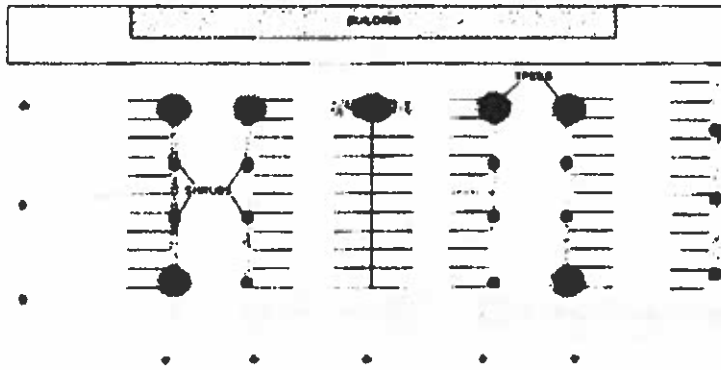


12:3.2. *Interior plantings.* In addition to all other landscaping requirements, all new off-street parking lots with 50 or more spaces shall provide and maintain landscaped planting areas within the interior of, and adjacent to, the parking lot.

Within the interior, peninsula or island type landscaped areas shall be provided for any open vehicular use area containing ten or more parking spaces. Landscaped areas shall be located in such a manner as to divide and break up the expanse of paving and strategic points to guide travel flow and direction. Elsewhere, landscaped areas shall be designed to soften and complement the building site and separate the building from the vehicular surface area.

1. Interior planting islands shall have a minimum planting area of five feet wide by 36 feet long.
2. In addition to the required trees and shrubs, planting areas shall be grassed, covered with mulch or decorative stone.
3. All planting areas shall be protected from vehicular intrusion by the installation of curbing or wheel stops.
4. Each landscaped planting area shall contain trees and shrubs at the rates listed below rounded upward to the next whole number:
 - a. One tree for every 15 parking spaces.
 - b. One shrub for every five parking spaces.
5. Interior planting areas shall be designed within or adjacent to the parking area(s) as:
 - a. Islands, located at the end of parking bays;
 - b. Islands, located between parallel rows of cars;
 - c. Driveway medians, a minimum of five feet in width;
 - d. Intermediate islands; or
 - e. A combination of the above.
6. Trees and shrubs must be planted within 20 feet of the parking area to satisfy the interior planting requirements.
7. The design size and shape of the interior planting areas shall be at the discretion of the owner; however, no parking space shall be:
 - a. Located farther than 90 feet from the trunk of a shade tree;
 - b. Separated from a shade tree by a building or other structure.
8. Parking structures are excluded from interior landscape areas.



12:3.3. *Planting material specifications.*

1. A minimum of 75 percent of trees planted to meet this requirement shall be shade trees. (unless precluded by utilities)
2. Shade trees shall have a minimum planting size of two inches measured 18 inches above grade.
3. Small trees and multi-stem trees shall have a minimum planting height of six feet tall.
4. Evergreen shrubs shall have a minimum installed height of 12 inches and a minimum height of 30 inches within three years of installation. All shrubs inside the sight triangle at points of ingress and egress shall not exceed 30 inches in height.

12:3.4. *Existing trees.* It is encouraged to use existing trees to meet the requirements of this section. If existing trees are preserved to meet the roadside buffer or interior planting requirements then a reduction in the new planting requirements will be given. Existing trees will be credited towards meeting the requirements of this section as follows:

- One tree (2 - 6 inches diameter at breast height) = 1 planted trees
- One tree (6 - 10 inches diameter at breast height) = 2 planted trees
- One tree (10 - 15 inches diameter at breast height) = 3 planted trees
- One tree (15 > inches diameter at breast height) = 4 planted trees

12:3.5. *Protection of existing trees.* Any trees preserved on a development tract to receive credit shall meet the following protection standards. A root protection zone shall be established around all trees to be preserved. The root protection zone shall be clearly shown on all grading and site plans.

1. *Root protection zone.* The land area around the base of a tree in which disturbances are prohibited in order to protect the roots of the tree and aid the tree's survival. The root protection zone shall be equal to one-foot radius for every inch of tree diameter measured at a point four and one-quarter feet above ground. Root protection zone measurements shall be rounded off to the nearest foot.
2. *Protective barrier.* A protective barrier shall be installed at the start of grading, and be located at the outer edge of the root protection zone. Protective barriers shall be posted as a "Tree Save Area." This procedure shall be incorporated as a note on the grading and erosion control plans. Protective barriers shall be constructed of a material resistant to degradation by sun, wind, and moisture and shall remain in place until all construction is complete.
- 3.

No storage of materials, dumping of waste materials, fill, or parking of equipment shall be allowed within the root protection zone, and no trespassing shall be allowed within the boundary of the root protection zone. Utility easements and borings are permitted.

12:3.6. *Exceptions.*

1. Any lot used for the express purpose of sales and storage is exempt.
2. Parking Structures (multi-level).

12:3.7. *Owner responsibilities and maintenance.* The owner, his successors, or assigns, are responsible for maintaining all required plant material in good health. Any planted trees which die or become unhealthy and used to meet the provisions of this section must be replaced within one year with vegetation which conforms to the initial planting standards of this section.

12:3.8. *Plan submittal requirements.* Landscaping plan. Prior to the issuance of any occupancy permit, for any development with ten or more parking spaces, a specific landscape plan, at a scale of not less than one inch equals 50 feet, shall be submitted to the building and zoning division for approval and shall contain existing and proposed landscaping, including:

1. The location, botanical name and common name, size in diameter four and one-half feet above grade and height of new trees to be planted, which must comply with this code. A suggested tree planting list can be found in [Article 13](#).
2. The location, botanical name and common name, size in diameter four and one-half feet above grade and estimated height of existing trees which are to be maintained or preserved for credit as per the requirements of this code.
3. The location and dimensions of parking lots, buffer areas and other planting areas.
4. The size, botanical name and common name and spacing of plant materials.
5. The location and design of any fence, wall or earthen berm indicating size, dimensions and materials.
6. The location and description of any barriers required to be erected to protect any existing vegetation from damage as required in this section.
7. Provisions for watering and other long-term maintenance to assure serviceability, soil stabilization and plant protection.
8. The use of existing natural buffers is strongly encouraged.

12:3.9. *Variances.* A variance may be granted by the board of zoning appeals pursuant to site hardships. Adequate engineering, landscaping, and arborist plans and specifications are required.

12:4. - Relationship of buildings to lots.

There shall be not more than one principal building and its accessory buildings on one lot except as allowed in group residential and group commercial/office developments as provided in subsection [10:1](#), Provisions for Group Developments, of this ordinance.

12:5. - Projections into public streets and street rights-of-way.

Office/Institutional	0	2	1	0	0	0	1
Multi-Family	0	2	0	1	2	3	1
Low Impact Commercial	0	2	1	0	0	0	1
Commercial	1	3	2	0	0	0	1
Non-Effluent Producing Industry	2	4	3	2	0	0	1
Effluent Producing Industry	3	6	5	3	2	0	3
Mining and Mine Operation	3	7A	7A	5	2	1	7B
Manufacturing Use in IPOD *	3	6 *	5	3	2	0	3

* In the IPOD, bufferyards between manufacturing use and hospitality and accommodations shall be consistent with bufferyards required for single-family residential existing land use to best protect the tourism industry.

12:8.2-4. *Specifications and options.* From Table 4, match the abutting use with the proposed new or expanded use to determine the type of bufferyard required. Should a question arise as to the land use classification of a proposed or abutting use the DSR shall determine the classification. Refer to the Bufferyard Illustrations to determine the amount of bufferyard required. Several options of landscaping are available under each bufferyard. The requirements are given in 100-foot units as measured along the property line. Whenever a wall or fence is required, the location of the structure may be on either side of the required bufferyard.

The length of a bufferyard shall extend the length of the property line separating two uses, except for property lines in excess of 200 feet, where the bufferyard need only extend 100 feet beyond either end of the existing use to be buffered.

Bufferyard Illustrations

	<u>Space Required</u>	<u>Plants Required</u>
Bufferyard 1		5 trees or 3 trees & 6 shrubs or 12 shrubs or 6' fence (wood-solid)
Bufferyard 2		10 trees or 6 trees & 12 shrubs or 24 shrubs or 6' fence
Bufferyard 3		15 trees or 8 trees & 24 shrubs or 48 shrubs or 6' fence & 20 shrubs or trees
Bufferyard 4		25 trees & 30 shrubs or 12 trees & 60 shrubs or 8' fence & 10 trees or shrubs
Bufferyard 5A		30 trees & 40 shrubs or 20 trees & 80 shrubs or 8' fence & 25 trees or shrubs
Bufferyard 5B		6' masonry wall & 25 trees or shrubs
Bufferyard 5C		8' masonry wall
Bufferyard 6B		6' masonry wall & 25 trees or shrubs
Bufferyard 6A		8' fence & 45 trees & 80 shrubs or 8' fence & 30 trees & 120 shrubs
Bufferyard 7A		45 trees & 80 shrubs and 6' fence
Bufferyard 7B		45 trees & 80 shrubs

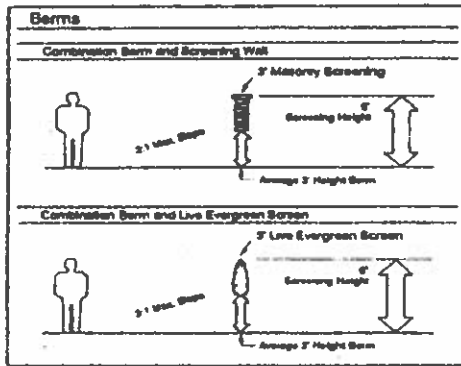
12:8.2-5. *Use of existing vegetation.* In no event shall a developer clear-cut the site of a required bufferyard. The developer shall conduct an existing tree inventory, identifying the location, species, and diameter (breast high) of all trees in the bufferyard, and complement the presence of such trees with appropriate shrubs and other vegetation to meet all requirements of this section.

12:8.2-6. *Materials.* To achieve the desired results, only coniferous (evergreen) plants, suitable for local conditions, shall be used. When structures are used, the materials shall be durable and suitable for screening.

12:8.2-7. *Plant size and caliper.* The minimum tree at planting shall be six feet in height and two and one-half inches in diameter at a height of four and one-half feet above the ground. The minimum shrub shall be three to five gallons in size. Both trees and shrubs shall be nursery stock with well-developed root systems unless plants found in place can be used. If the existing vegetation provides a screen equal to or greater than that which would be planted, no other plant material shall be required. In case of open woods, an additional planting of eye shrubs such as hemlock or pines may be needed to improve screening. Fencing requirements are not changed by a wooded site.

12:8.3. *Substitutions.* The following substitutions for opaque walls, fences, and plant materials may be made:

1. Berms (3H:1V Maximum slope) may be used to compensate for fences. An eight-foot high opaque structure can be a combination of berm and fence to total eight feet.



2. Chain link fences with evergreen hedge on the outbound side may be substituted for wooden fences of the same height. All plants must be sized and spaced to obscure the chain link fence within five years of planting.
3. Any existing plant material that otherwise satisfies the requirements of this section may be substituted and counted toward satisfying the requirements of this section.

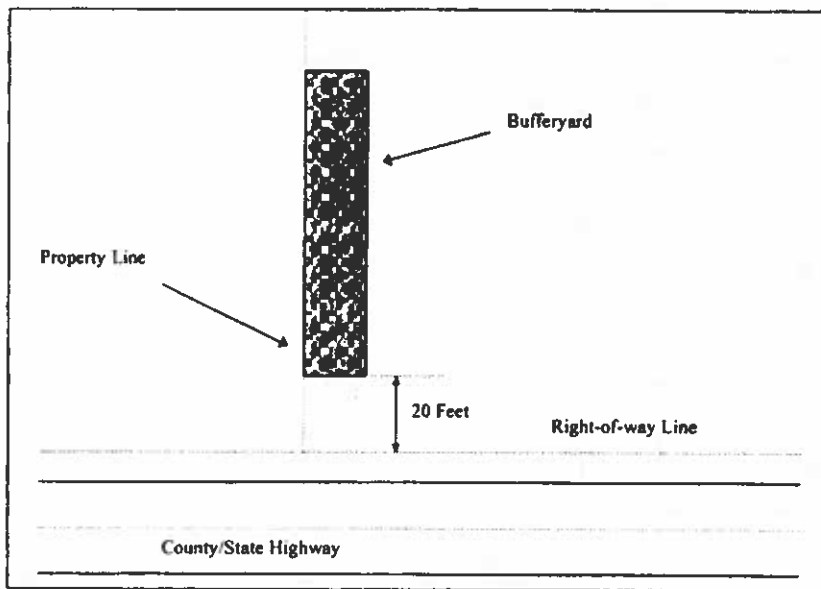
12:8.4. *Fence and wall specifications.* All fences and walls used as part of the bufferyard requirement must have the finished side facing outward. Fences shall be wooden or other durable or opaque material approved by the DSR. Wooden fences shall be made of rot resistant material such as locust, cedar or redwood. If made of pine, the post shall be rated for soil contact and the boards rated for outside use. Chain link fences with wood, plastic, or metal strips are expressly prohibited. However, a chain link fence with evergreen hedge is acceptable. Walls must be made of masonry materials including poured concrete, concrete block covered with stucco, and brick.

12:8.5. *Responsibility.* It shall be the responsibility of the proposed new use to provide the bufferyard where required by this ordinance, except that no new detached single-family dwelling or duplex shall be required to provide such bufferyard.

12:8.6. *Required maintenance.* The maintenance of required bufferyards shall be the responsibility of the property owner. All such areas shall be properly maintained so as to ensure continued buffering. All planted areas shall be provided with an irrigation system or a readily available water supply to ensure continuous healthy growth and development. Dead trees shall be removed; debris and litter shall be cleaned; and berms, fences, and walls shall be maintained at all times. Failure to do so is a violation of this Ordinance, and may be remedied in the manner prescribed for other violations.

12:8.7. *Use of bufferyards.* A bufferyard may be used for underground utilities or passive recreation and may be interrupted by access driveways not exceeding 16 feet in width (exceptions for uses requiring wide curb cuts may be approved by the DSR. All other uses, including off-street parking, are prohibited, including off-street parking.

12:8.8. *Sight clearance.* Bufferyards may not obscure a clear line of sight for vehicular traffic. Therefore, bufferyards should be placed a minimum distance of 20 feet from street/road right-of-way lines.



12:8.9. Screening.

12:8.9-1. *Definition.* Screening is a type of buffer that is designed to block or obscure a particular element or use from view.

12:8.9-2. *Purpose.* The purpose of screening is to minimize if not eliminate entirely the visual impact of potentially unsightly open storage areas and refuse disposal facilities.

12:8.9-3. Requirements.

1. Screening specified by this section shall be required of all open storage areas not devoted to retail sales visible from any public street, including open storage areas for shipping containers, building materials, appliances, trash containers of four or more cubic yards, salvage materials and similar unenclosed uses.
2. Screening shall be accomplished by an opaque divide not less than six feet in high or the height of the object to be screened, whichever is greater. Screening may be accomplished by the use of sight obscuring plant materials (generally evergreens), earth berms, walls, fences, proper siting of disruptive elements, building placement or other design techniques approved by the DSR.

12:8.10. Landscaping.

12:8.10-1. *Definition.* Landscaping is a type of open space permanently devoted and maintained for the growing of shrubbery, grass, other plants and decorative features to the land.

12:8.10-2. *Purpose.* The purpose of landscaping is to improve the appearance of vehicular use areas and development abutting public rights-of-way; to enhance environmental and visual characteristics, to promote the greening of development, and the reduction of noise pollution, storm water run off, air pollution, and artificial light glare, and to safeguard property values, protect public and private investments, and promote high-quality development.

12:8.10-3. Requirements.

- 1.

No proposed commercial, institutional, industrial or other non-residential use, or multi-family project, shall hereafter be established or reestablished in an existing building or structure, and subsequently used unless landscaping is provided in accord with the provisions of this section. No existing building, structure, or vehicular use area shall be enlarged by 30 percent of more unless the minimum landscaping required by the provisions of this section is provided throughout the building site.

2. Required landscaping shall be provided along the outer perimeter of a lot or parcel, where required by the buffer area provisions of this article, to buffer and separate incompatible land uses. The amount specified shall be as prescribed by section 12:8.2

At a minimum, interior lot landscaping shall be provided in the following amounts:

Use	% of Lot
Institutional	15%
Industrial/wholesale/storage	10%
Office	10%
Commercial-retail-service	5%
Multi-family Projects	10%

Landscaping along exterior building walls and structures is suggested to separate with greenery the building from the vehicular surface area.

12:8.10-4. *Landscaping plan.* A landscaping plan shall be submitted as part of the application for a zoning certificate. The plan shall:

- (1) Designate areas to be reserved for landscaping. The specific design of landscaping shall be sensitive to the physical and design characteristics of the site.
- (2) Indicate the location and dimensions of landscaped areas, plant materials, decorative features, etc.

12:8.10-5. *Landscaped areas.*

- (1) All landscaped areas in or adjacent to parking areas shall be protected from vehicular damage by a raised concrete curb or an equivalent barrier of six inches in height. The barrier need not be continuous.
- (2) Landscaped areas must be at least 25 square feet in size.

12:8.10-6. *Required maintenance.* The maintenance of required landscaped areas shall be the responsibility of the property owner. All such areas shall be properly maintained so as to assure their survival and aesthetic value, and shall be provided with an irrigation system or a readily available water supply. Failure to monitor such areas is a violation of this ordinance, and may be remedied in the manner prescribed for other violations.

12:8.11. *Common open space.*

12:8.11-1. *Description.* Common open space is land and/or approved water bodies used for recreation and amenities (to include parks, greenways, and pathway systems). It shall be freely accessible to all residents and property owners of a development, where required by this ordinance. No wetlands, right-of-ways, easements or other lands already subject to use restrictions shall be used to generate the percentage of open space reservation required for proposed uses/projects.

12:8.11-2. *Purpose.* The purpose of this section is to ensure adequate open space for high density residential development; to integrate recreation, landscaping, greenery, and/or natural areas into such projects; to promote the health and safety of residents of such projects; and to compensate for the loss of open space inherent in single-family residential projects.

