grand Bees Development, LLC ("Grand Bees"), through its undersigned counsel, submits this Trial Brief.

The ultimate issue in this contested case is whether DHEC violated the controlling statutes and regulations in granting a permit to Charleston County to implement an enormous expansion of its solid waste landfill on Bees Ferry Road. The Petitioner owns an extensive residential development tract that is adjacent to the landfill.

STATEMENT OF THE FACTS

Petitioner Grand Bees owns a large development tract of land on Bees Ferry Road in Charleston County (TMS# 301-00-00-035) ("Grand Bees Property"). The Grand Bees Property is approximately 311 acres within the larger Bees Landing Planned Unit Development ("PUD") in which the planned community of Grande Oaks is being developed. The specified land use in the PUD for the Grand Bees Property is residential. The Grand Bees Property's southwest boundary is shared with a tract of land (TMS#301-00-00-026) owned by Respondent County of Charleston ("County") where the County operates its Bees Ferry Landfill.

Grand Bees has spent millions of dollars in engineering and developing the Grand Bees Property and has received various approvals to proceed with further development. Most recently, at the request of Grand Bees, the City of Charleston ("City") adopted amendments to the PUD on February 14, 2012.

The County has operated the Bees Ferry Landfill at its current location since approximately 1977. In July of 2007 the County applied to the S.C. Department of Health and Environmental Control ("DHEC") to modify its existing permit to expand the current construction, demolition and land-clearing debris ("C&D") landfill horizontally by 5.5 acres and vertically from 74 feet mean sea level ("MSL") to 168 feet MSL. DHEC granted the permit modification (#101001-1201) ("Permit") on January 17, 2008.

At the time of the application Grand Bees had planned approximately 130 residences within 1,000 feet of the Landfill's waste disposal boundary. The significant increase in the elevation and size of the C&D cell of the Landfill, however, has greatly impaired the marketability of Grand Bees' land and the planned lots.

The Honorable Ralph King Anderson, III heard that contested case of the prior permit modification on January 13th and 14th, 2009. Judge Anderson ruled that DHEC erred in granting the permit because the County failed to obtain a special exception in accordance with its own zoning regulations and therefore, the permitted activity was not consistent with local zoning, land use, and other applicable regulations and therefore violated S.C. Code Ann. §44-96-290(F). This Court issued an Order on June 2, 2009 vacating the permit and remanding the application to DHEC. (See Order, Attached as Exhibit 1).

DHEC reissued the modified permit on September 1, 2011. The Permit authorizes the County to make the same modifications to the Class II Landfill as the January, 2008 permit

modification – increase the height of the Class II Landfill from 74' MSL to 168' MSL, increase the annual disposal limit from 182,000 tons per year to 200,000 tons per year, and expand the footprint by 5.5 acres.

The County's permit application submitted in 2007 to DHEC, as well as DHEC's review of this request, appears to have been based on the provisions of R.61-107.11. However, R. 61-107.19 replaced R. 61-107.11 on May 23, 2008.

Grand Bees asks that the Court rescind and vacate the Permit issued by DHEC to the County for the expansion of the Landfill because the Permit was not issued in accordance with the applicable regulations and statutes. The expansion of the Landfill violates R. 61-107.19 for two reasons. First, because it does not comply with local zoning, land use, and other applicable local ordinances as required by S.C. Code Ann. §44-96-290(F). Second, because it does not comply with the 1,000 foot buffer requirement of R. 61-107.19, Part IV(B)(1)(a).

POINTS AND ANALYSIS OF LAW

The issuance of the Permit in this case is governed by the criteria set forth in the South Carolina Solid Waste Policy Management Act of 1991, S.C. Code Ann. § 44-96-10 *et seq.* (the "Act"), and the regulations promulgated pursuant to the Act, namely S.C. Code of Regulations R. 61-107.19.

Because the Landfill in this case is a "Class Two" landfill, the specific regulation governing the issuance of the Permit is R. 61-107.19, Part IV.

A. R. 61-107.19, Part IV(B)(1)(a) prohibits the waste disposal boundary of a landfill from being located within 1,000 feet of a residence. Contrary to the regulation, the waste disposal boundary of the expanded Landfill is located within 1,000 feet of approximately 130 planned residences. Planned residences are considered to be residences for purposes of determining the mandatory buffer. Therefore, the Permit should be rescinded, vacated, and required to be re-engineered and re-submitted.

