

**STATE OF SOUTH CAROLINA
JASPER COUNTY**

ORDINANCE #O-2023-11

**AN ORDINANCE OF
JASPER COUNTY COUNCIL**

Establishing a Temporary Moratorium on Applications, Administrative Processing and Permitting for Approval of Large Residential Subdivisions, Major Subdivisions, Commercial Development Projects and Signage Within the Within Described Euhaw Broad River Planning Area, Providing for Exceptions From the Temporary Moratorium; Invoking Application of the Pending Ordinance Doctrine; and Matters Related Thereto.

WHEREAS, County Council determines and finds that development and proposed development in the unincorporated area of Jasper County, and especially in the area in Northern Jasper County in the area including the Highway 170 corridor to the municipal boundaries of Hardeeville on Highway 170, and Northward along Highway 462 to Coosawhatchie; and

WHEREAS, County Council is concerned over the impact new subdivisions, commercial and residential development will have on road infrastructure, evacuation routes, streetscapes, traffic congestion, storm water. open space, natural habitats and the quality of life in this area of Jasper County; and

WHEREAS, the County previously appointed group of stakeholders known as the Broad River Task Force to gather information to examine development pressures, opportunities for conservation and environmental protection, and make a report to County Council regarding its recommendations for this area, which report was delivered to County Council in a presentation made on May 1, 2023; and

WHEREAS, various state, federal and private land conservation agencies and entities have been engaged in the consideration of and creation of conservation areas and alternatives to development along the Broad River and its headwaters, including Beaufort County, which recently passed a one-percent sales tax authorizing the acquisition of easements and other interests in environmentally sensitive areas which could include acquisitions in Jasper County; and

WHEREAS, with recent statutory changes, Jasper County now has the ability to consider a similar “ County Green Space Sales Tax,” or a dedication of a portion of a Transportation Sales Tax for preservation of land; and

WHEREAS, a temporary pause on new commercial and residential development in the areas along the Broad River, Highways 170, 462, Bees Creek Road, and the area known as the Okeetee Club will provide Jasper County Council, County staff, and the public with an opportunity to study the multitude of issues attached to growth and development in the area, update the County Comprehensive Plan Future Land Use Element for this area, and look for improvements to County regulations for adoption that will assist the County in integrating future growth in the area; and

WHEREAS, the citizens of Jasper County will benefit from a temporary hold on new commercial and residential development in this area for a reasonable period of time while the Comprehensive Plan review of the Future Land Use element, new maps and possible regulations are being developed; and

WHEREAS, the Council further determines that a period of two hundred seventy (270) days in duration is the minimum reasonable time to undertake the review, study and creation of new regulations as contemplated by the Council; and

WHEREAS, the Council believes and finds it is appropriate to establish, by this Ordinance, a temporary moratorium period of two hundred seventy (270) days on the

acceptance, processing and grant of any approvals, permits or permissions as described below, while further recognizing certain exemptions for minor subdivisions and previously vested projects; and

WHEREAS, the Council finds it is in the public interest to invoke the pending ordinance doctrine upon first reading of this Ordinance, and announces a public hearing to be held prior to or at second reading of this Ordinance, tentatively scheduled for the June 5, 2023 regularly scheduled County Council meeting; and

WHEREA, Jasper County would appreciate the local municipalities cooperating with and supporting the purposes of this moratorium by not entertaining annexation applications of properties in the Euhaw Broad River Planning Area;

NOW, THEREFORE, BE IT ORDAINED, by the Jasper County Council, duly assembled and with authority of same, that the above premises be incorporated by reference; and:

1. **Moratorium.** All activities by the County, including County staff and any of the County's agents or boards or commissions, in connection with the acceptance, review, processing and granting of applications for approvals, permits or permissions related to the development, subdivision or construction of (a) residential subdivisions of four (4) lots or four (4) multi-family units or more, (b) commercial developments, or (c) signage, within the unincorporated areas of Jasper County generally described as the Euhaw Broad River Planning Area, being the unincorporated area of Jasper County including 1), the Highway 170 corridor to the municipal boundaries of Hardeeville on Highway 170, and Northward along Highway 462 (Lowcountry Drive), turning Westward along the Northern boundary of the Okeetee Club property over to I-95, and then Northward along the I-95 right of way to the headwaters/watershed of the Coosawhatchie River across I-95, and then southward along the Coosawhatchie River headwaters/watershed to the