12:8.11-3. *Requirements.* The following uses/projects consisting of seven or more units shall provide common open space in the amounts prescribed:

Common Open Space	
Proposed Uses/Projects	Ratio (% Lot)
Institutional	2%
Commercial	5%
Townhouse Projects	15%
Multi-family Projects	15%
Industrial	2%
All other residential projects	10%

(1) *New sites:* No proposed development, building or structure in connection with the above shall hereafter be erected or used unless common open space is provided in accord with the provisions of this section.

(2) *Existing sites:* No existing development, building or structure in connection with the above shall be expanded or enlarged unless the minimum common open space required by the provisions of this section are provided to the extent of the alteration or expansion.

12:8.11-4. *Common open space plan.* Proposed uses/projects set forth in 12:8.11-3 shall submit an open space or landscaping plan as part of the application for a building permit. The plan shall:

(1) Designate areas to be reserved as open space. The specific design of open space shall be sensitive to the physical and design characteristics of the site.

(2)

Designate the type of open space which will be provided, and indicate the location of plant materials, decorative features, recreational facilities, etc.

(3) Specify the manner in which common open space shall be perpetuated, maintained and administered.

12:8.11-5. *Types of common open space and required maintenance.* The types of common open space, which may be provided to satisfy the requirements of this ordinance together with the maintenance required for each, are as follows:

- (1) Natural areas are areas of undisturbed vegetation or areas replanted with vegetation after construction. Woodlands and wetlands are specific types of natural areas. Maintenance is limited to removal of litter, dead trees, plant materials, and brush. Natural watercourses are to be maintained as free flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels.
- (2) Recreational areas are designed for specific active recreational uses such as tot lots, tennis courts, swimming pools, shall fields, and similar uses. Recreational areas shall be accessible to all residents of the development. Maintenance is limited to ensuring that there exist no hazards, nuisances, or unhealthy conditions.
- (3) Greenways are linear green belts linking residential areas with other open space areas. These greenways may contain bicycle paths, footpaths, and bridle paths. Connecting greenways between residences and recreational areas are encouraged. Maintenance is limited to a minimum or removal and avoidance of hazards, nuisances, or unhealthy conditions.
- (4) Landscaped areas, parks and required buffer areas, including creative landscaped areas with gravel and tile, so long as the tile does not occupy more than two percent of the required open space. Grassed areas, with or without trees and shrubs shall be watered regularly to ensure survival, and mowed regularly to ensure neatness. Landscaped areas shall be trimmed, cleaned, and weeded regularly.

12:8.11-6. *Preservation of open space.* Land designated as common open space may not be separately sold, subdivided or developed. Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved and maintained as required by this section by any of the following mechanisms or combinations thereof:

- (1) Common ownership of the open space by a homeowner's association which assumes full responsibility for its maintenance.
- (2) Deed restricted, private ownership, which shall prevent development and/or subsequent subdivision of the open space land and provide the maintenance.
- (3) Dedication of and acceptance by the county.

In the event that any private owner of open space fails to maintain same, the county may in accordance with the open space plan and following reasonable notice, demand that deficiency of maintenance be corrected, and enter the open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the open space.

(Ord. No. 08-11, § 11, 5-5-08; Ord. No. 09-12, §§ 15, 16, 5-4-09; Ord. No. 12-10, § 4, 6-18-12)

12:9. - Manufactured housing.

12:9.1 *General provisions.* For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Current owner. The person or persons who either already own record title to the manufactured home, or who are applying for the permit in connection with their purchase of the manufactured home.

Decal or manufactured home decal. The manufactured home decal is issued by the Jasper County assessor's office.

Permitting agent. The Jasper County planning and building department.

Manufactured home. A home that is built in a factory according to the Federal Manufactured Home Construction and Safety Standards, known as the HUD Code, and is then transported and installed at its final destination.

Age of manufactured homes allowed in county. For permitting purposes, a manufactured home that was manufactured more than 30 years from the date of permit application shall not be moved into the county. A manufactured home that is already established in the county and that was manufactured more than 30 years from the date of permit application may not be relocated within the County unless the manufactured home owner provides an inspection report by a SC Licensed Engineer, certifying that the manufactured home meets the Habitability Standards of Section 12:9.5 and is structurally sound to be moved and set-up at another location, which must meet the Set-Up Requirements of Section 12:9.4.

No more than one manufactured home may be placed on a parcel of record, except where allowed conditionally pursuant to Article 6:1 - Table 1. However, manufactured homes currently located and legally established within the county as of the date of the adoption of this subchapter, can continue to be occupied and used in the county in the location where they are currently located pursuant to Article 9:3, *Non-Conforming Uses and Structures*.

12:9.2 *Permitting and registration of manufactured home.* Prior to bringing a manufactured home into the county, or the purchase of a manufactured home in this county for dwelling purposes, or prior to the movement of an existing manufactured home from one site to another within the county, the owner, rental agent, or person in possession of such manufactured home shall obtain proper zoning and building permits, and the manufactured home decal from the Jasper County Assessor's Office.

1. If the manufactured home is to be relocated in the county from another county, the manufactured home owner or agent must submit the moving permit from such county.
2. In addition to the moving permit from the other county, proof may be required that all taxes due have been paid.
3. The manufactured home owner, rental agent, person in possession or current owner must first obtain a zoning permit from the development services representative (DSR), certifying that the site where the manufactured home will be located in the county meets the requirements of the Jasper County Zoning Ordinance and the Jasper County Official Zoning Map.
4. An E-911 address for the site is required in order to get a zoning permit.
5. Copy of septic tank approval from the South Carolina Department of Health and Environmental Control (SCDHEC) for the site where the manufactured home will be located, as well as access to a public water supply or properly permitted private well. In the event the septic tank is existing and the original permit can not be obtained from SCDHEC, an as built survey certified by a licensed septic installer may be accepted.
6. Proof of Wind Zone II Compliance.
- 7.

Proof that all taxes have been paid on any manufactured home traded for the subject manufactured home or on the subject manufactured home if no trade is involved.

8. Title, bill of sale, or finance papers for the subject manufactured home in the current owner's name, showing the year, make, model and serial number of the subject manufactured home.
9. All title documents must be properly filled out and executed, and a clear chain of title from the last titled owner to the current owner must be produced.
10. Name, address, contact telephone number and driver's license number of person moving the manufactured home onto the proposed site.
11. Name, address, contact telephone number and state license number of the person who is installing or setting up the manufactured home.
12. The applicant must provide proof that the owner, occupant or new purchaser of the manufactured home is legally authorized to place the manufactured home at the location specified in the application for the manufactured home decal. This proof may consist of a copy of the deed to the property showing ownership in the applicant's name, a lease of the property showing the applicant's name as lessee, a copy of the recorded bond for title showing the purchase of the property by the applicant, or a letter of permission to the applicant from the landowner, or other financing papers or evidence of right of occupancy which are deemed to be legally sufficient by the County Attorney.
13. Prior to permitting of a used manufactured home, the DSR may require pictures of all exterior sides of the home and every room inside the home which illustrates that the manufactured home meets the Habitability Standards outlined in Section 12:9.5 of this Article.

12:9.3 *Violations.* It is a violation for any mover, hauler, person or entity to move, or to have moved, a manufactured or mobile home to any location in Jasper County without first obtaining a moving and building permit. Citations issued for the illegal moving of a manufactured or mobile home shall be sent directly to the magistrate and will be subject to the maximum penalty allowed by SC law, including the imposition of restitution pursuant to §22-3-550 in the event the manufactured home must be removed.

12:9.4 *Setup.* Manufactured housing, where permitted by this Ordinance, shall:

1. Be built according to the Federal Manufactured Housing Construction and Safety Standards Code (245 CFR 3280), enacted June 15, 1976.
2. Be installed in accordance with the Manufacturer's Installation Manual. In the absence of such a Manual, the home must be installed in accord with the requirements of Section 19-425.39 of the South Carolina Manufactured Housing Board Regulations.
3. Where the Installation Manual or Housing Board Regulations allow, the structure shall be underpinned (skirted) with brick, masonry, vinyl or similar materials designed and manufactured for permanent outdoor installation.
4. Have installed or constructed and attached firmly to the home and anchored securely to the ground, permanent landing steps at each exterior doorway, in accord with applicable Building Codes.
5. When equipped with removable towing apparatus, the towing apparatus will be removed; otherwise all wheels, towing apparatus, and axles will be screened per Paragraph 3 above.
- 6.

Be served by a separate electric meter. It shall be unlawful for any such home to receive electricity except by use of this separate meter. It shall be unlawful for any public utility or electrical supplier to connect power to any manufactured home in the absence of all approved permits.

7. Structures placed on lots shall meet all setbacks required by this Ordinance and all other applicable agencies. Lots shall be designed so that the front doors of structures are oriented towards the street frontage.

12:9.5 *Habitability*. Manufactured housing, where proposed for permitting, shall meet the minimum habitable standards of this section, and shall be maintained in habitable condition.

The term "habitable" means that there is no defect, damage, or deterioration to the home that created a dangerous or unsafe situation or condition; that the plumbing, heating and electrical systems are in safe working order; that the walls, floor, and roof are free from any holds, breaks, loose or rotting boards and are structurally sound; and that all exterior doors and windows are in place. Further, the term habitable includes the provision of the following facilities:

1. *Sanitary facilities*. Every manufactured home shall contain not less than a kitchen sink, lavatory, tub or shower, and a water closet all in good working condition and properly connected to an approved water and sewer system. Every plumbing fixture and water and waste pipe shall be properly installed and free from defects, leaks, and obstructions.
2. *Hot and cold water supply*. Every manufactured home shall have connected to the kitchen sink, lavatory, and tub or shower cold and hot running water. All water shall be supplied through an approved distribution system connected to a potable water supply.
3. *Heating facilities*. Every manufactured home shall have heating facilities, which are properly installed and maintained in safe and good working conditions, and are capable of safely and adequately heating all habitable rooms and bathrooms. Where a central heating system is not provided, each home shall be provided with an alternative system, approved by the DSR.
4. *Cooking and heating equipment*. All cooking and heating equipment and facilities which are properly installed and maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms and bathrooms. Where a central heating system is not provided, each home shall be provided with an alternative system, approved by the DSR.
5. *Smoke detector*. Every manufactured home shall be equipped with an approved smoke detector, installed in accordance with full manufacturer's recommendations and listing.
6. The DSR may cause to be inspected periodically, existing manufactured homes for compliance with the provisions of this Section.

(Ord. No. 2020-24, § 6, 1-21-20)

ARTICLE 13. - TREE PROTECTION

13:1. - Purpose.

The purpose of this section is to protect and sustain the intrinsic value of trees and their ability to promote the public health, safety and general welfare, to lessen air pollution, to increase air filtration, to reduce noise, heat and glare, to prevent soil erosion, to aid in surface drainage and minimize flooding, to beautify and enhance the environment, enhance

wildlife habitat, moderate climate, and enhancement of real estate value.

13:2. - Protected trees.

Within the area established as the bufferyard as defined by sections 12:8 and/or 16:3 of this ordinance neither Significant nor Landmark trees shall be removed, cut above ground or otherwise disturbed without a tree removal permit. Furthermore, within the area of the entire development site, no tree designated as a landmark tree shall be removed, cut or otherwise disturbed unless the development services representative (DSR) determines that the tree is hazardous, in decline, diseased, infectious; the removal of the tree is necessary to maintain the appearance, health or vigor of the remaining trees or no other practical alternatives for reasonable use of the property exist. If a determination is made that certain healthy, significant or landmark trees may be removed, they shall be replaced in accordance with the requirements of section 13:5 of this article.

Criteria for Significant and Landmark Trees

Significant Trees

Species	Common Name	Minimum Diameter at Breast Height (DBH)
Aesculus pavia	Red Buckeye	8"
Carya glabra	Pignut Hickory	8"
Carya illinoensis	Pecan	8"
Carya ovata	Shagbark Hickory	8"
Carya tomentosa	Mockernut Hickory	8"
Cercis canadensis	Eastern Redbud	6"
Chionanthus virginicus	Fringe Tree	8"
Cornus florida	Flowering Dogwood	6"
Diospyros virginiana	Persimmon	8"
Fagus grandifolia	American Beech	8"
Fraxinus sp.	Ash	8"
Gordonia lasianthus	Loblolly Bay	6"

Ilex opaca	American Holly	8"
Juglans sp.	Walnut	8"
Juniperus virginiana	Eastern Red Cedar	8"
Liriodendron tulipifera	Yellow-poplar	8"
Magnolia grandiflora	Southern Magnolia	8"
Magnolia virginiana	Sweet Bay	6"
Nyssa aquatica	Tupelo	8"
Nyssa biflora	Black Gum	8"
Platanus occidentalis	American Sycamore	6"
Prunus caroliniana	Carolina Cherry Laurel	8"
Quercus alba	White Oak	8"
Quercus falcata	Southern Red Oak	8"
Quercus laurifolia	Laurel Oak	25"
Quercus stellata	Post Oak	8"
Quercus virginiana	Live Oak	8"
Sabal palmetto	Cabbage Palm	10"
Taxodium distichum	Baldcypress	8"
Ulmus american	Elm	8"

Landmark Trees

Species	Common Name	DBH
---------	-------------	-----

Quercus virginiana	Live Oak	25"
Magnolia grandiflora	Southern Magnolia	25"
Taxodium distichum	Bald Cypress	25"
Ilex opaca	American Holly	14"
Carya	Hickory and Pecan	25"

13:3. - Exceptions.

Commercial timber, tree farms and nurseries, public utilities and agricultural operations are exempt from the protective requirements of this section. Property cleared under the exemptions of this section shall not be redeveloped and the county shall withhold any development permit for a period of seven years. If any tree is determined by the DSR to be diseased, injured or located in a manner that endangers the public health, safety or welfare, the DSR may authorize immediate removal.

13:4. - Tree survey.

Prior to grading or clearing a lot or parcel for development and the issuance of a grading or building permit, the developer/owner applicant shall have conducted a tree survey by a registered professional (surveyor, arborist, or forester) identifying the location of all significant and landmark trees. Said trees shall be shown on a survey plat and physically marked with brightly colored tape or other markings.

13:5. - Tree protection and replacement.

- (1) *Prior to development.* Where a grading permit, building permit or subdivision approval has not been issued, the destruction of any significant or landmark tree, as defined by this Ordinance, without prior approval of the DSR, which approval shall not be unreasonably withheld, shall be prohibited.
- (2) *During development.* During development, a minimum protective zone, marked by barriers, shall be established (erected) at the "drip line" as amended by subsection (3)c and maintained around all trees to be retained as required by this section. There shall be no construction, paving, grading, and operation of equipment or vehicles, or storage materials within this protected zone.
- (3) *After development.* No person shall break, damage, remove, cut, kill or cause to be killed any significant tree, except for the following:
 - a) In the event that any tree shall be determined to endanger the public health, safety or welfare, including airport operations, and require removal, written authorization may be given by the DSR and the tree or parts thereof (i.e. dead limbs) removed.
 - b) During the period of an emergency, such as a hurricane, tornado, ice storm, flood or any other act of nature, the DSR may waive the requirements of this section.

- c) Where due to unusual site conditions or circumstances, the requirements of this section pose a constraint to development and/or the use of a site or parcel, the DSR may adjust the requirements as necessary to moderate the constraint.
- d) Trees involved in wetland mitigation.
- e) Pine trees may be cut and removed from any site without regard to DBH dimensions (size).
- f) Diseased (unhealthy) or nuisance trees, with approval of the DSR.

13:6. - Significant and landmark trees removed without permits.

Where significant or landmark trees have been removed or where removal is necessitated at any time due to acts of negligence, or where sites were cleared of significant trees in violation of this section, replacement trees shall be planted in accord with a replacement schedule approved by the DSR, who shall specify the number, species, DBH, and location of replacement trees, using the following criteria:

- (1) Three replacement trees are planted for each landmark tree removed and one replacement tree planted for each significant tree removed. At least one tree replaced shall be of the same species removed for a landmark tree.
- (2) Individual replacement trees are a minimum of two-inch DBH.
- (3) If a landmark tree is removed without permission from the zoning administrator, the county may seek retribution for the appraised value of the tree. Appraisal should be conducted by a certified arborist following the guidelines set forth in the Guide for Plant Appraisal 9th Edition.

ARTICLE 14. - EXCAVATION

Footnotes:

--- (3) ---

Editor's note— Ord. No. 09-12, § 12, adopted May 4, 2009, amended article 14 in its entirety to read as herein set out. Formerly, article 14 pertained to mining, and derived from an ordinance adopted November 13, 2007.

14:1. - Excavation.

14:1.1. *Purpose.*

- 1. The purpose of this section is to ameliorate the impact and improve the location of excavation activities, improve the operations of such activities the characteristics of which could adversely affect surrounding property and environmental conditions. The standards imposed in this section are in addition to and supplement those regulations set forth elsewhere in this ordinance and those established by any federal or state agency.
- 2. This ordinance is not intended to regulate excavation activities related to normal construction practices for building, roadway or utility construction in which excavation is of a temporary nature.
- 3. This ordinance is not intended to duplicate review efforts and permitting processes for excavations permitted through major and minor site plan review; development plan review; major or minor subdivision review; or other applicable county review processes.

14:1.2. *Setbacks.*

1. Excavation, as defined in article 4, shall adhere to a 20-foot setback from the property line and shall also adhere to riparian buffer area requirements (section 7:4) if applicable. Excavation associated with mining and mine operation shall adhere to setbacks identified in subsection 6:2.14.

14:1.2. *Permit applications, generally.*

1. As part of the review of an excavation permit application the development services representative (DSR), may impose such reasonable and additional stipulations, conditions, or safeguards as, in the DSR's judgment, the information provided in the application does not adequately address the environmental effects and/or impacts of the project on adjoining properties and/or public facilities.
2. Every application for an excavation permit will be submitted in the name of and signed by the property owner and in addition, if the operator is not the property owner, by the proposed operator. Submission of an application to the development services representative will constitute acknowledgement of a copy of this section and consent to the terms thereof.
3. Excavation permits are required for mining, mine operations and excavations that exceed the thresholds included in the article 4 definition for "excavation."