- 1. Grand Bees has approximately 130 planned residences within 1,000 feet of the waste disposal boundary which were included in the site design of the planned end-use.**

In 1991 Charleston City Council approved the Bees Ferry PUD master plan approval, subsequently amending the PUD master plan in 1993, 2001, 2002, 2004, 2005, and 2012. The Charleston County GIS system (available online) showed the Grand Bees property as "Zoned PUD – Planned Unit Development; Land Use – Residential" from at least as early as 2001. The County's application to DHEC contained this GIS map that disclosed this residential zoning as the land use. In addition, the Charleston County Solid Waste Department was fully aware that Grand Bees was proceeding with residential development from direct discussions with it as early as October of 2003.

Grand Bees has developed and engineered portions of its property and is in the process of moving forward with the development of the remaining portion of the property to sell the remaining residential lots to homebuilders. Grand Bees closed on the property on November 15, 2004, with distinct investment backed expectations to engineer, develop, and sell residential lots to homebuilders. Grand Bees has spent a considerable amount of money, time, and effort in preparing the property for its planned end use.

Evidence will be presented to the Court that establishes that Grand Bees had approximately 111 planned residences within the 1,000 foot buffer area well before the County initially applied for this permit.

- 2. Although the term "residence" is not defined in R. 61-107.19, under settled principles of statutory construction, to avoid absurd results clearly not intended by the legislature, the mandatory buffer distance must be measured from both existing residential structures and those that are featured on the site design for a planned end-use at the time of application, as well as those allowable by the zoning**

and use of the property.

R. 61-107.19 Part IV(B)(1)(a) imposes a mandatory setback or buffer, providing in part as follows:

B. Location Restrictions

1.a. The boundary of the fill area shall not be located within 1,000 feet of any residence, school, day-care center, church, hospital, or publically owned recreational park area.

This mandatory buffer of 1000 feet is a *minimum* standard. See R. 61-107.19 Part I(A)(1).

What is meant by "residence" for purposes of measuring the minimum regulatory buffer is not defined by regulation R. 61-107.19 or elsewhere. According to the testimony of Kent Coleman, Director of DHEC's Division of Mining and Solid Waste Management designated as the deponent in response to Petitioner's Rule 30(b)(6) deposition of DHEC, DHEC staff defines "residence" as existing structures suitable for lawful occupancy for which the local government has issued a certificate of occupancy ("CO"). However, this interpretation yields several absurd results for which the legislature could not possibly have intended.

The rules of statutory construction apply to regulations. BP Staff, Inc. v. Capital City Ins. Co., 2006 WL 2617249, 3 (S.C. Admin. Law Judge Div. Aug. 23, 2006). A statute must be read in a sense which harmonizes with its subject matter and accords with its general purpose. Waste Management of the Carolinas, Inc. v. S.C. Dept. of Health and Env'tl. Control, 2008 WL 4659522, 8 (S.C. Admin. Law Judge Div. Sept. 24, 2008). An ambiguity in a statute should be resolved in favor of a just, beneficial, and equitable operation of the law. Crooks v. S.C. Budget and Control Bd., 2005 WL 3308546, 3 (S.C. Admin. Law Judge Div. Oct. 31, 2005)(citing State v. Hudson, 519 S.E.2d 577 (Ct. App. 1999)). In resolving ambiguities, **"[c]ourts will reject statutory interpretations that lead to absurd results clearly unintended by the legislature**

or that default the plain legislative intent.” South Carolina Coastal Conservation League v. South Carolina Dept. of Health and Environmental Control, 380 S.C. 349, 369, 669 S.E.2d 899, 909 (S.C. App. 2008) (citations omitted) (emphasis added).

Interpreting “residence” narrowly to include only residences with COs produces absurd results. Under DHEC’s interpretation, a landfill permit application could be submitted, reviewed by DHEC, and the final consistency determination made despite residences being built or located within 1,000 feet of the landfill *merely* because COs have not yet been issued. However, had COs been obtained prior to issuance, *even one day prior to the final consistency determination*, under DHEC staff’s interpretation, a permit could not be issued if doing so would violate the 1,000 foot buffer rule. DHEC’s interpretation logically leads to the following absurd results:

1. The buffer regulation essentially becomes a race between adjacent landowners and the permittee/DHEC based on an arbitrary finish-line – the CO. This race unnecessarily burdens applicants, stakeholders, and DHEC itself.
2. The buffer regulation does not prevent residences – as defined by DHEC staff – from being located within 1,000 feet of a landfill, since residences without COs are not considered by DHEC, and they may subsequently obtain COs after permit issuance.
3. If a residence obtains a CO a day before the consistency determination is finalized, the 1,000 foot rule would be violated. As a result, the landfill plans would then need to be reengineered.