marshes of the Broad River and back to the County boundary line at Highway 170, including lots or parcels lying wholly or partially within 660 feet of the centerline of Highway 170 and Highway 462, and 2), the area known as the Okeetee Club, both as depicted on the attached drawing labeled Euhaw Broad River Planning Area, and further described by reference to the tax parcel listing of included parcels/lots also attached, are temporarily suspended and a temporary moratorium established in order for the County, through its officials and staff and any other agents or contractors to have adequate time and opportunity to study, analyze, and make recommendations to the Council concerning the consequences and impact of development in this area, including the amendment of the zoning regulations and maps for this area. For purposes of determining whether a subdivision consists of four (4) lots or more, the number of lots shall be determined by the number of lots in the entire planned subdivision development including all phases of the development and including the parent residual lot. Serial subdivisions of the same property are not allowed, i.e., subdividing a parent parcel into 4 lots, then re-subdividing the new lots again. Permits or applications for signage, both on-premise and off-premise within 660 feet of the centerline of Highway 170 and Highway 462 are included in the temporary moratorium.

2. **Moratorium Period/Staff Reporting.** This temporary suspension and moratorium shall remain in effect for two hundred seventy (270) days from the date of third reading of this Ordinance unless repealed or extended by County Council. During the temporary suspension and moratorium, staff shall provide status reports on the progress made completing the studies, analyses and recommendations as provided for in Section 1 above in order to determine whether the temporary suspension and moratorium may need to be extended by Ordinance to provide adequate time to complete the studies, analyses and implement any changes to the Comprehensive Plan and zoning/development regulations.

3. **Pending Ordinance Effective Date.** Applications for permits, plats or permissions of sufficient form and content and substantially complete as determined by the County staff, received by the County prior to the date of first reading of the adoption of this Ordinance, may be reviewed and processed by the County. Otherwise, the provisions of this Ordinance shall be effective under the pending ordinance doctrine from the date of approval of the first reading and the announcement of Council intention to hold a public hearing, and any permit, application or plat accepted for filing by the Department of Development Services will be deemed in error, null and void and of no effect whatsoever.

4. **Exceptions.** The moratorium imposed in Section 1 of this Ordinance and prohibition of consideration of permits, plans or approvals shall not affect or apply to:
 - a. Any permits or approvals previously issued or submitted prior to the date of approval of first reading of this Ordinance;
 - b. The issuance of permits or site plan reviews that have received preliminary or final plat approval by the Planning Commission or the Development Services Department, and the issuance of permits, site plan reviews or subdivision plats that received concept plan approval pursuant to Section 2.8 of the Jasper County Land Development Regulations or Section 8.1 of the Jasper County Zoning Ordinance prior to first reading of this Ordinance on May 15, 2023.
 - c. Projects that have established vested rights under Appendix A, Article 20 of the Jasper County Code of Ordinances, Section 20:1 through 20:6, and/or Article 11 of the South Carolina Local Government Planning Enabling Act of 1994, as amended, including those properties included within a County-approved and filed Development Agreement adopted pursuant to Chapter 31 of Title 6 of the S.C. Code of Laws, as amended.

- d. All county, state and/or federal funded projects are not subject to this temporary moratorium and suspension.
 - e. Individual, single-family detached or attached dwellings or single-family developments that are less than four (4) building lots or parcels, or less than four (4) multi-family residential units.
 - f. Any properties with pending ordinances under consideration by Jasper County Council as of the date of approval of first reading of this Ordinance.
5. **Severability.** If any section, clause, paragraph, sentence or phrase of this ordinance, or the application thereof to any person or circumstances shall, for any reason, be held to be invalid or unconstitutional, such invalid section, clause, paragraph, sentence, phrase or application is hereby declared to be severable; and any such invalid or unconstitutional section, clause, paragraph, sentence, phrase or application shall in no way affect the remainder of this ordinance; and it is hereby declared to be the intention of the County Council that the remainder of this ordinance would have been passed notwithstanding the invalidity or unconstitutionality of any section, clause, paragraph, sentence or phrase thereof.
6. This ordinance shall take effect upon approval by Council.



Martin L. Sauls, IV
Chairman

ATTEST:



Wanda Simmons
Clerk to Council

ORDINANCE: # O-2023-11

First Reading: May 15, 2023

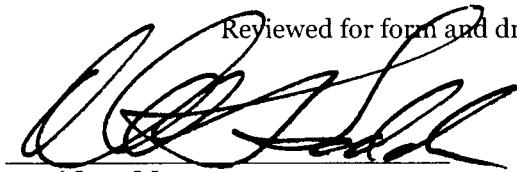
Public Hearing: June 5, 2023

Second Reading: June 5, 2023

Third Reading: June 20, 2023

Adopted: June 20, 2023

Reviewed for form and draftsmanship by the Jasper County Attorney.



David Tedder

June 20, 2023
Date