14:1.3. *Permit applications for excavations up to two acres.* Application for excavation permits of up to two acres will be required to be submitted to the county for review and approval together with the following:

- (a) The name and address of the operator of the proposed excavation activity or operation and the name and address of the property owner.
- (b) Applications must be accompanied by a narrative which describes the proposed excavation operations along with a description of removal techniques, types of materials being excavated, hours of operation, dust monitoring and suppression, and sediment erosion and control measures.
- (c) An excavation plan shall be submitted in accordance with article 3 of the county land development regulations to the development services representative. The excavation plan shall show the size of the proposed excavation, the relationship of the excavation(s) to the surrounding area, the tax map identification, all lot information, boundary survey, setbacks, required buffers, impervious areas and other such information as may be required by the planning commission or the development services representative.
- (d) A drainage and sedimentation plan as required by the South Carolina Sediment Erosion Control Act and approved by the South Carolina Department of Health and Environmental Control.
- (e) If the buffer required by section 12:8 is not forested at the time the application is filed, a buffer planting plan will be submitted for review as part of the permit application.

14:1.4. *Permit application for excavations of two acres or more.* Applications for excavations of two acres or more within a site will be submitted to the county for review and approval together with all of the submittals required by section 11:7.3, and the following:

- (a) A truck and vehicle traffic management plan for both on and near site roadways. For purposes of section 11:7, "near site roadways" shall mean county maintained roadways located within one-quarter mile of any access to the excavation site. A traffic impact analysis including a truck routing plan will be included which demonstrates and ensures that truck traffic through existing residential areas is mitigated or avoided. The capacity of all near site roadways to carry the traffic from the site to arterial or collector roads will be

revaluated by the county director of public works. The plan will provide for maintaining existing near site roadways within 300 feet of an access to the excavation site at like or better condition throughout the excavation activities and reclamation process.

- (b) An impact study prepared by a properly licensed individual or company which certified that the proposed excavation activities and operations will be in compliance with all performance standards as outlined in article 16 of the county zoning ordinance shall be submitted. The study shall also address any associated off site activities which are a direct result of the excavation operations such as noise and dust related to truck traffic.

14:1.5. *Minimum conditions for excavation activities and operations.* All excavation activities and operations and proposed excavation activities and operations must meet the following conditions:

- (a) Excavation activities and operations must comply with all applicable county development standards.
- (b) Excavation activities and operations must be in substantial harmony with the character of the area in which it is to be located.
- (c) Excavation activities and operations may not be injurious to or adversely impact adjoining property.
- (d) All excavation sites which have entrances on county roads shall be provided with a concrete apron for the full width of the driveway entrance. The apron shall be designed to withstand the appropriate truck loadings and a detail shall be submitted for review and approval along with traffic management plan.
- (e) The applicant shall provide written notification to the DSR at the time of advertising of the notice of intent to mine or substantial modification of a project in accordance with DHEC regulations.

14:1.6. *Fees.* Fees for permits provided in this section shall be determined by reference to the county fee schedule current at the time a completed application is filed.

14:1.7. *Access to site; inspection by county and compliance; violation a misdemeanor.*

1. The DSR is charged with the responsibility for enforcement of this ordinance.
2. The acceptance of a permit pursuant to this section shall constitute permission by the operator and property owner for county staff and/or their designated representatives to enter the property at any time after proper check-in with the on site facility management to monitor compliance with this ordinance consistent with all governing law.
3. Should any excavation be found to be in violation of this ordinance and/or its excavation permit, the county will provide written notice of such violation to the operator at the address indicated on the application or such other address as the operator may from time to time have designated. Violations shall be classified as:
 - (a) "Critical violations" are those that may result in immediate danger to persons or adjoining property, improper, or dangerous operations, or potential environmental damage. Such violations will result in immediate closure of the excavation activity or operation.
 - (b) "Non-critical violations" are all other violations. The operator shall have five consecutive calendar days to bring the excavation operation into compliance with this ordinance and/or the excavation permit. If the operator fails to comply within the five-day period then the excavation activity or operation will be closed until such time as compliance is obtained.
4. Violation of this ordinance shall constitute a misdemeanor. For continuous violations, each day shall constitute a separate offense.

ARTICLE 15. - SIGN STANDARDS

Footnotes:

-- (4) --

Editor's note— Ord. No. 09-33, §§ 3, 6, adopted December 14, 2009, repealed and reenacted article 15 in its entirety to read as herein set out. Formerly, article 15, sections 15.1—15.6, pertained to similar subject matter, and derived from an ordinance adopted November 13, 2007.

15:1. - Purpose and effect.

15:1.1. *Purpose.* The purpose of this article is to allow signs to be erected, placed, established, painted, created, or maintained in the unincorporated areas of the county only in conformance with the standards, procedures, exemptions, and other requirements of this article so the county may:

1. Encourage the effective use of signs as a means of communication in the unincorporated areas of the county;
2. Maintain and enhance the aesthetic environment and the county's ability to attract sources of economic development and growth;
3. Ensure pedestrian and traffic safety;
4. Minimize the possible adverse effect of signs, such as distraction or nuisance, on nearby public and private property; and
5. Enable the fair and consistent enforcement of these sign restrictions.

15:1.2. *Effect.* The effect of this article as more specifically set forth herein, is to:

1. Establish a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this article;
2. Allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this article, but without a requirement for permits;
3. Provide for temporary signs without commercial messages in limited circumstances;
4. Prohibit all signs not expressly permitted in this article; and
5. Provide for the enforcement of the provisions of this article.

15:1.3. *Jurisdiction.* This article regulates signs, as defined in article 4 and described more thoroughly in this article, which are located on private property or on public property owned or controlled by public entities over which the county has land use regulatory authority.

The regulations in this article are supplemented by the requirements administered by the state department of transportation which regulates billboard signs on interstate and federal aid road systems. A permit from the state may contain some restrictions which are in addition to the requirements of this article.

The regulations in this article are minimum requirements. Whenever the requirements of these regulations differ from the requirements of any other lawfully adopted rules, regulations, or ordinances, the more restrictive, or that imposing the higher standards shall govern.

15:1.4. *Administration authority.* The DSR is authorized and assigned the duty of enforcing all provisions of this article.

15:1.5. *Compliance and permits.*

1. No person shall construct, erect, place, display or maintain any sign in violation of this article. To ensure compliance with this article, a sign permit shall be required for all signs, except as provided herein. A sign permit application must be filled out at the time of application for a new structure, subdivision, or PDD. All billboard sign permits must be renewed yearly. All sign permit fees, including billboard sign permit renewal fees will be included in the county's fee schedule ordinance.
2. A sign permit shall expire after six months from the date of its issuance unless the sign, and all items required by the permit, have been completed in compliance with the permit.
3. Any permitted sign, which complies with the provisions of this section, and any subsequent amendment hereto, is hereby deemed to be a legal sign. Any proposed alteration to or relocation of such sign shall require a new permit pursuant to this section, unless the proposed alteration is specifically exempt in section 15:3.
4. Any legal sign which does not comply with the provisions of this Section solely due to the enactment of an amendment shall, upon the effective date of such amendment, become a non-conforming sign and subject to the provisions of section 15:9.
5. Fees and tags for billboards are required annually:
 - a. All billboard fees are due by January 1 of each year. Any fees not paid by February 1 will be subject to a late fee of one and one-half percent per month. Any sign fees not paid within 90 days will result in all permits being revoked and the owner will be given 60 days to remove the sign or the county will remove the sign at the owners' expense.
 - b. All billboard will be considered business property and will be subject to property taxes of the sign company.
 - c. All signs must have an approved county sign number tag applied in such manner as to be readily viewable from the adjacent roadway.

15:1.6. *Submission requirements.* The following information shall be submitted with an application for a sign permit:

1. An application form as published by the DSR and appropriate fee.
2. Scaled drawings of the proposed sign showing front and side elevations, materials and colors to be used;
3. For freestanding, billboard, monument and director signs, site plan sketch with dimensions (non-professionally drafted plan is acceptable) showing the location of the sign with respect to the property and right-of-way lines, building and setback lines, and buildings, parking areas, existing freestanding signs, and buffer areas.
4. Landscaping and lighting plan, or a written statement stating there will be none, and any existing site improvements;
5. For wall signs, a scaled drawing showing the entire wall or tenant space facade, the proposed sign location, and any existing wall signs;

6. Written certification from a registered South Carolina engineer or architect that the sign is structurally sound and safe, does not constitute a hazard to persons or property on the premises, on adjoining property, or in the vicinity, and that the sign is in compliance with all building or other construction codes and the requirements of this ordinance, for all freestanding, monument and directory signs exceeding 36 square feet;
7. Twelve copies of the complete application form and all attachments when the sign permit goes before the planning commission (billboards allowed through cap and replace provisions);
8. Identification of landowner and/or leaseholder of property on which the sign is to be erected, including street address (billboards allowed through cap and replace provisions).

15:1.7 *Action by DSR.* The DSR will approve, or approve with conditions, a permit if a sign application other than billboards (See Section 15:8.1) conforms to the standards of this Article. The DSR will deny a permit if a sign application does not conform to the standards of this Article.

(Ord. No. 09-33, § 6, 12-14-09; Ord. No. 2017-15, §§ 2, 3, 6-19-17)

15:2. - General provisions—All signs.

15:2.1. *Construction standards.* All signs shall comply with the appropriate provisions of the county's building code, and shall maintain clearances from all overhead electrical conductors in accordance with the National Electric Code. In addition:

1. Signs shall be installed at least ten feet horizontally or vertically from any conductor;
2. All electric wiring associated with a freestanding or directory sign shall be installed underground;
3. Signs must be constructed of non-combustible materials;
4. Signs shall be designed and constructed in such a manner and of such materials do that they are able to withstand wind pressure of at least 20 pounds per square foot or 75 miles per hour;
5. Signs, including any cables, guy wires or supports shall be located at least four feet from any electric fixture, street light, or other utility pole or standard.

15:2.2. *Sign maintenance.* To insure that all signs are maintained in a safe and aesthetic manner, the following maintenance requirements shall apply:

1. No sign shall be allowed to have more than 20 percent of its sign face, reverse side, or structure covered with disfigured, chipped, cracked, ripped, or peeling paint or poster paper for a period of more than 30 successive days;
2. No sign shall be allowed to remain with a bent or broken sign face, broken supports, loose appendages or struts, or stand more than 15 degrees away from the perpendicular for a period or more than 30 successive days;
3. No sign shall be allowed to have weeds, trees, vines, or other wild vegetation growing upon it for a period of more than 30 successive days;
4. No indirect or internally illuminated sign shall be allowed to have only partial illumination for a period of more than 30 successive days; and
5. Reverse sides of signs shall be properly finished with no exposed electrical wires or protrusions and shall be of one color.

6. No sign may remain vacant for 180 days. Should such occur, all permits will be revoked and the sign owner will have 60 days to remove the sign, or the county will remove the sign at the owner's expense.
7. If the DSR determines that a sign does not meet the previous maintenance requirements or the sign was constructed or erected in violation of the regulations in the article, notice shall be given to the property owner and the business proprietor. If the violation is not corrected within 15 days after such written notice, such sign may be removed by the county at the expense of the owner.
8. The DSR may cause any sign which is an immediate peril to persons or property to be removed summarily and without any advance notice thereof to said application and at the expense said owner.

15:2.3. *Public right-of-way.* Only public entities with right-of-way may have signage on or over the right-of-way. Otherwise, no portion of any sign shall overhang or encroach upon any public right-of-way.

15:2.4. *Setbacks from right-of-way.* All freestanding signs shall be set back at least ten feet from the public right-of-way. Signs shall not be located within the vision clearance triangle at street intersections. The vision clearance triangle shall be determined by measuring back 15 feet from the intersecting rights-of-way and connecting the two points.

15:2.5. *Sexually oriented business signs.* Each sexually oriented business must display at least one sign, easily discernible prior to the entering of the establishment, which identifies it as such by using the word "Adult" (for example, adult bookstore, adult cabaret, adult entertainment, etc.). All signs must be in compliance with this article.

(Ord. No. 09-33, § 6, 12-14-09)

15:3. - Signs not requiring a permit.

The following are allowed without permits under the following conditions:

1. Signs not exceeding one square foot in area and bearing only property numbers, post office box numbers, or names of occupants on premises not having commercial connotations;
2. Flags. Five feet by eight feet or smaller with a maximum height of 25 feet. A maximum of three flags per lot allowed.
3. Legal notices or identification, informational, and directional signs erected as required by governmental bodies;
4. Integral decorations or architectural features of buildings or grounds, except letters, trademarks, moving parts, or moving lights;
5. Signs not exceeding four square feet in area directing and guiding traffic on private property;
6. Wall identification signs and commemorative plaques not more than four square feet in area, memorial cornerstones or tablets providing information on building erection or commemorating a person or event;
7. Trademarks or product names which are displayed as part of vending machines, dispensing machines, automatic teller machines, and gasoline pumps;
8. Sandwich board signs. One sandwich board sign may be placed per lot for conforming or legal nonconforming business. The sign must be placed outdoors at the time of opening and removed prior to close of business. Sandwich board signs may not be placed in public right-of-way or obstruct sidewalks, pathways or walkways.
- 9.

Non-commercial message sign. A political sign shall not exceed eight square feet per side and a total of 16 square feet in a residential district. A political sign shall not exceed 16 square feet per side and a total of 32 square feet in a non-residential district. The maximum height of a political sign is six feet. The sign shall not be placed within a side yard setback area, as required under the zoning ordinance in the district in which the property is situated.

There shall be only one non-commercial message sign not pertaining to a specific event or election allowed per lot or parcel. If related to a specific event or election, the sign cannot be placed earlier than 60 days prior the event and must be removed within seven days of the event. The owner of the property or the person in charge thereof shall be responsible for the removal of the signs. Signs must be confined wholly to placement on private property, with permission of the property owner and non-illuminated.

Notwithstanding anything to the contrary in the foregoing, non-commercial message signs not exceeding four square feet in total area are permitted as window signs (i.e. as signs placed on the inside of windows of a structure so as to be visible from outside the structure).

Anything in this article to the contrary notwithstanding, a sign permitted in this article as an on-premises advertising sign may contain a lawful non-commercial message, except for traffic signs, railroad crossing signs, danger or other emergency signs, and directional signs.

10. Real estate and project signs shall be allowed without a permit provided the following restrictions for the type of sign used are met:
 - a. For single-family residential lots or units, one real estate sign, not exceeding five square feet in sign area per face and ten square feet in total sign area, and if freestanding, not exceeding four feet in height, shall be permitted. Property with two or more street frontages shall be permitted one additional sign per frontage.
 - b. For single-family subdivisions, multi-family, commercial, and industrial developments, one real estate or project sign not exceeding 48 square feet in sign area per face and 96 square feet in total sign area, and if freestanding, not exceeding eight feet in height, shall be permitted. Property with two or more street frontages shall be permitted one additional sign per frontage;
 - c. Project signs shall not be erected prior to the issuance of a development permit and shall be removed prior to issuance of the final certificate of occupancy; and
 - d. Real estate signs shall be removed within 15 days of the rent, sale, or lease of a property.
 - e. Signs shall not be illuminated.

{Ord. No. 09-33, § 6, 12-14-09; Ord. No. 16-29, § 3, 10-3-16}

15:4. - Prohibited signs.

The following signs are prohibited in unincorporated Jasper County:

1. Signs imitating traffic or emergency signals. No sign shall be permitted which imitates an official traffic sign or signal, or contains words or symbols displayed in a manner which might mislead or confuse drivers of vehicles, or which displays intermittent lights resembling the color, size, shape, or order of lights customarily used in traffic signal, on emergency vehicles, or on law enforcement vehicles, except as part of a permitted private or public traffic control sign;
2. Audible signs;

3. Flashing signs;
4. Searchlight display signs;
5. Moving signs;
6. Signs attached to or painted on selected features. No sign shall be permitted which is attached to a utility pole or street sign, or is attached to or painted on tree trunks, rocks, or other natural objects;
7. Discontinued use signs. Signs which advertise a discontinued product, place person, institution, or business shall be removed within 30 days form the date of termination;
8. Signs containing banners, pennants, spinners or other moveable parts, streamers, balloons or beacons; except if allowed as a temporary sign by the DSR in accordance with subsection 15:5.2;
9. Signs emitting odors, or visible matter such as smoke or vapor;
10. Bench signs;
11. Inflatable signs;
12. Snipe signs. Signs erected, painted, posted, or affixed in any manner on benches, bus shelters, waste receptacles, unregistered/abandoned vehicles, utility poles, fences, or natural features such as trees;
13. Any sign which exhibits statements, words, or pictures of an obscene or pornographic nature including but not limited to photographs, silhouettes, drawings, titles, graphic or pictorial representations in any manner of "nudity or state of nudity," "semi-nudity or state of semi-nudity," "specified sexual activities," or "specified anatomical areas";
14. Signs which obstructs free ingress/egress from a required door, window, fire escape, or other required exit way;
15. Signs and or sign structure which obstructs the view of, may be confused with, or purports to be a governmental or traffic direction/safety sign;
16. Except as otherwise provided, temporary or permanent signs within any street right-of-way, except when erected or constructed by a public agency or with the approval of the county and upon issuance of an encroachment permit;
17. Signs of any kind shall be erected or displayed in any salt marsh areas or on any land subject to periodic inundation by tidal salt water;
18. Billboards, non-digital and digital, except those allowed by Section 15:8 and approved by the Planning Commission in accordance with Section 15:8.1;
19. Any sign not expressly permitted;
20. Any sign unlawfully installed, erected or maintained;
21. Signs mount on vehicles and parked to attract attention to the business or use;
22. String lights except when used for holiday decorations;
23. Roof signs;
24. Off-premise and off-site signs, except for billboards that are erected or constructed in accordance with subsection 15:7.2.

(Ord. No. 09-33, § 6, 12-14-09; Ord. No. 2017-15, § 4, 6-19-17)

15:5. - Temporary signs.