These results could not have possibly been intended by the legislature.

A more reasonable interpretation of “residence” includes residences existing at the time of the permit application and residences included in the site design for a planned end-use or allowable by the zoning or land-use at the time. This definition is far more consistent with the policies of the Solid Waste Policy and Management Act (“SWPMA”) and decisions of the Administrative Law Court interpreting “residence” in the buffer regulations and would be far

less difficult to administer by DHEC, and mirror the long-standing approach to resolving land-use conflicts embraced by zoning and subdivision law.

S.C. Code Ann. § 44-96-20 sets forth the findings and purposes of the SWPMA as follows:

(A) The General Assembly finds that:

...
(7) Siting of solid waste facilities is becoming increasingly difficult due to the opposition of local residents.

...
(9) Insufficient and improper methods of managing solid waste can create hazards to public health, cause pollution of air and water resources, constitute a waste of natural resources, and create public nuisances.

...
(13) A coordinated statewide solid waste management program is needed to protect public health and safety, protect and preserve the quality of the environment, and conserve and recycle natural resources.

(B) It is the purpose of this article to:

(1) protect the public health and safety, protect and preserve the environment of this State, and recover resources which have the potential for further usefulness by providing for, in the most environmentally safe, economically feasible and cost-effective manner, the storage, collection, transport, separation, treatment, processing, recycling, and disposal of solid waste;

...
(3) require local governments to adequately plan for and provide efficient, environmentally acceptable solid waste management services and programs;

...
(5) ensure that solid waste is transported, stored, treated, processed, and disposed of in a manner adequate to protect human health, safety, and welfare and the environment;

...
(7) encourage local governments to utilize all means reasonably available to promote efficient and proper methods of managing solid waste, which may include contracting with private entities to provide management services or operate management facilities on behalf of the local government, when it is cost effective to do so;

...

(13) require local governments and state agencies to determine the full cost of providing storage, collection, transport, separation, treatment, recycling, and disposal of solid waste in an environmentally safe manner;

...

Beyond the obvious health, safety, and general welfare concerns, the legislature also recognized the potential for local controversy over new and expanded landfills (§ 44-96-20(A)(7)), the need for local governments and DHEC to assess "the **full cost**" of waste management efforts, presumably including effects on surrounding areas and future development (§ 44-96-20(B)(13)), and the importance of allowing local government to use its powers to address these concerns (§ 44-96-20(B)(7)). Therefore, in order to best minimize controversy and best protect community interests, both existing and future residential development need to be considered. Otherwise, planned residential communities like Grand Bees' and its neighbors would be afforded no protection by the buffer regulation. As a result, it is reasonable to infer a legislative intent for a broad interpretation of "residence."

The Administrative Law Court has previously interpreted the scope of what "residence" means in the buffer regulations. In I-77 Properties, LLC vs. DHEC, the Court held that Petitioner (a landfill owner) lacked standing to challenge an adjacent owner's septic tank permit due to injury caused by application of the 1,000 foot residence buffer regulation. Docket No. 04-ALJ-07-0327-CC (S.C. Admin. Law Judge Div. Jan. 31, 2005) (interpreting R. 61-107.11, Part IV(C)(1)(e), predecessor to R. 61-107.19, Part IV(B)(1)(a)). However, the Court recognized that the Petitioner *could have* satisfied its burden, noting that "what is required is concrete proof that a residence **will be** within 1000 feet of the 'waste disposal boundary of the landfill.'" Id. (emphasis added). The Court found concrete proof lacking because "[t]he precise location of the waste disposal boundary is neither alleged nor proven, the precise location of

the 'residence' is neither alleged nor proven, and *a priori*, no factual determination exists in this case showing that the distance between the two . . . " Id.

Unlike in I-77 Properties, LLC, in the instant case both the precise location of the waste disposal boundary and the location of future residences *are known* with a high degree of specificity and accuracy. Therefore, during the permit review, DHEC had "concrete proof" that a residence "will be" within 1000 feet of the waste disposal boundary of the landfill. If the location of future residences is relevant for *standing* purposes, then it should also be relevant for permit decisions as well. For these reasons, the permit should have not been approved as designed.

Aside from legislative policy, past ALC interpretation of "residence," DHEC staff's narrow interpretation of "residence" is essentially impossible to administer. If a CO is a necessary condition for there to be a residence, then in order to comply with the regulations, DHEC must continuously monitor (up to the minute before making its consistency determination) the activities of local building departments. Should a CO be granted for a residence adjacent to the proposed landfill during the permitting process, this sort of "springing" residence could essentially stop a permit in its tracks. This is a very real possibility given the sometimes long period of time between permit application and permit issuance, and the real possibility (as is the case here) that the surrounding area undergoes significant changes during that time. The narrow interpretation could not have been intended by the legislature because it creates administrative difficulty for DHEC and the potential for unforeseen, yet easily avoidable, expenses and problems for all parties.

Greater administrative and planning efficiency results from a broader interpretation of "residence." Under this view, early on in the permit evaluation process, DHEC has the

opportunity, simply by inquiring into the adjacent property's zoning (required under the regulations and a required component of the permit application) whether residences are planned. This would allow for landfill siting and design alternatives to be considered early in the permitting process, and help avoid a situation where a permit application would be derailed far into consistency review by a "springing" residence. Moreover, this interpretation would be far more administrable by DHEC staff, since it would not require constant monitoring up to the minute before a final consistency determination is made.

Finally, aside from the legislative and practical arguments for interpreting "residence" broadly, it should be observed that zoning and subdivision regulations, designed to prevent land use conflicts, are concerned with both future and existing uses, not just the latter. "Zoning ordinances must be for the general purposes of guiding development in accordance with existing and *future needs*" S.C. Code Ann §6-29-710(A) (emphasis added). Also, Charleston County's buffering requirements, applied during the site review process for new and expanded uses, are based on "the residential use type that exists on the adjacent parcel (if residential) or the zoning district classification that applies to the adjacent parcel." Charleston County Zoning and Land Development Regulations §9.5.4(B)(3)(b) (emphasis added). The concern that existing and future uses (based on zoning) reflects County policy that a developer must take into consideration both existing and future adjacent uses. If the buffering requirements were based only on existing, adjacent structures, then a developer would be able to "get away with" not providing buffers so long as he develops before his neighbor does. However, by making buffers required based both on existing and future use, the County prevents a race and ensures that future land use conflicts are avoided regardless of the order in which development proceeds.

For all of the above reasons, the term "residence" in R. 61-107.19 Part IV(B)(1)(a) should be interpreted to include planned and known residences, not just those physical residential structures existing at the time of permit application. Because Petitioner had approximately 111 residences in its approved site design at the time of the application (today the number is approximately 130 residences), Petitioner asks that the Court declare the Permit invalid as it violates R. 61-107.19 Part IV(B)(1)(a).

3. DHEC's Staff interpretation is not entitled to deference by the Court.

Generally, Courts will defer to the relevant administrative agency's decisions with respect to its own regulations unless there is a compelling reason to differ. S.C. Coastal Conservation League v. S.C. Dept. of Health and Env'tl. Control, 363 S.C. 67, 75, 610 S.E.2d 482, 486 (S.C. 2005). However, it is the Board of DHEC which is entitled to deference from the Courts, in the appropriate case, not DHEC staff. Id.; Neal v. Brown, 374 S.C. 641, 650, 649 S.E.2d 164, 168 (Ct. App. 2007); Waste Management of the Carolinas, Inc. v. S.C. Dept. of Health and Env'tl. Control, 2008 WL 4659522, 11 (S.C. Admin. Law Judge Div. Sept. 24, 2008).

Petitioner anticipates that Kent Coleman, Director of DHEC's Division of Mining and Solid Waste Management, may advance the previously-discussed staff interpretation of "residence," i.e. an existing residential structure with a CO, at the hearing in this matter. This staff interpretation is not entitled to deference by the Court. The DHEC Board has not taken any action to define "residence" in these terms, and no proof supports DHEC staff's definition of "residence."

The DHEC Board refused to conduct a Final Review Conference in this case and the previous case pursuant to S.C. Code Ann. § 44-1-60 and, therefore, it rendered no interpretation of any regulation or statute at issue in this case. For this reason, DHEC is not

entitled to agency deference for any purported interpretation of any regulation. Waste Management of the Carolinas, Inc. v. S.C. Dept. of Health and Env'tl. Control, 2008 WL 4659522, 11 (S.C. Admin. Law Judge Div. Sept. 24, 2008) (holding that deference is only due to the construction or determination of a statute or regulation when the DHEC Board formally adopts such construction).