The following signs shall require the issuance of a temporary sign permit by the DSR prior to their erection. The permit shall cite the length of time any such sign may be displayed.

15:5.1. *Location.* All temporary signs must maintain at least a ten-foot setback from all property or right-of-way lines and the existing road right-of-way, unless otherwise specifically stated in this ordinance. However, no sign shall be allowed to violate any of the requirements of sight triangle clearance and sight visibility at intersections as provided in this ordinance and the land development regulations.

15:5.2. *Types of temporary signs.*

1. *Special event signs.* One portable sign or windblown sign shall be permitted in conjunction with special events in accordance with the following provisions: For the opening or closing of a business, special event or sale, promotional event, change of ownership or management events, such signs are permitted for a period not to exceed the timeframe and size limitation approved by the DSR. Unless otherwise approved by the DSR, such signs shall not be erected more than 14 days prior to the event and shall be removed within five days after the event.
2. *Temporary signs announcing a civic, philanthropic, educational, or religious event.* Such signs are permitted for a period not to exceed the timeframe and size limitation approved by the DSR. Unless otherwise approved by the DSR, such signs shall not be erected more than 14 days prior to the event and shall be removed within five days after the event.
3. *Portable signs.* One portable sign may be placed per non-residential lot. Portable signs must be secured properly and such signs are permitted for a period not to exceed the timeframe and size limitation approved by the DSR.
4. *Banner signs.* Temporary banner signs of cloth or similar material that celebrates an event, season, community, neighborhood, or district and is sponsored by a recognized community agency or organization may be permitted for a period not to exceed the timeframe and size limitation approved by the DSR.

(Ord. No. 09-33, § 6, 12-14-09)

15:6. - Standards.

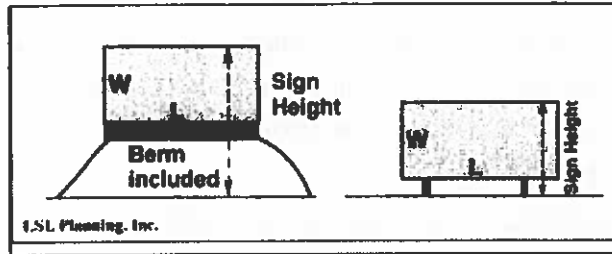
15:6.1. *[Computation of sign and height area.]* The following principles shall control the computation of sign area and height area:

1. *Measuring of sign area.* The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the county zoning ordinance regulations and is clearly incidental to the display itself;
2. *Measuring area of multi-faced signs.* The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When any two sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign

faces are part of the same sign structure and are not more than 42 inches apart, the sign area for Zoning purposes (but not for business licensing or other fee purposes) shall be computed by the measurement of one of the faces; and

3. *Measuring sign height.*

- a. The permitted height of all signs supported by the ground shall be measured from the level of the ground, finished surface, adjacent to the sign.
- b. The permitted height of signs shall not be measured from an area of the ground that has been built-up or constructed in a manner that would have the effect of allowing a higher sign height than permitted by these regulations (e.g. the height of signs erected on a berm shall be measured from the finished grade adjacent to the berm).



15:6.2. *Location.* Signs must be located at least ten feet from all property lines and the existing road right-of-way, unless otherwise specifically stated in this ordinance. Signs shall not be located within the vision clearance triangle at street intersections. The vision clearance triangle shall be determined by measuring back 15 feet from the intersecting rights-of-way and connecting the two points.

15:6.3. *Regulation for signs.*

Sign Regulation

Type	Zoning District	Maximum Sign Area (square feet)	Maximum Height (feet)	Maximum Sign Width (feet)	# of Faces Allowed
Flags	CC, GC, MB, ID, PDD	In accordance with the Flag Manufacturers Association of America (FMAA) specifications	1 flag per development at 60'; or 3 flags per development at 35'	n/a	n/a
	R, RP, RC	based on height of flagpole	3 flags at 35'	n/a	n/a

Freestanding Signs- Including Monument, Ground, Pedestal	RC, RP, RE, R	25 per face, 50 total	Monument 6, Freestanding 8	10	2 back to back
	CC	40 per face, 80 total	Monument 7, Freestanding 8	12	2 back to back
	GC, ID, PDD	55 per face, 110 total	Monument 7, Freestanding 15	16	2 back to back
	Commercial Centers greater than 5 acres, consisting of multiple lots	80 per face, 160 total	Monument 8, Freestanding 20	16	2 back to back
Freestanding Signs-Hanging Sign	GC, ID, CC, PDD	8 per face, 16 total	Top edge of sign face not to exceed 6 feet above ground level	4	2 back to back
	RC, RP, RE, R	8 per face, 16 total	Top edge of sign face not to exceed 6 feet above ground level	4	2 back to back

Wall Signs	GC, ID, CC, PDD	10% of wall. The total area of wall signs shall not occupy more than 10% of the area of the wall upon which they are placed.	80% of wall height.	80% of wall width.	One sign per tenant per side. Tenant signs must be located on the facade of the tenant space being identified.
	RC, RP, RE, R	X	X	X	X
Projecting Signs	GC, ID, CC, PDD	8 per face, 16 total	Bottom of sign must be at least 8 feet above ground level or sidewalk.	4	Two total faces. One sign allowed per business at business entrance.
	RC, RP, RE, R	X	X	X	X
Directory Signs	GC, ID, CC, PDD	25 per face	8		Four total faces. One sign is allowed per primary access.
	RC, RP, RE, R	X	X	X	X
Window Signs	GC, ID, CC, PDD	Not more than 25% of surface of window	n/a	n/a	n/a
	RC, RP, RE, R	X	X	X	X

Awnings and Canopies	GC, ID, CC, PDD	1/3 of canopy or awning	Bottom of awning or canopy must be at least 7 feet above ground level or sidewalk.	n/a	n/a
	RC, RP, RE, R	X	X	X	X

Additional Requirements from Table:

- A. Freestanding signs. Freestanding signs shall be separated by a distance of no less than 500-foot intervals along each street frontage of the premises.
 - a. Each lot of record shall be allowed one sign except a corner lot where a total of two signs may be permitted, one on each road frontage, provided that the total linear frontage is a minimum of 300 feet per side.
 - b. Masonry bases must that match the associated building(s). Landscaping shall be planted to minimize the appearance of the poles or braces.
- B. In lieu of a freestanding sign, a development may use signs on entrance structures such as fences or walls. The number of sign faces is limited to two per entrance, on either side of the entrance, and confined to the entrance area. The distance between sign faces shall not exceed 100 feet. Such signs are subject to the size limitations of this section.

15:6.4. *Automotive service station/convenience market signs.* The following sign standards apply to automotive service station and convenience markets:

1. *Freestanding and wall signs.* One freestanding sign and one wall sign shall be permitted. Such signs shall meet total height and area requirements as set forth in subsection 15:6.3, Freestanding signs, and subsection 15:6.4, Wall signs;
2. *Gasoline pump signs.* Signs on gasoline pumps must be an integral part of the pump structure;
3. *Product or service advertising.*
 - a. No more than four product/service advertisements shall be allowed;
 - b. Signs must be grouped on one sign structure per street frontage;
 - c. Individual product/service advertisements shall not exceed four square feet in size;
 - d. None of the allowable signs on the same structure shall be duplicates.
 - e. Fuel price signs. One double-face sign per street frontage, not to exceed 12 square feet total area;
 - f. Rack or cabinet signs. Includes those signs, which are an integral part of a rack or cabinet, such as display of oil, wiper blades, etc;
 - g.

Attention-getting advertising media. Banners, streamers, whirligigs, flashing, intermittent electrical or iridescent devices, and similar attention-getting advertising media are prohibited;

- h. Signs located on buffer wall. No sign for an automotive service station shall be placed, painted, or otherwise erected on any buffer wall; and
- i. Signs interfering with site distance. No sign or sign structure shall be positioned in such a manner that it interferes with any recognized vehicular sign, distance needs, or requirements.

(Ord. No. 09-33, § 6, 12-14-09; Ord. No. 16-07, § 2, 5-2-16; Ord. No. 16-29, § 4, 10-3-16; Ord. No. 2017-15, § 5, 6-19-17)

15:7. - Illumination.

15:7.1. *General lighting.*

1. Sign lighting shall be of low intensity with effective provisions made to minimize spillover of light beyond the actual sign face. Examples of permissible illumination methods would include, but not limited to, the use of appropriate cut-off style light fixtures, the use of down-light fixtures adjusted so as to avoid spillover and interference with the vision of motorists, and the use of muted internal illumination.
2. Use of glaring undiffused lights or bulbs shall be prohibited.
3. Use of exposed neon lighting, including neon banding, or exposed light bulbs is prohibited.
4. Lights shall be shaded so as not to project onto adjoining properties or thoroughfares.
5. Underground wiring shall be required for all illuminated signs not attached to a building.
6. All lighting fixtures or light sources for lighted signs shall be positioned and/or shaded so that the light source is not visible from normal pedestrian perspectives.
7. Lighting intensities for illuminated signs shall not exceed ten foot-candles, measured at four feet perpendicular to any surface.
8. External light sources used to illuminate a sign are not included in the measurement of a sign's area and/or height.
9. Colored lamps are not permitted except for electronic changeable copy signs as allowed in accordance with Section 15:7.2
10. Internal illumination. Internal illuminated signs are permitted within the community commercial, general commercial and industrial development zoning districts. Where permitted, internally illuminated signs shall be subject to the following regulations:
 - a. *Display area.* Internally illuminated area of signs must be limited to 50 percent of the total allowed sign area.
 - b. *Muted lighting.* Lamps within internally illuminated signs shall be muted so that individual lamps cannot be distinguished behind the sign face.

15:7.2. *Digital billboards.* Digital billboards are only permitted within the general commercial zoning district north of US 278 on SC 170. Digital billboards are subject to the cap and replace regulation, subsection 15:8.2, and can only be established through that section. Where permitted, digital signs shall be subject to the following regulations:

1. *Distance.* The digital structure may be located no closer than 1,000 feet to the residential, resource conservation or rural preservation zoning districts. Measurement shall be from the residential zoning district to the outermost portion of each sign.

2. *Spacing.* No digital sign may be closer than two miles to an existing digital billboard/off-premise advertising sign. Measurement shall be to the outermost portion of each sign.
3. *Message display intervals.* Each message appearing on a digital billboard face shall remain fixed for a minimum of eight seconds, and message changes shall be instantaneous and shall not contain such visual effects as fading or dissolving.
 - a. *Dissolve.* A mode of message transition on an electronic message display accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.
 - b. *Fade.* A mode of message transition on an electronic message display accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

In no event shall revolving, flashing or intermittent illumination be allowed. Where allowed, a message shall be displayed a minimum of eight seconds. Transition from one message to the next shall be instantaneous and shall not contain such visual effects as fading dissolves, flashing, etc.

4. *Illumination.* Display brightness shall be adjusted as ambient light levels change and shall be subject to review and regulation as determined by the DSR.
5. *Malfunction display lock.* Digital billboards shall contain a default design that will freeze the sign in one position if a malfunction occurs or in the alternative shut down.
6. *Emergency information.* The operator of a digital billboard shall at the request of the county government make every effort to display emergency messages, such as Amber Alerts, road closures and evacuation information, as a public service and at no cost to requesting authority. Such messages shall be displayed in appropriate locations and with appropriate frequency until the emergency no longer exists or the authority requests termination.

15:7.3. *Electronic changeable copy sign.* Electronic changeable copy signs are permitted within the general commercial and industrial development zoning district. Where permitted, signs shall be subject to the following regulations:

1. *Display area.* Changeable copy signs area must be limited to 20 percent of the total allowed sign area.
2. *Display.* No "scrolling displays," or the vertical movement of a static message or display on an electronic changeable message sign. No "traveling displays" or the horizontal movement of a static message or display on an electronic changeable message sign.
3. *Content.* Signs shall only provide public information such as gas price signs, time and temperature signs, and "open or closed" status.
4. *Message display interval.* These signs are only allowed to change when the content information changes; meaning the sign must be set in a non-flashing and non-animated mode. The electronic message shall not change of more than once every eight hours and shall not use flashing or blinking characters. Information pertaining to gas prices, time and temperature, and "open or closed" status may change more frequently, but not more than once per eight seconds.
5. *Color.* Text is limited to one color.

(Ord. No. 09-33, § 6, 12-14-09; Ord. No. 2017-15, § 6, 6-19-17)

15:8.1 *Approval by the planning commission.* The planning commission must approve, approve with conditions or deny all applications for new billboards, digital billboards or alterations to an existing non-digital billboard and digital billboards. A permit will be issued after the planning commission has approved the application. Section 15:8:3 includes the criteria planning commission will use for new billboards and Section 15:8.4 for digital billboards through the cap and replace provision, Section 15:8.2. The planning commission may require adjustments to the design and site location of proposed signs and reasonable conditions may be attached to an approval.

15:8.2 *Cap and replace.* In order to place a new non-digital billboard, the owner and advertising company must remove and abandon three active billboards. An active billboard is a billboard that has not been abandoned or which has changed the copy face or received income on the copy face within six months of the date of this ordinance. In order to place a new digital billboard or convert a non-digital billboard to a digital billboard, the owner and advertising company must remove and abandon four active billboards. Any new billboard or existing billboard which is converted to a digital billboard must adhere to all the requirements of [article 15](#). All new billboards including the conversion of non-digital billboards to digital billboards allowed through this regulation must be approved by the planning commission.

15:8.3 *Billboards.* New non-digital billboards are only permitted through the cap and replace regulations, Section 15:8.2 and must be approved by the planning commission. Non-digital billboards shall be subject to the following regulations:

1. *Location.* New non-digital billboards are only permitted within the General Commercial and Industrial Development Zoning Districts along the interstate highways and frontage roads where their right-of-way is contiguous to an interstate highway provided these signs are located within 100 feet of the right-of-way of the interstate or frontage road.
2. *Minimum spacing.* Non-digital billboards located along an interstate may not be erected within 500 feet of an interchange or rest area. The interchange or rest area is considered to begin or end at the point where the pavement widens for an entrance or exit ramp. Non-digital billboards located along an interstate shall not be permitted to locate within 500 feet of another sign on the same side of the roadway. For frontage roads, no billboard shall be permitted to locate within a 1,000 foot radius of another off premise sign.
3. *Maximum sign face.* The maximum sign face for any non-digital billboard located along an interstate shall be 672 square feet plus a 10% allowance for copy extensions. A copy extension is the part of the copy which extends beyond the edge or border of the sign, sometimes called a "cut-out" or "drop-out."
The sign face of a non-digital billboard on any other highway shall be 378 square feet plus 10% allowance for copy extensions.
4. *Maximum height.* Non-digital billboards located along interstate highways shall not exceed a height of 100 feet above the elevation of the highest travel lane at the location of the sign. The maximum height of non-digital billboards along other roadways shall not exceed 35 feet above the elevation of the roadway.
5. *Minimum height.* The minimum height of the display surface for non-digital billboards located along interstate highways shall be 15 feet above the elevation of the highest travel lane at the location of the sign. The minimum height of the display surface of non-digital billboards along other roadways shall be 15 feet above the elevation of the roadway, unless the Sign Face does not exceed 200 square feet and placement of the sign does not block visibility of an existing Identification Sign.
6. *Other standards.* If any other governmental body (federal or state) also regulates billboards, to the extent allowed by law, the more restrictive or that imposing higher standards, shall govern.

15:8.4 *Digital billboards.* Digital billboards constitute a separate and distinct land use due to their size and prominence upon the landscape, and are therefore subject to the following separate regulatory provisions. It is the purpose of this ordinance to allow for the establishment of digital billboards under specific, limited circumstances. Existing non-digital billboards may be converted to a digital billboard, or a new digital billboard may be erected, through the cap and replace regulations, Section 15:8.2, and must be approved by the planning commission. Digital billboards shall be subject to the following regulations:

1. *Location.* Digital billboards are only permitted within 2,000 feet of the county border along Highway 17 north (Point South area) and south (state line area) and I-95 north (Point South area) and south (state line area) in the General Commercial Zoning District. Highway 17 south shall be measured from the highland of the S.C. side of the boundary 2,000 feet, not the river or marsh. Notwithstanding the foregoing reference to 2,000 feet, the Highway 17 north area shall only extend from 100 feet north of the intersection at Hamilton Place back to I-95.
2. *Distance.* The digital structure may not be located within 1,000 feet of the residential zoning district. Measurement shall be from the residential zoning district to the outermost portion of each sign.
3. *Spacing.* Digital Billboards may not be located within two miles of another existing digital billboard on the same side of the right-of-way. Measurement shall be to the outermost portion of each sign.
4. *Maximum sign face.* The maximum sign face for any digital billboard is limited to 560 square feet per face.
5. *Maximum height.* Digital billboards located along interstate highways shall not exceed a height of 100 feet above the elevation of the highest travel lane at the location of the sign. The maximum height of digital billboards along other roadways shall not exceed 45 feet above the elevation of the roadway.
6. *Minimum height.* The minimum height of the display surface for digital billboards located along interstate highways shall be 15 feet above the elevation of the highest travel lane at the location of the sign. The minimum height of the display surface of digital billboards along other roadways shall be 15 feet above the elevation of the roadway, unless the Sign Face does not exceed 150 square feet and placement of the sign does not block visibility of an existing identification sign.
7. *Message display intervals.* Each message appearing on a digital billboard face shall remain fixed for a minimum of eight seconds, and message changes shall be instantaneous and shall not contain such visual effects as fading or dissolving.
 - a. *Dissolve.* A mode of message transition on an electronic message display accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.
 - b. *Fade.* A mode of message transition on an electronic message display accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.In no event shall revolving, flashing or intermittent illumination be allowed. Where allowed, a message shall be displayed a minimum of eight seconds. Transition from one message to the next shall be instantaneous and shall not contain such visual effects as fading dissolves, flashing, etc.
8. *Illumination.* Display brightness shall be adjusted as ambient light levels change and shall be subject to review and regulation as determined by the DSR.
- 9.

Malfunction display lock. Digital billboards shall contain a default design that will freeze the sign in one position if a malfunction occurs or in the alternative shut down.