B. DHEC Cannot Lawfully Issue a Permit to Expand the Landfill Because the Expansion is Not Consistent with Local Zoning, Land Use and other Applicable Local Ordinances and Therefore, the Permit is Void Pursuant to S.C. Code Ann. §44-96-290(F).

S.C. Code Ann. §44-96-290(F) prohibits DHEC from issuing a permit to expand a solid waste management facility within a county unless the expansion is consistent with local zoning, land use, and other applicable ordinances. Because the expansion of the Landfill, as authorized by the Permit, is inconsistent and not in compliance with the local zoning *and* land use ordinances of Charleston County, the Permit must be revoked, rescinded and voided by the Court.

1. The Landfill expansion must comply with and be consistent with the Charleston County Zoning and Land Development Regulations.

Under the Act, a condition precedent to DHEC issuing a permit for an expansion of an existing facility is that such expansion must be consistent with local zoning, land use, and other applicable ordinances. The Act provides that:

No permit to construct a new solid waste management facility or to expand an existing solid waste management facility within a county or municipality may be issued by the department [DHEC] unless the proposed facility or expansion is consistent with local zoning, land use, and other applicable local ordinances, if any....

S.C. Code Ann. §44-96-290(F) (emphasis added). S.C. Code Ann. §44-96-290(F) has been in

effect since the permit application was originally filed by the County in 2007. Moreover, under S.C. Code Ann. §44-96-290(F) consistency with local zoning, land use, and other applicable ordinances is a *condition precedent* to DHEC issuing a permit for an expansion of an existing solid waste facility. See Southeast Resource Recovery, Inc. v. S.C. Dept. of Health and Env'tl. Control, 358 S.C. 402, 407-08, 595 S.E.2d 468, 471 (S.C. 2004)(emphasis added). As a result, it has always been DHEC's duty to ensure consistency at all times prior to issuing a permit.

Our courts have held that "consistent with" means "comply with." See id. at 408, 595 S.E.2d at 471; Waste Management of the Carolinas, Inc. v. S.C. Dept. of Health and Env'tl. Control, 2008 WL 4659522, 9 (S.C. Admin. Law Judge Div. Sept. 24, 2008); Wasteco, Inc. v. S.C. Dept. of Health and Env'tl. Control, 2007 WL 2128166, 12 (S.C. Admin. Law Judge Div. June 28, 2007); S&T Recycling v. S.C. Dept. of Health and Env'tl. Control, 2006 WL 3921914, 4 (S.C. Admin. Law Judge Div. Dec. 13, 2006); Taylor v. S.C. Dept. of Health and Env'tl. Control, 2005 WL 2089825, 3 (S.C. Admin. Law Judge Div. Aug. 5, 2005).

The County is not the final arbiter of consistency or compliance with local zoning, land use or other applicable ordinances under S.C. Code Ann. §44-96-290(F). Southeast Resource Recovery, Inc. v. S.C. Dept. of Health and Env'tl. Control, 358 S.C. 402, 408, 595 S.E.2d 468, 471 (S.C. 2004). In fact, DHEC is *prohibited* from delegating this task to local governments via Letters of Consistency or other means, instead, DHEC must gather all applicable local law and review the same for consistency. Id. Because the Administrative Law Judge is the finder of fact in contested case hearings, it is the Administrative Law Judge who makes the determination as to whether or not DHEC made a proper determination that the proposed facility or expansion is consistent with local zoning, land use and other applicable local ordinances. Taylor v. S.C. Dept. of Health and Env'tl. Control, 2005 WL 2089825, 3 (S.C.

Admin. Law Judge Div. Aug. 5, 2005).

2. **The Landfill expansion is not consistent with nor does it comply with local land use ordinances. While DHEC did consult the Charleston County Zoning and Land Development Regulations ("ZLDR") in making its consistency determination, it completely ignored other local land use ordinances contained in the Charleston County Code of Ordinances ("Code"), including one that specifically addresses solid waste disposal facilities.**

Section 6 of Ordinance Number 180, adopted by County Council on March 5, 1974, ("Ordinance 180") and presently codified with minor clerical modifications in the Charleston County Code of Ordinances at Section 10-22 "Disposal Sites and Facilities," was in effect at the time of the permit application's filing in 2007. Among other things, Ordinance 180 provides as follows:

1. ... All owners or operators of solid waste disposal facilities including governmental units or agencies shall meet the minimum requirements as set forth in these Rules and Regulations.

...
b. Site location. The disposal site shall:

4. Conform with the surrounding environment; and
5. Conform with future development of the area.

c. Site Design. When a new sanitary landfill is constructed or an existing site is extensively re-designed, properly prepared plans and specifications by a registered professional engineer shall be submitted to the Charleston County Health Department for review and approval before work is begun ...

(emphasis added).

Grand Bees will establish the expansion of the landfill does not conform with the surrounding environment and certainly does not conform with future development of the area. Grand Bees will also present evidence that DHEC failed to even consider Ordinance 180, which was required under S.C. Code Ann. §44-96-290(F).

According to the South Carolina Supreme Court, zoning ordinances are not the only means by which local governments can regulate land use. Greenville county v. Kenwood Enterprises, 353 S.C. 157, 165, 577 S.E.2d 428, 432 (2003) ("while the Comprehensive Planning Act governs zoning, it simply does not evince a legislative intent to completely prohibit any other local enactments from touching upon zoning or land use."). As a result, from the beginning, DHEC was required to consult all applicable land use ordinances in the Code, especially Ordinance 180 governing solid waste disposal facilities, **in addition to the ZLDRs**. However, having failed to ever do this, DHEC failed to make a proper consistency determination, and the permit should be vacated for this reason.

3. **The Landfill expansion is not consistent with nor does it comply with local zoning ordinances. The landfill does not incorporate the landscaping, screening, and buffering standards required by the current Charleston County Zoning and Land Development Regulations ("ZLDR") and is, therefore, not consistent with local law.**

Charleston County's ZLDRs include Development Standards, which among other things, are intended "to protect the public health, safety, and general welfare;" "to promote harmonious and orderly development;" and "to foster civic beauty by improving the appearance, character and economic value of civic, commercial and industrial development within the unincorporated areas." Charleston County ZLDRs, Article 9.1. More specifically, the Development Standards are designed to:

Implement the use of vegetated buffers in order to mitigate the effects of incompatible adjacent uses, to provide transition between neighboring properties and streets, to moderate climatic effects, and to minimize noise and glare.

Charleston County ZLDRs, Article 9.1(D). One of the several distinct Development Standards is Article 9.5 ("Landscaping, Screening, and Buffering").

Article 9.5 applies to the landfill expansion at issue in this case. Section 9.5.1 of the

ZLDRs provides that:

When modifications or additions are being made to an existing non-residential building or site, the standards of this Article shall apply to those portions of the subject parcel that are directly affected by the proposed improvements, as determined by the Planning Director."

(emphasis added). As a modification to a non-residential site, the County's landscaping, screening, and buffering regulations apply to the landfill expansion at issue here. These regulations require certain buffers, landscaping and screening for the permitted activity. DHEC did not require the County to implement the buffer, landscaping and screening requirements of the regulations. Therefore, in order to be consistent with local zoning, as required by S.C. Code Ann. §44-96-290(F), DHEC should have required the County to conform with Article 9.5 and required those conditions to be met at the time of permit issuance. However, as will be shown by Grand Bees, DHEC did not do so.

CONCLUSION

For the foregoing reasons the Permit was not issued in accordance with the applicable regulations and statutes, and must be vacated.

Respectfully Submitted,

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March 19TH, 2012
Charleston, South Carolina

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Shirley C. Robinson, Administrative Law Judge

Docket No. 2011-ALJ-07-0556-CC

Grand Bees Development, LLC, Respondent,

v.

South Carolina Department of Health and
Environmental Control and County of Charleston, Appellants.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Record on Appeal contains all material
proposed to be included by any of the parties and not any other material.



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THE STATE OF SOUTH CAROLINA
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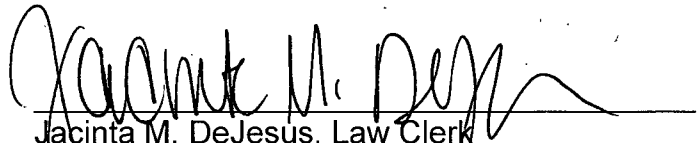
PROOF OF SERVICE

I certify that I have served the **Record on Appeal** on Respondent Grand Bees Development, LLC and South Carolina Department of Health and Environmental Control by depositing a copy of the same in the United States Mail, postage prepaid, on October 3, 2013, addressed to their counsel of record as follows:

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