10. *Emergency and public service information.* The operator of a digital billboard shall, at the request of Jasper County Government, display emergency messages, such as Amber Alerts, road closures and evacuation information, as a public service and at no cost to Jasper County Government. Such messages shall be displayed in appropriate locations and with appropriate frequency on such digital billboard(s) until the emergency no longer exists or Jasper County Government requests termination. In addition, the operator of a digital billboard shall on a space available basis, and at the request of Jasper County Government, display one public service announcement (that promotes or benefits Jasper County) per advertising cycle on such digital billboard(s) faces(s).
11. *Other standards.* If any other governmental body (federal or state) also regulates billboards, to the extent allowed by law, the more restrictive or that imposing higher standards, shall govern.

15:8.5 *South Carolina Code of Laws.* The sign regulations contained in this ordinance are supplemented by the requirements of the State of South Carolina Department of Transportation which regulates off-premise signs on interstate and federal aid road systems. See Section 15:1.3. Issuance of a Jasper County Zoning Permit does not imply approval of, or constitute a privilege to violate, any other applicable, federal, state or local statutes, ordinances, codes, regulations, or private restricted covenants. Applicants are specifically reminded of the Jasper County Code of Ordinances as it relates to initial and recurring annual fee for off-premise signs.

(Ord. No. 09-33, § 6, 12-14-09; Ord. No. 16-07, § 3, 5-2-16; Ord. No. 2017-15, §§ 7, 8, 6-19-17)

15:9. - Non-conforming signs and billboards.

15.9.1 *Non-conforming signs and billboards.* Non-conforming signs may continue in operation and maintenance, provided that non-conforming signs shall not be:

1. Changed to or replaced with another non-conforming sign. However, this provision shall not prohibit a change in copy or graphics on the sign face of the sign;
2. Replaced with a digital, LED, or similar electronic sign, except as allowed by Article 15:8.1 and consistent with 15:8.2 and 15:8.4;
3. Structurally altered so as to extend their useful life;
4. Expanded;
5. Relocated, except in compliance with this section; and
6. Reestablished after damage or destruction of more than 50 percent of the replacement value of the same type sign at the time of such damage or destruction unless by vandalism or a criminal act conducted by a party not associated with the advertising company, sign owner or property owner.

This section shall not prevent repairing or restoring to a safe condition any part of a sign or sign structure, or normal maintenance operations performed on a sign or sign structure. The sign structure, or any of its members, may be replaced with only like or similar materials. Replacement may be made only on a pole for pole or member for member basis, and the original structure design may not be altered in any form. Lighting cannot be added to a non-illuminated sign.

When a sign is located on property which is condemned for right-of-way acquisition, one of the following standards shall apply:

1. A sign which is not located in, and does not overhang the new right-of-way, may remain in place.
2. When a sign located on a state or federal aid highway must be relocated off the new right-of-way, it shall, at a minimum, comply with state standards for such relocation; and
3. When a sign located on a county road must be relocated off the new right-of-way, it shall comply, as near as possible, with the setbacks established in this article.

15:9.2 Amortization.

- A. Non-conforming off premises signs shall be amortized and the non-conforming use discontinued as provided in Table 1.1, of this section, except, if the use of such off premises sign cannot be amortized due to its proximity to a federal aid primary road, interstate highway or national highway system road then the non-conforming off premises sign shall be discontinued if abandoned as defined Article 4, Definitions or if damaged more than fifty percent as defined in Section 15:9.1 (6) in which case such non-conforming use shall be permanently ended and discontinued and the remaining portions of the off premises sign removed.
- B. Amortization of non-conforming signs and billboards not subject to protection by reason of its proximity to federal aid primary road, interstate, highway or national highway system or otherwise protected under state or federal law or regulation, shall be subject to the following:
 1. Non-conforming signs and billboards shall be removed or otherwise made to conform to the provisions of this Article within the number of years set forth in the Amortization Schedule below, which shall begin to run on the date of enactment of this Ordinance.
 2. The amortization period set forth in the Amortization Schedule shall be conclusively presumed to have provided just compensation to the owner of the non-conforming sign or billboard and the owner of the real property on which the non-conforming sign or billboard is located for any property interest impacted by this Ordinance.
 - a. Provided, however, that if any amortization period is declared invalid and it is ordered or determined that the County is required to pay funds as compensation, that the County shall have the option to allow the non-conforming sign or billboard to continue in existence as a non-conforming use without payment of such funds until, in its sole discretion, the County determines that adequate funds exist to remove the non-conforming sign or billboard.
 - b. The failure of the County to remove any non-conforming sign shall not be construed as a waiver by the County to exercise any such rights in the future or demand strict compliance with the provisions of this Ordinance.
 - c. In the event a sign is protected as set forth in Section 15:9.2 above, the Amortization Schedule herein shall be deemed to incorporate such corresponding amortization period as may be provided in the protective statutes or regulations.

AMORTIZATION SCHEDULE	
Original Cost of Sign or Billboard	Amortization Period from the Date of Enactment of this Ordinance
Less than \$5,000.00	5 years

Greater than \$5,000.00	8 years
-------------------------	---------

3. Nothing herein shall be construed to make a sign in existence on the effective date of this ordinance which is currently an unlawful non-conforming sign already deemed to be abandon and/or subject to removal, subject to the extended amortization period of Section 15:9.2.

(Ord. No. 09-33, § 6, 12-14-09; Ord. No. 2017-15, §§ 9, 10, 6-19-17)

15:10. - Sign variances.

Any party who has been refused a sign permit for a proposed sign may file an appeal with in accordance with the zoning ordinance. In determining whether a variance is appropriate, the BZA shall study the sign proposal, giving consideration to any extraordinary circumstances, such as those listed below, that would cause practical difficulty in complying with the sign standards. The presence of any of the circumstances listed may be sufficient to justify granting a variance; however, the zoning BZA may decline to grant a variance even if certain of the circumstances are present.

In granting a variance, the BZA may attach such conditions regarding the location, character, and other features of the proposed sign as it may deem reasonable. In granting a variance, the BZA shall state the grounds and findings upon which it justifies granting the variance.

1. Permitted signage could not be easily seen by passing motorists due to the configuration of existing buildings, trees, or other obstructions.
2. Permitted signage could not be seen by passing motorists in sufficient time to permit safe deceleration and exit. In determining whether such circumstances exist, the zoning board of appeals shall consider the width of the road, the number of moving lanes, the volume of traffic, and speed limits.
3. Existing signs on nearby parcels would substantially reduce the visibility or advertising impact of a conforming sign on the subject parcel.
4. Construction of a conforming sign would require removal or severe alteration to natural features on the parcel, such as but not limited to: removal of trees, alteration of the natural topography, filling of wetlands, or obstruction of a natural drainage course.
5. Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger the health or safety of passers-by.
6. Variance from certain sign regulations would be offset by increased building setback, increased landscaping, or other such enhancements, so that the net effect is an improvement in appearance of the parcel, compared to the result that would be otherwise achieved with construction of a conforming sign.
7. A sign which exceeds the permitted height or area standards of this article would be more appropriate in scale because of the large size or frontage of the parcel or building.

Adjustment in size, location. The BZA may, upon application by the property owner, make reasonable adjustment in the size and location requirements for any sign, where such action meets the following standards:

1. A variance is deemed in the public interest;
2. The variance would not adversely affect properties in the immediate vicinity of the proposed sign;

3. The alleged practical difficulty supporting the variance request results from conditions that do not generally exist throughout the county, and denial of a variance would preclude all reasonable use of the property;
4. Granting a variance would result in substantial justice being done, considering the public interests protected by the standards of this article, the individual hardships that would be suffered by denial of the variance and the rights of others throughout the county whose property may be affected by granting the variance;
5. The type of sign has been designed to make it compatible with the surrounding area.

(Ord. No. 09-33, § 6, 12-14-09)

15:11. - Severability.

If any section, clause, paragraph, sentence or phrase of this sign ordinance ([Article 15](#) of Appendix A of the Jasper County Code of Ordinances) shall, for any reason, be held to be invalid or unconstitutional, such invalid section, clause, paragraph, sentence or phrase is hereby declared to be severable; and any such invalid or unconstitutional section, clause, paragraph, sentence or phrase 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.

(Ord. No. 16-29, § 4, 10-3-16)

ARTICLE 16. - MANUFACTURING USE PERFORMANCE STANDARDS

The following performance standards are designed to ensure that all permitted manufacturing uses produce no injurious or obnoxious conditions related to the operation of such uses beyond the premises.

16:1. - Vibration.

No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at any point beyond the lot line; nor shall any vibration produced exceed the following particle velocity levels, measured with a vibration monitor in inches per second at the nearest:

- a) Residential property line:0.02
- b) Non-residential property line:0.10

Vibration emanating from construction activities between 7:00 a.m. and 9:00 p.m. shall be exempt from these regulations.

16:2. - Noises.

All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness. In no event shall the sound pressure level of noise radiated continuously from a facility exceed at the lot line the values given in Table 3 in any octave band or frequency. Sound pressure level shall be measured with a sound meter and an octave band analyzer that conforms to specifications published by the American Standards Association. (See Table 3)

TABLE 3

Maximum permissible sound pressure levels at the lot line for noise radiated continuously from a facility between the hours of 9:00 p.m. and 7:00 a.m.

Frequency Band (In Cycles Per Second)		Sound Pressure Levels (In Decibels)	
		At Non-Residential Lot Line	At Residential Lot Line
20 -	75	79	65
75 -	150	60	50
150 -	300	56	43
300 -	600	51	38
600 -	1,200	42	33
1,200 -	2,400	40	30
2,400 -	4,800	38	28
4,800 -	10,000	35	20

Day time schedule. Maximum permissible sound pressure levels at the lot line for noise radiated from a facility between the hours of 7:00 a.m. and 9:00 p.m. shall not exceed the limits of the preceding table except as specified and corrected below.

Type of Operation in Character of Noise	Correction in Decibel*
Daytime operation only	Plus 5
Noise source operates less than 20% of any one-hour period	Plus 5
Noise source operates less than 5% of any one-hour period	Plus 10
Noise source operates less than 1 & of any one-hour period	Plus 15

Noise of impulsive character (hammering, etc.)	Minus 5
Noise of periodic character (hum, speech, etc.)	Minus 5
* Apply to the preceding table one of these corrections only.	

Noises emanating from construction activities between 7:00 a.m. and 9:00 p.m. shall be exempt from these requirements.

16:3. - Air pollution.

The emission of visible smoke, dust, dirt, fly ash, particulate matter from any pipes, vents, or other openings, or from any other source into the air, shall comply with the regulations of the South Carolina Department of Health and Environmental Control.

16:4. - Odors.

There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive at the property line. Any process, which may involve the creation or emission of any such odor, shall be provided with both a primary and a secondary safeguard system so that control may be maintained in the event of failure of the primary safeguard system.

Odorous matter: Solid, liquid or gaseous material which produces an olfactory response in a human being.

Odor threshold concentration: The lowest concentration of odorous matter which will produce an olfactory response in a human being. Odor thresholds shall be determined in accordance with American Society for Testing and Materials Test Method DI 391-57 (1967).

Emission of odorous matter: Odorous matter released from any operation or activity shall not exceed the odor threshold concentration across a protected property line measured at ground or habitable elevation.

16:5. - Toxic matters and hazardous waste.

Toxic matter: Materials or substances which, either singly or in combination with other materials or substances, through synergistic action, poses a threat to the health of human beings, either acutely or chronically.

Hazardous waste: Materials or substances which are not biodegradable and which, due to such fact, pose a threat to living organisms through chemical contamination of the ecosystem.

Determination of material status. The determination that a material or substance is either toxic or poses a threat as a hazardous waste shall be based upon the listing published by the Environmental Protection Agency under the Toxic Substances Control Act of 1976, as amended, and the rules and regulations promulgated for identification of such by SCDHEC.

Compliance with existing statutes. Any facility proposing to locate within the jurisdiction of the ordinance which would utilize toxic matter or produce hazardous waste in the process of manufacturing, fabricating, assembling, packaging or any related activity, shall provide to the zoning administrator for Jasper County a certificate from either the Bureau of Solid and Industrial Waste Management for the Compliance and Enforcement Division of the NPDES Permits Administration of DHEC, or both, indicating compliance with the rules and regulations administered by those agencies. Only until such certification is received from SCHEC shall the facility be permitted for occupancy.

Nothing contained herein shall be intended to pre-empt or abrogate the requirement for a user of toxic matter or generator of hazardous waste to adhere to the administrative and procedural requirements of state or federal agencies with regard to environmental protection.

Special requirements. Notwithstanding the requirements of state and federal agencies charged with the administration of the rules and regulations governing the operation of facilities utilizing toxic matter or generating or storing hazardous waste, any facility involved in such identified material shall provide an on-site containment area for the material so that a leak or spill is contained entirely on the facility's property and thus prevented from entering the surface or subsurface drainage system, manmade or natural, within the county. The review of the containment structure as to its design and acceptability shall remain with the zoning administrator who may rely upon the expertise provided by the county building Official or any other agency as necessary to ascertain satisfaction that the proposed structure will provide compliance with the intent of this section.

List of materials. Materials and substances considered as either toxic matter or hazardous waste shall be those contained within the listing published by the Environmental Protection Agency, as amended, under the provision of the Toxic Substances Control Act of 1976. A further listing of such materials is found in Regulation No. 61-79.1 of the Rules and Regulations for the State of South Carolina, appended to the 1976 Code of Laws, as amended.

16:6. - Fire and explosive hazards.

Activities involving the storage, utilization, or manufacture of materials or products which are considered detonable (non-atomic), flammable, or ignitable shall be subject to the rules and regulations of the South Carolina Department of Health and Environmental Control (SCDHEC) for such.

Particular requirements for Jasper County. Vehicular fuels shall be stored in accordance with the following storage capacity limits:

	Adjacent Grandfathered Residential Use or Adjacent Restricted Development District	Adjacent Intense Development District
Underground Tank	80,000 gallons/acre	Unlimited
Above Ground Tank	40,000 gallons/acre	150,000 gallons/acre

Where above ground storage is proposed in excess of 100,000 gallons, a minimum distance of 500 feet shall be required from such storage to any property line.

16:7. - Radioactive materials.

The manufacture, storage, or utilization of radioactive materials shall be in accordance with the requirements of the South Carolina Department of Health and Environmental Control. Reference is made to Regulations 61-63 and 61-83 appended to the South Carolina Code of Laws, 1976, as amended.

16:8. - Light and glare.

Foot candle. A unit of illumination. Technically, the illumination at all points one foot distant from a uniform point source of one candlepower.

Glare. The disturbing quality of direct illumination which, although not necessarily providing a measurable amount of light from a given vantage point, nonetheless is an attractive nuisance to the eye to the point of causing discomfort when viewed.

Limitation of illumination. In all districts, any operation of activity producing light from a non-mobile source (cars, trucks and other vehicles traveling on highways, etc, are exempt) shall not cause illumination in excess of one foot candle when measured in a Restricted development district or across the protected property line of an adjacent grandfathered residential use.

Limitation of glare. In all districts, any activity producing light from a non-mobile source (cars, trucks, and other vehicles and crafts are exempt from these provisions) shall be so constructed so that glare is not directed into a restricted development district, across the protected property line of an adjacent grandfathered residential use, or into traffic lanes of public roads. Pole mounted lighting fixtures are encouraged to be located along the perimeter of the area to be illuminated so that the direction of the light may be inward away from the property lines. Certain fixtures must be shielded to mitigate the effects of glare.

Exterior illumination. All outdoor light fixtures shall be fully shielded and installed in such a way that no light is emitted above a horizontal plane running through the lowest part of the fixture. Use of high pressure sodium lighting is encouraged but not required. The pattern of light pooling from each light source shall be carefully considered to avoid throwing light onto adjacent properties. Light sources visible in residential or medical areas shall not exceed 0.1-foot candles. Light sources visible in other areas shall not exceed 0.5-foot candles. Measurements shall be in a vented plane at the property line.

16:9. - Electromagnetic interference.

In all districts, no operations or activities shall be conducted that cause electrical disturbances to be transmitted across protected property lines.

16:10. - Smoke and particulate matter.

Activities which produce smoke or particulate matter shall abide by the regulations of the South Carolina Department of Health and Environmental Control under authority granted by the Pollution Control Act. (Reference Regulation 61-62

appended to the South Carolina Code of Laws of 1976, as amended).

16:11. - Fumes and vapors.

There shall be no emission of any fumes or vapors of a noxious, toxic or corrosive nature, which can cause damage or irritation to health, animals, vegetation, or to any form of property.

16:12. - Heat, cold, dampness or movement of air.

Activities which could product any adverse affect on the temperature, motion or humidity of the atmosphere beyond the lot line shall not be permitted.

16:13. - Compliance guarantee.

The applicant of a permit for a manufacturing or processing plant which would produce any of the above "objectionable elements" shall acknowledge in writing his understanding of the performance standards applicable to the proposed use and shall submit with the permit application, an agreement to conform with such standards at all times. Any violation of the agreement shall constitute a violation of this Ordinance and shall be treated accordingly. Enforcement of this agreement shall be precipitated by complaint from any person allegedly aggravated by failure of the industrial use to comply with the provisions of this section. Where there is a potential problem in meeting any one of these performance criteria in this section, the applicant shall be required request a variance before the board of zoning appeals in accordance with the provisions of Article 3.

ARTICLE 17. - SEXUALLY ORIENTED BUSINESSES

17:1. - General provisions.

17:1.1. *Purpose.* Whereas the Jasper County Council is aware of studies done by other cities and counties throughout the United States which document the secondary effects that result from sexually oriented businesses, particularly when those businesses are concentrated together, it is the purpose of this ordinance to regulate sexually oriented businesses to safeguard the health, safety, morals, and general welfare of the citizens of the county, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the county. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials including sexually oriented materials. Similarly, it is not the intent of effect of this ordinance to deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of this Ordinance to condone or legitimize the distribution of obscene material nor to legalize any form of prohibited or illegal activities.

17:1.2. *Description of sexually oriented business.* Sexually oriented business(es) include, but are not limited to: adult arcade, adult bookstore/video store, adult cabaret/nightclub, adult escort service, adult model studio, adult motel, adult motion picture theater, adult peep show, adult sexual encounter center, adult theater, as defined herein; and any other

establishment which contains activities characterized by the performance, depiction, or description of "nudity or state of nudity," "semi-nudity or state of semi-nudity," "specified sexual activities," or "specified anatomical areas." Each sexually oriented business is considered a separate business regardless of ownership and must meet separation requirements.

17:2. - Regulations.

17:2.1. *Location.* Sexually oriented business shall be located in accordance with the following:

- a. Only in the General Commercial (GC) District, provided the business also meets the location requirements for the principal activity to which it is assigned.
- b. At least 1,000 feet from any residential use, church, day care center, public or private elementary or secondary education school, public park, public library, cemetery, or motion picture establishment which shows G-rated or PG-rated movies to the general public on a regular basis, regardless of jurisdiction.
- c. At least 2,000 from any other sexually oriented business, regardless of jurisdiction. Each sexually oriented business is considered a separate business regardless of ownership.
- d. Measurements of distance separation shall be in a straight line from the closest points of the buildings or outdoor areas in which the sexually oriented business activity takes place to either:
 1. The closest point of the building in which the residential use, public library, motion picture establishment or other sexually oriented business is located, or
 2. The closest point of the property line of a church, day care center, public or private elementary or secondary education school, public park, or cemetery.

17:2.2. *Reserved.*

17:2.3. *Permits.* Sexually oriented businesses shall be required to obtain the following permits:

- a. Sexually oriented business zoning permits shall be required in addition to zoning permits issued for their principal activities.
- b. Property owners where sexually oriented businesses are located may not sign a zoning waiver to relax any of the restrictions applicable to another sexually oriented business.
- c. Representation of the sheriff's department, department of planning and development, department of public safety, or other county departments or agencies shall be allowed to inspect the premises of sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.
- d. An application for a sexually oriented business zoning permit must be accompanied by a site plan drawn to designated scale or drawn with marked dimensions. The site plan need not be professionally prepared, but must be drawn to an accuracy of plus or minus six inches. The site plan must include information and exhibits as deemed necessary by the DSR in order to determine that the proposed use complies with this ordinance.
- e. The fact that a person possesses other type of state or county permits and/or licenses does not exempt that person from the requirement of obtaining a sexually oriented business zoning permit.

17:2.4. *Nonconformity for sexually oriented business.* A nonconforming sexually oriented business shall be as follows:

- a.

Any sexually oriented business lawfully operating prior to the adoption date of this ordinance that is in violation of any requirements of this article shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not exceed five years, unless sooner terminated for any reason or voluntarily discontinued for a period of 30 days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to conforming use. If two sexually oriented businesses are within 2,000 feet of one another and otherwise is a permissible location, the sexually oriented business which is currently in longest continuous operation at a particular location is considered to be the conforming use and the other business is considered to be the nonconforming use.

- b. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the issuance of it's sexually oriented business zoning permit, of a residential use, church, day care center, public or private elementary or secondary school, public park, public library, cemetery, or motion picture establishment within 1,000 feet of the sexually oriented business. This provision applies only to the initial issuance of a valid sexually oriented business zoning permit, and does not apply after a sexually oriented business zoning permit has been revoked.
- c. All existing sexually oriented business must apply for a sexually oriented business zoning permit within six months of the enactment of this Ordinance, for the purpose of establishing the extent of any non conformity which must be corrected within five years as required in subsection a. The permit will note the degree of nonconformity, if any, as determined by the circumstances at the time from which the sexually oriented business has been in continuous operation at that location. Sufficient information to make such a determination must be provided to the satisfaction of the DSR.

(Ord. No. 09-33, 5, 12-14-09)

ARTICLE 18. - JUNKYARD REGULATIONS

18:1. - Purpose.

Jasper County Council finds that junkyards:

- (a) Are a visual blight and are patently offensive to the aesthetic quality of the environment in Jasper County;
- (b) Pose a hazard to the health, safety and welfare of the citizens of Jasper County;
- (c) Pose a fire hazard, and may cause soil and groundwater contamination;
- (d) Pose a threat of injury to children or other individuals who may be attracted to the premises;
- (e) Depreciate the value of surrounding properties and may inhibit future development of the area.
- (f) *Junkyards as a nuisance.* Additional requirements for the operation of junkyards and salvage yards and vehicle graveyards to prevent such from being a public nuisance are found at Chapter 10 of the County Code of Ordinances, and supplement the provisions of this Article 18.

Because of the negative impacts that junkyards have on the community, Jasper County Council has provided a standard for the establishment, use, and maintenance of junkyards in Jasper County so as to protect the health, safety and general welfare of the citizens of Jasper County.

In order to fulfill the purposes for which this ordinance is adopted, the provisions of this ordinance shall apply to all junkyards located in the unincorporated areas of Jasper County, regardless of when such junkyards were established.

18:2. - General provisions.

- (a) *Junk*. The term "junk" shall include, but not be limited to abandoned barrels or drums, dismantled or inoperable industrial or commercial equipment or machinery being salvaged for parts, and the following old, scrap, or used items: metal; rope; rags; batteries; paper; cardboard; plastic; rubber; pallets; appliances; motors; industrial or commercial fixtures; rubbish; debris; wrecked, dismantled or disabled motor vehicles or parts thereof.
- (b) *Junkyard*. The term "junkyard" shall mean any property which is used in part or in whole for storing, keeping, buying or selling of items defined as "Junk." For the purpose of this ordinance, properly licensed sanitary landfills are exempt.
- (c) *Fencing and screening*. All junkyards shall be enclosed on all sides by a chain link fence with evergreen screening of an approved type, a wooden privacy fence, or other type material which has been given approval by the DSR. All metal or wooden fence posts shall have at least one-third of their length below ground level and shall be set in hard packed clay or concrete. All metal fence posts shall be treated with an anti-corrosive coating. All wooden posts shall be pressure treated or creosote coated lumber with at least a four inch by four inch nominal cross section.
- i. The term "fence" shall mean an eight-foot tall chain link, wooden fence, or fencing of other material which has been given approval by the DSR, which forms a substantial physical barrier which completely surrounds the junkyard, including all items defined as "junk" in [article 18](#) of the Jasper County Zoning Ordinance and is capable of withstanding the effects of the local climate.
 - ii. The term "evergreen screening" shall mean evergreen trees or shrubs with a minimum height of five feet at time of installation, and not less than eight feet when mature; spacing shall be based upon the species used so that at maturity the body of the branches of the tree or shrub shall not be more than one foot from the body of the adjacent planting. Acceptable species include, but are not limited to, Ligustium, Euonymous, Leyland Cypress, White Pine, Cedar, Arborvitae, Hemlock, and upright varieties of Juniper, Holly and Yew.
 - iii. Landscaping is required outside of the fence when evergreen screening is not used. One evergreen shrub shall be installed for every five linear feet of fence on the side of the fence facing a neighboring property or public right-of-way. The minimum shrub shall be three to five gallons in size and shall be nursery stock with well-developed root systems. All planted areas shall be properly maintained and shall be provided with an irrigation system or a readily available water supply to ensure continuous healthy growth and development.
- (d) *Location*. Establishment of a junkyard shall be allowed in the Industrial Development District subject to the conditions contained here in [article 18](#).
- i. No junkyard shall be located closer than 1,000 feet to any residential use, church, school, historical place or public park.
 - ii. No junkyard shall be located within view of and/or 1000 feet of Interstate I-95, US 17, US 17A, US 278, US 301, US 321, US 601, SC 46, SC 170, SC 315, and SC 462 from I-95 (Exit 28) to Highway 170 (North Okatie Highway).
 - iii. No Junkyards shall be located within the 100-year floodplain.

18:3. - Operation.

- (a) All activity conducted on the premises must be contained within the visual screen as required in Section 18:2.3, and the fencing shall be securely locked unless being actively and contemporaneously supervised.
- (b) No junk shall be stacked, stored or maintained at a height greater than eight feet above the adjacent grade.
- (c) Adequate off-street customer parking must be provided, and must be graveled or paved in an acceptable manner.
- (d) All junkyards shall comply with all applicable chapters in the "Standard Fire Prevention Code" and any other pertinent requirements.
- (e) Scrap Metal Processors, while considered to be junkyards by definition, shall be exempt from the permit requirements of Section 8 herein. In addition, the eight-foot stacking requirement of subsection 7(b) shall not apply if the scrap metal processor is located substantially below the grade of the adjacent public road or is located more than 500 feet from any public road.
- (f) Upon receiving an appliance or vehicle, all junkyards or vehicle graveyards shall remove, as applicable, the battery, lubricants, fluids, coolants, refrigerants, and the like and shall recycle or dispose of same in accordance with all applicable state and federal laws regarding disposal of waste and hazardous materials. All vehicle graveyards shall annually provide the county a complete description of all vehicles received at such yard and shall certify that the requirements of this section have been met.
- (g) No junkyard or vehicle graveyard shall be used as a dump by the public. No burning of any material other than material specifically designed or suitable for the purpose of employee comfort. Any exception must be approved by state or local fire officials given a minimum of 24 hours' notice of such burn.
- (h) A surety bond shall be required of the site from contamination resulting from junkyard storage. Said surety shall be based upon the acreage of the site as follows:

Less than 50 acres:	\$5,000.00 per acre
51 to 250 acres:	\$4,500.00 per acre
Over 251 acres:	\$4,000.00 per acre

(Ord. No. 17-13, § 3, 5-15-17)

18:4. - Permit requirements.

All junkyards shall, within 60 days after the effective date of this ordinance, obtain a "Junkyard Operation Permit" and a letter stating the junkyard complies with the requirements of this ordinance. Such permit and letter of compliance shall be valid until March 1 of the following calendar year. A written request for reinspection, accompanied by a re-inspection fee as provided in the Jasper County Fee Schedule, must be submitted to the office of the DSR no later than January 15 of each successive year. The DSR, or his designee, shall then inspect the premises, notify the Junkyard operator of any corrections that need to be made, and issue the "Junkyard Operation Permit" and letter of compliance after completion of any required corrections.

No person shall establish, enlarge, or operate a junkyard after the effective date of this ordinance without first complying with the provisions set forth herein.

18:5. - Junkyards as a nuisance.

Additional requirements for the operation of junkyards and salvage yards and vehicle graveyards to prevent such from being a public nuisance are found at Chapter 10 of the County Code of Ordinances, and supplement the provisions of this Article 18.

(Ord. No. 17-13, § 4, 5-15-17)

ARTICLE 19. - VIOLATIONS, PENALTIES AND ENFORCEMENT

19:1. - Zoning enforcement official and duties.

19:1.1. *Development services representative (DSR)*. This ordinance shall be administered and enforced by the Jasper County DSR with the assistance of such other persons as the deputy county administrator of development services may direct.

19:1.2. *Duties of the DSR*. The duties of the DSR shall include the receiving and processing of staff level, planning commission and board of zoning appeals applications, inspecting premises, issuing certificates of use and occupancy for uses and structures that meet the requirements of this ordinance, endorsing building permit applications that meet the requirements of this ordinance, and other actions to assure conformance with this ordinance.

If the DSR shall find that any of the provisions of this ordinance are being violated, he or she shall notify in writing the person responsible for such violation indicating the nature of the violation and ordering the action necessary to correct it. He or she shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; take any other action authorized by this ordinance to ensure compliance with or prevent violation of its provisions.

19:2. - Enforcement of violations.

19:2.1. *Complaints regarding violations*. Whenever a violation of this ordinance occurs or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis of the alleged violation shall be filed with the deputy county administrator for development services. He or she shall record the complaint, investigate, and take action as provided by this ordinance.

19:2.2. *Remedies*. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this ordinance, the DSR and/or the building official, or any adjacent, nearby, or neighboring property owner who would be affected by such violation in addition to other remedies, may institute an injunction or any other appropriate action in proceeding to prevent the use of such building, structure, or land.

19:3. - Penalties for violations.

Any person, firm, corporation or agent, who shall violate the provisions of this ordinance shall be guilty of a misdemeanor and shall be punished within the jurisdictional limits of magistrate's court. Each such person, firm, corporation or agent shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this ordinance is committed, or continued.

The DSR or other appropriate county official may also seek injunctive relief or any other appropriate action in courts of competent jurisdiction to enforce the provisions of this ordinance.

ARTICLE 20. - VESTED RIGHTS

20:1. - General Limitations and conditions.

Except as hereinafter set forth, a vested right established by this Ordinance is subject to the limitations and conditions as set out in sections 6-29-1540 and 6-29-1550 of the Code of Laws of South Carolina, as enacted by Act 287 of 2004.

20:2. - Definitions.

As used in this article:

1. *Approved or approval* means a final action by the DSR, zoning board of appeals, planning commission or county council in those matters committed to their respective authority or discretion in accordance with the permitting procedures of this ordinance, or an exhaustion of all administrative remedies/appeals that results in the authorization of a site specific development plan or a phased development plan.
2. *Building permit* means a written warrant or license issued by the building official or such other official as may be designated by the county administrator that authorized the construction or renovation of a building or structure at a specified location.
3. *Conditionally approved or conditional approval* means an interim action taken by the county or its designees in accordance with this ordinance and the S.C. Local Government Comprehensive Planning Act (the "Enabling Act") that provides authorization for a site specific development plan or a phased development plan but is subject to approval. These authorizations include, but are not limited to, concept plan planned development districts ("Concept PDD") pursuant to section 8:1.7, and a master plan planned development district ("Master Plan PDD") pursuant to section 8:1.11.
4. *Landowner* means an owner of a legal or equitable interest in real property including the heirs, devisees, successors, assigns, and personal representatives of the property pursuant to a contract with the owner to act as his agent or representative for purposes of submitting a proposed site specific development plan or a phased development plan pursuant to this article.
5. *Person* means an individual, corporation, business or land trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any legal entity as defined by South Carolina laws.
6. *Phased development plan* means a development plan submitted to the county by a landowner that shows the types and density or intensity of uses for a specific property or properties to be developed in phases, but which do not satisfy the requirements for a site specific development plan. These include, but are not

limited to, Concept PDD and Master Plan PDD plans as authorized by sections 8:1.7 and 8:1.11, respectively, and plans for properties for which only a portion of the whole property is designed and submitted as a site specific development, with the remainder reserved for future development.

7. *Real property or property* means all real property that is subject to the land use and development ordinances or regulations of a local governing body, and includes the earth, water, and air, above, below, or on the surface, and includes improvements or structures customarily regarded as a part of real property.
8. *Site specific development plan* means a development plan submitted to the county or its authorized boards, commissions or agents by a landowner describing with reasonable certainty the types and density or intensity of uses for a specific property or properties. These plans include planned development district (PDD) submissions pursuant to section 8:1, and subdivision or development plans, including conditional use plans, submitted pursuant to section 11.1, et seq. for proposals which comply with all of the required standards of the zoning district within which the property is located or have received a variance or special exception for which all appeals have been exhausted and the decision is final.
9. *Vested right* means the right to undertake and complete the development of property under the terms and conditions of a site specific development plan or a phased development plan as provided in this ordinance.

20:3. - Two-year vested right established on approval of site specific development plan; process for renewal.

1. A vested right is triggered and established for two years upon the payment of all applicable fees and final approval of a site specific development plan which authorizes the landowner to proceed with grading, installation of utilities, streets and other infrastructure, and to undertake other significant expenditures necessary to apply for a building permit or such other permit as may be required by the county.
2. A vested right for an approved site specific development plans expires two years after the date of final approval by the final official or body authorized to approve a site specific development plan.
3. No sooner than six months, or no later than 45 days prior to the expiration of the vested rights for a site specific development plan, the landowner of real property with a site specific vested right may apply to the DSR for an annual extension of the vested right. The DSR must approve applications for at least five annual extensions of the vested right, unless an amendment to the land development ordinances or regulations has been adopted that prohibits approval, such as a rezoning, zoning or comprehensive plan text amendment, or implementation of a health, safety, environmental or other general welfare provision applicable to the development or subdivision.
4. A vested site specific development plan may be amended if the amendment conforms to, or does not cause a greater nonconformity with the then current provisions of the municipal zoning, planning, or land development ordinances, code sections, or regulations. Approval of an amendment does not re-set or re-start the expiration period of a vested right.
5. Decisions of whether to grant the renewal or not by the DSR are appealable to the county council by an interested party having standing as is generally applied in appeals in other zoning or planning matters. Within 60 days of the filing of the appeal with the clerk to council, the county council shall hear the appeal upon the materials submitted to the DSR, the arguments of the landowner and staff, any additional material as the council may deem relevant and material which was not available to the DSR at the time the decision was made submitted by either the landowner or DSR, and such public comment as may be allowed. The county council may grant or deny the renewal on appeal, or grant the renewal upon conditions. The county council may defer

its decision on the appeal until a date certain, for up to two meetings, and may re-open the hearing for additional fact finding in its sole discretion if such a deferral was made and either the landowner, the DSR, or a Council Member so requests.

20:4. - Two-year vested right established on approval of conditionally approved site specific development plan; process for renewal.

1. The county may, in its sole discretion, and upon such conditions as it may see fit, provide for the establishment of a two-year vested right in the ordinance creating a Concept PDD, Master Plan PDD, or other conditionally approved site specific development plan. Such vested right may be terminated by the County in accordance with section 6-29-1540(4), if after notice and public hearing, the county determines the landowner has failed to meet the terms of the conditional approval.
2. The county may in its sole discretion, and upon such conditions as it may see fit, provide for the establishment of up to a five-year vested right in the ordinance creating a Concept PDD, Master Plan PDD, or an approved or conditionally approved phased development plan. Such vested right may be terminated by the County in accordance with section 6-29-1540(4), if after notice and public hearing, the county determines the landowner has failed to meet the terms of the conditional approval.
 - (a) Phased development plans shall submit site specific development plans for each phase, which shall conform to the requirements and regulations in effect at the time of the submission of the site specific plan. Such site specific plans shall thereafter be vested in accordance with the provisions of section 8.300.
3. The county may, in its sole discretion, provide for a renewal of the vested right granted in accordance with either 1 or 2 above, either in the ordinance creating or authorizing the Concept PDD, Master Plan PDD, conditionally approved site specific plan, or the approved or conditionally approved phased development plan.

20.5. - Conditions and limitations.

In addition to the terms, condition and requirements above:

1. Upon expiration of a vested right, a building permit may be issued for development only in accordance with applicable land development ordinances or regulations;
2. A vested site specific development plan or vested phased development plan may be amended if approved by the local governing body pursuant to the provisions of the land development ordinances or regulations, subject to the limitations of subsection 20.3(4) above;
3. A validity issued building permit does not expire or is not revoked upon expiration of a vested right, except for public safety reasons or as prescribed by the applicable building code;
4. A vested right to a site specific development plan or phased development plan is subject to revocation by the county upon its determination, after notice and public hearing, that there was a material misrepresentation by landowner or substantial noncompliance with the terms and conditions of the original or amended approval;
5. A vested site specific development plan or vested phased development plan is subject to later enacted federal, state, or local laws adopted to protect public health, safety, and welfare including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming structure and use regulations

which do not provide for the grandfathering of the vested right. The issuance of a building permit vests the specific construction project authorized by the building permit to the building, fire, plumbing, electrical, and mechanical codes in force at the time of the issuance of the building permit;

6. A vested site specific development plan or vested phased development plan is subject to later County overlay zoning that imposes site plan-related requirements but does not affect allowable types, height as it affects density or intensity of uses, or density or intensity of uses;
7. A change in the zoning district designation or land-use regulations made subsequent to vesting that affect real property under a vested site specific development plan or vested phased development plan without consent of the landowner;
8. If real property having a vested site specific development plan or vested phased development plan is annexed, the county must determine after notice and public hearing in which the landowner is allowed to present evidence, if the vested right is effective after the annexation;
9. The county may not require a landowner to waive his vested rights as a condition of approval or conditional approval of a site specific development plan or a phased development plan.

20:6. - Vested right attaches to real property; applicability of laws relating to public health, safety and welfare.

1. Invested right pursuant to this Article 20 is not a personal right, but attaches to and runs with the applicable real property.
2. The landowner and all successors to the landowner who secure a vested right pursuant to this article may rely upon and exercise the vested right for its duration subject to applicable federal, state, and local laws adopted to protect public health, safety, and welfare including but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming structure and use regulations which do not provide for the grandfathering of the vested right.
3. This article does not preclude judicial determination that a vested right exists pursuant to other statutory provisions.
4. This article does not affect the provisions of a development agreement executed pursuant to the South Carolina Local Government Development Agreement Act in Chapter 31 of Title 6.

ARTICLE 21. - MOBILE HOME PARKS

21:1. - Purpose.

The purpose of this article is to address the unique needs of mobile home parks, in order that they may be considered a safe and healthy residential option to the residents of Jasper County.

21:2. - Jurisdiction.

The regulations set forth herein shall apply to any property located within the jurisdiction of this ordinance that is now or is proposed to be developed as a mobile home park.

21:3. - Definitions.

Mobile homes: Are transportable dwellings intended for permanent residential occupancy. They may be contained in either one unit or multiple units designed to be joined together into one integral unit, arrive at a site complete and ready for occupancy except for minor and incidental assembly operations, and are constructed so that they may be used without a permanent foundation. This activity shall not include modular residential construction, as defined within the South Carolina Modular Buildings Construction Act of 1976. Modular residential construction shall be included in the Residential Detached or Residential Attached activity types, as appropriate.

Mobile home parks (Limited): Three or more mobile homes, exclusive of a mobile home occupied by the property owner that are operated as a single entity and located within the vicinity of one another. The park may be located on a single parcel, or multiple parcels in the same or different ownership. The minimum size of an individual mobile home space in this type of development is 20,000 square feet.

21:4. - Application of regulations.

Upon the effective date of these regulations, mobile home parks can be developed or expanded only in accordance with the applicable restrictions contained herein. Legally nonconforming mobile home parks are subject to the provisions found in article 9:3.10.

21:5. - Conditional use review.

1. A request for a permit for a mobile home park will require approval from the DSR. The bases for such approval is a demonstration by the applicant that the owner/operator can operate the mobile home park in a manner that addresses the unique conditions that are created by rental habitation. It will be the responsibility of the applicant to make evident to the Board that the following criteria can be met.:
 - a. As demonstration that the day-to-day operations of the mobile home park addresses the unique conditions of a rental community, the applicant must demonstrate the ability to effectively manage the park;
 - b. As demonstration that the mobile home park community will be harmonious with the surrounding properties, the appropriate buffering restrictions, general requirements and performance standards will be provided, if applicable; and
 - c. As assistance to the traveling public and public safety response agencies, adequate identification of the mobile home park will be provided.
2. For the DSR to rule on a mobile home park conditional use request based on these criteria, the following information must be submitted for consideration with the application:
 - a. One way to demonstrate the ability to manage the park is to submit a management plan. Such a plan could address such things as group gatherings, parking, care and control of household animals, traffic controls, disposal of household and other waste, grounds keeping, and mobile home maintenance.
 - b. A detailed site plan showing the buffering restrictions, parking, driveways, spacing and density shall be required, drawn in accordance with the LDR; and
 - c. A plan for mobile home park identification signage and identification of the individual mobile homes in accordance with the Addressing and Road Naming Ordinance will be required.

21:6. - Zoning permit.

New mobile home parks are only allowed in a district in which it is a permitted use. It shall be the sole responsibility of a mobile home park that fails to comply with the requirements of this ordinance to establish and operate a mobile home park in accordance with the regulations as set forth in this article. The use and occupancy permit shall be issued on the basis of compliance with both these regulations and the regulations that are contained within South Carolina DHEC Regulation 61.40, and is considered a "permit to operate" by Jasper County. In Jasper County, South Carolina DHEC Regulation 61.40 shall also apply to all Mobile Home Parks, as defined in the text of this ordinance.

21:7. - Site plan.

All existing mobile home parks must have an appropriately prepared site plan that includes but is not limited to spaces, driveways, space numbers and/or addresses, parking and spacing between homes and boundaries of the park, submitted by January 1, 2003, to assist in the issuance of permits and to aid park owners in achieving future compliance with section 9:3.10.

21:8. - Enforcement.

The DSR, upon six months notice, may withdraw a use and occupancy permit issued to the mobile home park that fails to comply with the requirements of this ordinance and require the park to cease operation. Other enforcement procedures are found elsewhere in this ordinance.

21:9. - Adherences to existing regulations and guidelines.

All new or expanding mobile home parks must adhere to any applicable federal, state, or county regulations or guidelines, including but not limited to DHEC regulations, the Addressing and Road Naming Ordinances, the Standard Building Code, and the Assessor's Mobile Home Registration process.

21:10. - Driveways.

All driveways which provide access to any activities within a mobile home park shall adhere to the following guidelines:

1. Driveways shall be a minimum of 18 feet in width, exclusive of parking.
2. All driveways shall be constructed in the following manner:
 - a. All unpaved driveways shall meet the minimum road design criteria as stated in the private road policy adopted by the Jasper County Planning Commission. If the unpaved driveway connects to a paved road, a paved apron of 50 feet in length measured from the existing pavement and with the appropriate intersection radii width must be provided. A maximum of 25 mobile home spaces may access one unpaved driveway.
 - b. Paved driveways shall meet all the applicable paved road design standards established by Jasper County, with the exception of roadway width.

21:11. - Densities and design standards.

The density of any mobile home park permitted or enlarged subsequent to the enactment of this ordinance shall comply with section 7:3 and the design standards of this article.

21:12. - Mobile home spaces.

A mobile home space is the leaseable area provided to an individual tenant. In a mobile home park each space shall have a minimum area of 20,000 square feet, and shall also be a minimum average width of 75 feet. The mobile home space shall be exclusive of the prescribed buffer area, and all mobile home spaces shall be clearly delineated by fencing, vegetation, or other substantial means. The delineation of the spaces may be waived by the DSR if the park owner can demonstrate that maintenance and upkeep of the park will not suffer for lack of this measure. Even if the space delineation is waived, the prescribed buffer area must still be delineated to protect the required inactive charter of that area.

21:13. - Spacing.

There shall be a minimum of 30 feet between any two mobile homes, or any mobile home and a common building (laundry, etc.). All mobile homes are to orient the front door to the street, the minimum setback may be ten feet from the mobile home space delineation line. Accessory structures for individual mobile homes shall be located a minimum of six feet from any adjoining mobile home.

21:14. - Parking.

A minimum of two parking spaces, exclusive of the common mobile home park driveway(s), shall be provided per mobile home space. Parking of recreational vehicles and craft must be exclusive of the minimum two parking spaces for the mobile home and may not encroach the driveway area for the mobile home park.

21:15. - Operational requirements.

All grounds and common buildings located within mobile home parks are expected to be maintained in a clean, sanitary and safe manner, the mobile home spaces kept clear of refuse, debris and unnecessary clutter, and all refuse shall be stored, collected and disposed of in such a manner as not to create a nuisance, vector attractant, breeding or harborage problem, in accordance with South Carolina DHEC Regulation 61.40. The S.C. Department of Health and Environmental Control will be the enforcement agency for these operational requirements.

21:16. - Buffering restrictions.

Each mobile home park shall adhere to the buffering restrictions covering height regulations, buffers, setbacks, and screening as outlined in [article 12](#).

Appendix B - LAND DEVELOPMENT REGULATIONS

Footnotes:

--- (1) ---

Editor's note— Ord. No. 07-47, adopted November 13, 2007, repealed Appendix B, §§ 1.1—10.70, and enacted a new Appendix B, §§ 1.1—11.6, to read as set out herein. Former Appendix B, §§ 1.1—10.70, pertained to similar subject matter. For a complete history of former Appendix B, §§ 1.1—10.70, see the Code Comparative Table.

Cross reference— Planning and development, ch. 20 et seq.; zoning, App. A.

ARTICLE 1. - GENERAL PROVISIONS

1.1. - Intent.

The public health, safety, economy, good order, appearance, convenience, morals, and general welfare require the harmonious, orderly, and progressive development of land within the municipalities and counties of the State of South Carolina. In furtherance of this general intent, the regulation of land development by counties is authorized for the following purposes, among others:

- A. To encourage the development of economically sound and stable counties;
- B. To assure the timely provision of required streets, utilities, and other facilities and services to new land developments;
- C. To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments;
- D. To assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, transportation, and other public purposes; and
- E. To assure, in general, the wise and timely development of new areas, and redevelopment of previously developed areas in harmony with the comprehensive plan.

1.2. - Authority.

Pursuant to the authority granted to it under Title 6, Chapter 29, as amended of the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, the Jasper County Council does hereby adopt land development regulations to provide for the harmonious development of the county; coordination of streets within subdivisions with other existing or planned streets or with other features of the comprehensive development plan; adequate open spaces for traffic, recreation, light, and air; and for a distribution of population and traffic which will tend to create conditions favorable to the health, safety, and welfare of the general public.

Hereafter, no plat of a subdivision of land within the area shall be filed or recorded until it has been submitted to and is approved by the Jasper County Development Services Representatives (DSR) and/or the Planning Commission and such approval is entered in writing on the plat by the DSR or planning commission chairman. The provisions of these regulations shall not apply to subdivision plat maps which, prior to the adoption of regulations governing the subdivision of lands, were recorded in the office of the Jasper County Register of Deeds.

1.3. - Jurisdiction.

The land development regulations adopted by the Jasper County Council shall apply to all new subdivisions located in all unincorporated areas of the county as shown on the official zoning map on file in the office of the DSR.

1.4. - Definitions.

For a list of definitions refer to Article 4 of the Jasper County Zoning Ordinance.

1.5. - Submission of land development or subdivision application.

The deadline for the submission of any land development application to the DSR for review and approval or denial shall be in accordance with the schedule of submittal dates as designated by the planning commission. Any submission meeting this deadline, and containing the required completeness elements as set forth in this ordinance, shall be processed in accordance with the applicable development review section of this ordinance.

- A. Any action or decision designated to the DSR pursuant to the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 shall be reviewed and approved or denied within 60 days of the application being deemed complete by the DSR. Failure by the DSR to take action or make a decision within 60 days shall constitute approval of the application. The 60 day time limit may be extended by mutual agreement by the dsr or the planning commission and the applicant.
- B. Failure by the planning commission to act upon any complete application within 60 days of receipt shall constitute approval of the application. The 60 day time limit may be extended by mutual agreement between the planning commission and the applicant.
- C. Upon denial of any application submitted to the DSR and/or planning commission, a letter outlining the action taken and procedures for appeal or reconsideration, if applicable, shall be issued to the applicant.

1.6. - Administration.

- A. *Development services representative (DSR).* the DSR is hereby appointed to administer, implement and enforce the provisions of the LDR as the legal representative of the county. The DSR shall have the following powers and authority:
 - 1. To review and approve with conditions, or disapprove applications for approval of land development applications.
 - 2. To render interpretations of this ordinance.
 - 3. To establish application requirements and schedules for submittal and review of applications and appeals.
 - 4. To provide expertise and technical assistance and to contract with third party experienced planning and engineering consulting firms to provide such expertise and assistance the DSR may require.
 - 5. To take such additional actions as may be delegated to the DSR.
- B. *Coordination with other agencies.* The DSR may coordinate the county's activities with other federal, state, and local agencies which manage and perform functions relating to stormwater management or the development of land.
- C. *Cooperation with other agencies.* The county may enter into agreements with other governmental and private entities to carry out the purposes of this LDR. These agreements may include, but are not limited to enforcement, resolution of disputes, monitoring, management of stormwater systems, and implementation of the county stormwater management design manual.

(Ord. No. 11-22, § 2, 10-3-11)

1.7. - Review fees.

The DSR may require the services of various professional consultants for the review and preparation of recommendations for the application at his/her own discretion. In these instances, the applicant shall submit a review fee in accordance with the current Jasper County Fee Schedule in order to cover these review costs regardless of whether or

not the application is heard before the planning commission.

At the time of submitting an application to the DSR for site plan or subdivision review, the applicant shall be required to make a deposit as hereinafter provided and execute a review fee account to cover necessary and reasonable costs incurred for technical and professional review by the DSR. The amounts specified for the review are estimates of fees. Fees must be paid to the DSR, if so required, prior to the start of the application review process and the application being deemed complete. The payment of the fee in and of itself shall not be deemed to make the application complete. When the aforesaid review fee account becomes less than 25 percent of the initial required amount, the DSR may request that the applicant submit additional funds to the account to cover subsequent professional review(s). The failure of the applicant to submit the additional funds within 14 days may result in the DSR taking no further action until such time as the fees have been deposited. In the event that the amounts required to be deposited by this section are insufficient to cover the professional charges to the county, the DSR is authorized to request additional funds as necessary.

Upon written request by the applicant to the DSR, any remaining balance of the review fee shall be returned to the applicant.

1.8. - Construction.

Prior to the start of construction associated with any land development or subdivision application the developer must pay any outstanding professional review fees which may remain from the application process and obtain the necessary county permit(s) in accordance with the following requirements:

- A. *Performance guarantee.* A performance guarantee in the form of a performance instrument, irrevocable letter of credit and agreement or other financial security acceptable to the county must be posted for all approved site improvements and infrastructure within the rights-of-way, easements, open space and/or any other common areas of all residential, commercial and industrial subdivisions (including but not limited to streets, grading, pavement, gutters, curbs, sidewalks, street lighting, shade trees, surveyor's monuments, water mains, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures, landscaping, lighting, erosion control and sedimentation control devices, public improvements of open space and other improvements). The developer shall provide the county with an itemized engineer's estimate of the proposed site improvements for approval. Once the estimate has been approved, the developer shall submit a financial security instrument or other approved instrument in form acceptable to the county for the total amount of 125 percent of the estimated cost of the improvements.
- B. *[Site restoration guarantee.]* A site restoration guarantee in the form of a financial security instrument, irrevocable letter of credit and agreement or other financial security acceptable to the county must be posted for all approved commercial and industrial site plans. The restoration guarantee shall insure the satisfactory grading, seeding and stabilization of the site in case of default by the developer and/or if the developer does not install the required site improvements in a timely fashion as determined by the DSR. The developer shall provide the county with an itemized engineer's estimate of the approved site improvements and infrastructure within the rights-of-way, easements, open space and/or any other common areas (including but not limited to streets, grading, pavement, gutters, curbs, sidewalks, street lighting, shade trees, surveyor's monuments, water mains, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures, landscaping, lighting, erosion control and sedimentation control

devices, public improvements of open space and other improvements). Once the estimate has been approved, the developer shall submit a financial security instrument or other approved means for ten percent of the total amount of the improvements.

- C. *Inspection fee.* The developer shall submit an inspection fee to the DSR prior to the start of construction of site improvements associated with all approved PDD, subdivision or land development applications to cover inspection costs associated with their construction in order to ensure compliance with the approved plans, permits(s) and/or certificates. The fee shall be in the amount of three percent of the total estimated improvement cost calculated for the performance guarantee. Should inspection services above and beyond those which are considered normal for the various types of construction be necessary due to the contractor neglect, lack of proper notification for inspection, substandard performance, field revision requests, etc. the developer shall be required to provide sufficient funds to cover cost(s) of same.
- D. *Preconstruction conference.* The developer shall arrange for a pre-construction conference with the county and any other interested party in order to discuss pertinent construction related issues, i.e. schedule, emergency contacts, hours of operation, staging areas, site maintenance, security, traffic control, etc.

(Ord. No. 09-05, § 1, 1-20-09; Ord. No. 2018-07, § 6, 4-16-18)

1.9. - Project close-out.

Following the completion of all site improvements and prior to the release of the performance guarantee the developer shall provide the following:

- A. *Final inspection.* The developer shall provide written notification to the DSR that construction and/or installation of all approved site improvements are complete. The DSR shall have 30 days from the receipt of notification to perform a final inspection of the site and provide the developer with a punch-list which enumerates any deficient and/or omitted construction items as per the approved plans. The developer shall again notify the county in writing upon the completion of the deficiency list items. The county shall have 30 days from the receipt of notification to review the items. This procedure shall continue until the developer has satisfactorily addressed all of the items on the deficiency list at which time the county shall provide written notice to the developer that all items have been satisfactorily constructed and/or installed.
- B. *Maintenance guarantee.* A maintenance guarantee in a form acceptable to the county must be submitted for all approved site improvements and infrastructure within the rights-of-way, easements, open space and/or any other common areas of all residential, commercial and industrial subdivisions. The guarantee shall be in the amount of 15 percent of the total estimated improvement cost calculated for the performance guarantee. The maintenance guarantee shall be for a period of two years commencing from the date of final acceptance by the county.

(Ord. No. 09-05, § 2, 1-20-09)

1.10. - Financial security for completion of site improvements.

In circumstances where the land development regulations require the installation and approval of site improvements prior to approval of the land development plan or subdivision plat for recording in the office of the register of deeds, the developer may be permitted to post financial security pursuant to the provisions of these regulations.

1.11. - Enforcement.

- A. *Notice of violations.* Upon determination that a violation of any of the provisions of the LDR has occurred, the DSR may give timely notice at the property where the violation has occurred, at the address of the responsible party or owner, or by written correspondence.

Before taking any enforcement actions or imposing any penalties, the DSR shall first notify the owner, applicant or other responsible person in writing of its intended action and shall provide a reasonable opportunity to correct the violation (except in the event the violation constitutes an immediate danger to public health or safety).

This notice will specify: the nature of the violation, the potential administrative, civil and/or criminal penalty, and the amount of time in which to correct deficiencies. It shall be sufficient notification to hand-deliver or email the notice to the person to whom it is addressed (the owner, applicant or other responsible person), or to deposit a copy of such in the United States Mail postage paid, to the address of the owner of the subject property used for tax purposes or such other address in the possession of the DSR.

- B. *Violations.* A notice of violation shall be issued by the county if, as determined by the DSR; one or more of the following violations have been committed:

1. Any person who proceeds with any work which requires land development permitting hereunder without first submitting a plan and/or obtaining an approval.
2. Violation of the conditions of plan approval.
3. Construction not in accordance with the intent of the approved plans.
4. The existence of immediate danger in a downstream or adjacent area in the judgment of the DSR.
5. A condition that causes significant damage to off-site property or structures.
6. A condition that causes a public nuisance.
7. Illicit discharges.

- C. *Corrective action and penalties.* In the event a violation has not been corrected within the applicable time period noted by the DSR in the notice of violation, the county shall implement corrective action and penalties. In the event that the remedial measures described in the notice of violation have not been completed by the date set forth for completion in the notice of violation, any one or more of the following actions or penalties may be taken against the person or entity to whom the notice of violation was issued. In the case of a continuing violation, each day may be considered a separate violation by the county.

1. *Administrative penalties.*

- i. *Stop work order.* The county may issue a stop work order that shall be served on the owner, applicant or other responsible person. The stop work order shall remain in effect until the owner, applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise corrected the violation or violations described therein. The stop work order may temporarily be withdrawn or modified by the county to enable the applicant or other responsible person to take the remedial measure necessary to correct such violation or violations.
- ii. *Withhold certificate of occupancy.* The county may refuse to issue a certificate of occupancy for the building or other structure constructed or being constructed on the development site until the owner, applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise corrected the violation or violations described therein.

- iii. *Suspension, revocation, or modification of approval.* The county may suspend, revoke or modify the approval authorizing the development project. A suspended, revoked or modified approval may be reinstated after the owner, applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise corrected the violation or violations described therein. The approval may be modified by the county to enable the owner, applicant or other responsible person to take the remedial measures necessary to correct such violation or violations.
2. *Civil remedies.* The DSR, in conjunction with the county attorney may pursue any and all appropriate civil remedies, included but not limited to specific performance, injunction, declaratory judgment, abatement of nuisance, use of breach of contract remedies, action for bond forfeiture or forfeiture of other securities.
3. *Criminal penalties.* For violations of the LDR, the county may issue a citation to the owner, applicant or other responsible person, requiring appearance in magistrate court to answer to criminal charges for such violation. Conviction shall be punishable by a fine as provided in County Code section 1-8. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

(Ord. No. 11-22, § 3, 10-3-11)

Editor's note— Ord. No. 11-22, § 3, adopted October 3, 2011, changed the title of section 1.11 from "Violations and penalties" to "Enforcement."

1.12. - Conflict with other laws, ordinances, or regulations.

Wherever the requirements made under authority of these regulations impose higher standards than are required in any other statute, local ordinance, or regulations, the provisions of these regulations shall govern. Wherever the provisions of any other statute, local ordinance, or regulations impose higher standards than are required by these regulations, the provisions of such statute, local ordinance, or regulations shall apply.

1.13. - Appeals.

Any authorized action or decision made by the DSR may be appealed to the Jasper County Planning Commission within 45 days. Any appeals will be scheduled for the next available planning commission meeting for consideration.

An appeal from the decision of the planning commission may be made pursuant to the provisions of Title 6, Chapter 29 and taken to Circuit Court within 30 days after actual notice of the decision.

Any person aggrieved by a decision of the commission rendered after the hearing may within 30 days after notice thereof file an appeal in Circuit Court for a review of the decision of the commission pursuant to Section 6-29-1150 of the South Carolina Local Government Comprehensive Planning Enabling Act of 1994.

1.14. - Waivers.

- A. Whenever, in the opinion of the DSR and/or planning commission, the strict application of the requirements contained in these regulations would result in substantial or excessive difficulties, hardships, or injustices, the DSR and/or planning commission may modify such requirements so that the owner is allowed to develop his property in a reasonable manner. The public interests of the county and its citizens are to be protected and the general intent and spirit of these regulations will be preserved.
- B.

Persons seeking a waiver in connection with standards and requirements of the LDR may submit to the DSR a request for a waiver from the requirements of the LDR if exceptional circumstances applicable to a site exist such that adherence to the provisions of the LDR, or part thereof, will result in unnecessary hardship and will not fulfill the intent of the LDR. Applicants seeking potential waivers should discuss the waiver requests at the pre-application conference. If a waiver is requested and granted, the development permit or subdivision approval will constitute the granting of a waiver.

C. A written request for a waiver is required and shall state the specific waiver sought and the reasons, with supporting data, a waiver should be granted. The request shall include all information necessary to evaluate the proposed waiver. The applicant will address the three areas of consideration for waiver approval as follows:

1. What exceptional circumstances to the site are evident?
2. What unnecessary hardship is being caused?
3. How will denial of the waiver be inconsistent with the intent of the LDR?

The DSR reserves the right to review the waiver with current data such as updated TMDLs, 303d list, etc. The granting of a particular waiver shall not set a precedent for separate waiver requests. Each waiver request will be evaluated on its own merits, and in the case of stormwater, pollutant loading levels of surrounding waters at the time. Cost implications shall not be considered a valid hardship. Any person aggrieved by the decision of the DSR concerning a waiver request may appeal such decision in accordance with the LDR.

(Ord. No. 11-22, § 4, 10-3-11)

1.15. - Amendments.

The adoption of any amendment to these regulations shall be conducted in accordance with all applicable Jasper County regulations.

1.16. - Interpretation.

In interpreting the regulations expressed in this document, they shall be considered as the minimum provisions for the protection of the health, safety, and welfare of the general public.

1.17. - Severability.

If any section, paragraph, subdivision, or provision of these regulations shall be judged invalid, such judgment shall apply only to that particular section, paragraph, subdivision, or provision and the remaining sections of these regulations shall remain valid and effective.

1.18. - Right of entry and inspections.

- A. The DSR, or his designated representative, may enter upon real property subject to the LDR. The DSR shall be provided immediate access to the necessary portion of the real property for the purposes of inspecting, monitoring, sampling, inventorying, examining and copying of records, and performing any other duties necessary to determine compliance with the LDR.
- B. Where the property owner or operator has security measures in place requiring proper identification and consent before entry upon the real property, the property owner, operator, or other responsible person shall make the necessary arrangements with the necessary parties so that the DSR will be permitted to enter on to

the property without delay for the purposes of performing such responsibilities identified above.

C. Site development and stormwater inspections. The county retains the right to inspect any site development and all stormwater management systems within its jurisdiction as outlined below:

1. An inspector or other delegate designated by the DSR, bearing proper credentials and identification, may enter and inspect all properties for regular inspections, periodic investigations, monitoring, observation measurement, enforcement, sampling and testing, to ensure compliance with the provisions of the LDR.
2. In the event that the DSR reasonably believes that discharges from the property into a stormwater system or receiving waters may cause an imminent and substantial threat to human health or the environment, the inspection may take place at any time after an initial attempt to notify the owner of the property or a representative on site.

(Ord. No. 11-22, § 5, 10-3-11)

ARTICLE 2. - APPLICATIONS TO DEVELOP OR ALTER THE USE OF LAND

2.1. - General provisions.

This section lists the criteria by which land development applications are reviewed which includes all land use and development activity covered by this ordinance. Permitted uses must be in conformance with the zoning district requirements.

All land development applications with the exception of planned development districts (PDD) or major subdivisions meeting the requirements of this section shall be reviewed by the DSR prior to the issuing of permits. All land development review approvals are valid for two years, where upon if no permit has been issued; a new land development review will be required.

All applications for development along with applicable fees shall be made to the DSR. The DSR shall review all land development applications with the exception of planned development districts (PDD) or major subdivisions. In the case of a discrepancy between the DSR and applicant or at the discretion of the DSR, the application shall be forwarded to the planning commission for action. In this case, the DSR shall submit a written review and recommendation of the application to the planning commission. The planning commission will evaluate the DSR's recommendation in its consideration of the application. The planning commission may impose additional or more restrictive requirements if it is determined that it is within the best public interest.

Before the DSR makes a recommendation to the planning commission, it shall determine, at a minimum, the following:

- A. That the intent of the zoning district shall not be violated.
- B. That the proposed development will harmonize with existing developments.
- C. That the proposed development will be a desirable addition to the physical pattern of the neighborhood.
- D. That the design be such that additional traffic will not be a burden on existing streets.
- E. That no adverse environmental impacts will be created by the proposed development.

Applications to develop or alter the use of land are classified for administrative purpose into six categories as follows:

- 1.

Exempt subdivision. An exempt subdivision is one which meets one of the following definitions and are included only for the purpose of requiring notification and information to the authorized designee of the planning commission, the DSR. The DSR shall be notified by the owner about the exemption, and the plat shall be recorded with the register of deeds identifying the exemption from the county's subdivision standards.

- (a) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this ordinance; or
 - (b) The division of land into parcels of five acres or more, where no new street or easement is involved provided, that out of any single tract of land, parcel of lot of land existing as a distinct tax parcel as of July 1, 2024, no more than four such parcels may be created within a five-year period.
 - (c) The combination or recombination of entire lots of record where no new street or change in existing streets is involved;
 - (d) The division of land into parcels for conveyance to other persons through the provisions of a will or similar document, and in the settlement of an intestate's estate or as determined by an order of a court of competent jurisdiction;
 - (e) Property tirades or swaps between immediately adjacent landowners not resulting in the creation of new parcels of record;
 - (f) Division of land for the purpose of sale or transfer to an immediately adjacent landowner for the sole purpose of enlarging the adjacent landowner's property, and not resulting in the creation of new parcels, or the creation of new nonconforming parcels;
 - (g) The recordation of a plat of land or property for purposes other than the sale or transfer of title to land including the following:
 - i. The creation or termination of leases, easements, or liens;
 - ii. The creation or termination of mortgages on existing parcels of record, approved subdivisions or commercial projects, partly or undeveloped land;
 - iii. Lot line corrections on existing recorded properties;
 - iv. The creation, termination or amendment of private covenants or restrictions on land; and
 - v. A transfer of title to land not involving the division of land into parcels.
 - vi. The public acquisition of land for right-of-way or drainage easements or any lot or parcel created therefrom.
 - vii. A parcel of land that is proposed to be used as the site for a utility substation, power line easements, or right-of-way, pumping station, pressure regulating station, electricity regulating substation, gas pressure control station, or similar facilities.
2. *Minor subdivision.* Is a subdivision that involves the division of a tract of land into not more than four separate lots or parcels, including the remainder of the original parcel, within a five year period of the last subdivision of the tract or portion thereof.
- (a) Proposed lots are not in conflict with the Jasper County Zoning Ordinance and Map, Land Development Regulations and Comprehensive Plan.
 - (b) Proposed lots front on a road existing as of January 1, 2018 which is sufficiently improved (See Section 7.1 of Appendix B of the Code of Ordinances of Jasper County and Section 25-41(b) of the Code of Ordinances regarding subdivisions of lots accessing private roads) such that an encroachment permit

(See Section 25.91 of the Code of Ordinances of Jasper County) and building permit can be issued to construct a building on each lot.

- (c) No new streets or roads are created, except as provided for in Section 7 of the Jasper County Land Development Regulations.
- (d) The resulting lots are suitable for their intended purpose without the necessity of making unusual and/or extreme changes to the existing lot grading. Nor shall the lots produce a drainage problem or result in the need for the installation of major drainage improvements.
- (e) The creation of said lots will not adversely affect the uniform and comprehensive development of any remaining parcel or adjoining land related to future road access and utility service installations.
- (f) For purposes of defining a minor subdivision, it is not a minor subdivision to subdivide a tract of land using Section 2.1.1(b) hereinabove and thereafter, within a seven year period, further subdivide the exempt subdivision parcels so created into more than four lots in the aggregate; i.e., it is not a minor subdivision to subdivide an eleven acre parcel into two parcels of five acres or more, and then subsequently further subdivide the two parcels so created into more than four lots within a seven year period, except through the use of an otherwise available exemption. A subdivision into more than four lots in these circumstances shall be a major subdivision.
- (g) A minor subdivision application shall include an Encroachment Permit from the State or County, as appropriate (See Section 25-91 of the Code of Ordinances of Jasper County).

3. *Major subdivision.* Is any subdivision other than an exempt or minor subdivision.
4. *Minor site plan.* Any land development, excluding single family or duplex residential construction, of one parcel for the purpose of expanding an existing conforming use or constructing a new structure, "and including site improvements" for an approved use including a small business, multiple occupancy building, commercial building and other approved development as defined by this ordinance. All such developments shall meet the following requirements:
 - (a) Proposed development is not in conflict with the Jasper County Zoning Ordinance and Map, Land Development Regulations and Comprehensive Plan.
 - (b) Total new building and/or addition construction must be less than 2,000 square feet of total floor area.
 - (c) Total new impervious site coverage, not including building coverage, must be less than 2,000 square feet.
 - (d) No new streets or roads are created and there is no need for additional off-street parking, lighting or drainage improvements.
5. *Major site plan.* Includes any type of land development which does not meet the definition of a minor site plan.
6. *Planned development district (PDD).* Includes any parcel or tract of land greater than 25 acres in size where the owner is required to submit an application, or any parcel or tract of land between ten and 25 acres in size where the owner may be required by the planning commission to submit an application with the dsr for pdd recommendation by the planning commission.

(Ord. No. 2018-07, 3(a—f), 4-16-18; Ord. No. 2025-04, § 1, 3-3-25; Ord. No. 2025-31, § 1, 11-3-25)

2.2. - Application procedures for subdivision and land development projects.

No building permits will be issued for any major subdivision without first obtaining subdivision approval from the planning commission.

The application process consists of three phases as follows:

- A. Pre-application conference - Major land developments conceptual plan review - Major subdivisions (See Section 2.8).
- B. Completeness.
- C. Application review.

(Ord. No. 2020-14, § 1, 8-17-20)

2.3. - Pre-application conference.

For the purpose of securing advice in the formative stages of major development design, expediting applications, and reducing development costs, the applicant shall arrange a pre-application conference with the DSR prior to the submission of a formal application package. The DSR shall arrange a pre-application conference to discuss requirements of this Ordinance, land development practices, proposed plans of the applicant, applicable provisions of the comprehensive plan, land management ordinance, and related matters. The DSR may invite to the conference, or consult with other department heads and affected agencies.

2.4. - Completeness.

All land development applications must be submitted directly to the DSR. Applications required legible under this ordinance shall be reviewed for completeness using standard best engineering practices only if they are submitted in the required format, include all mandatory information and are accompanied by the appropriate fees. Upon the receipt any land development application, the DSR shall make a record of the date of receipt and stamp the date of receipt on the application and all supporting documentation. The DSR shall examine the application for completeness and either deem the application complete and continue the appropriate review process, or deem the application incomplete.

During the completeness review the DSR may, at the request of the applicant, waive any of the checklist completeness items at his/her discretion. For each waiver request the applicant shall provide a written explanation as to the reasonableness of the request.

Any application that is determined to be incomplete shall, within 30 days of its submittal, be returned to the applicant along with an explanation of the application's deficiencies. Fees shall not be refunded. No further processing of the application shall occur until the deficiencies are corrected. Once the deficiencies are corrected, the application may be resubmitted without the payment of additional fees, provided that it is resubmitted by the application deadline date within 90 days of the date that the application was initially submitted by the applicant. Once the application has been deemed complete, the DSR shall notify the applicant in writing.

The applicant shall submit, at a minimum, the following information as part of the application package to the DSR:

1. Appropriate Jasper County Land Development Application along with completed checklist.
2. Appropriate application fee and review fee in accordance with the current approved fee schedules as amended from time to time.
- 3.

Certification from the tax assessors office which indicates that all taxes have been paid and are current for all parcels in question.

4. All required permits from state and local agencies.
5. Current "will serve" letters from all utility companies providing service to the site.
6. Stormwater management plan (if applicable).
7. An encroachment permit from the state or county, as appropriate (See Section 25-91 of the Code of Ordinances of Jasper County, and certification from the fire marshall that access to the subdivided lot(s) will be adequate to provide access for Emergency Services vehicles.

(Ord. No. 11-22, § 6, 10-3-11; Ord. No. 2018-07, 3(g), 4-16-18)

2.5. - Application review.

The DSR shall evaluate the application within 30 days of the receipt of the application being deemed complete. The following is a general overview of the design and improvement criteria that will be evaluated:

1. Ingress and egress to the project site shall be designed to maximize automotive and pedestrian safety and facilitate traffic flow.
2. Off-street parking, off-street loading, refuse, and service areas shall be designed to minimize their visual and physical impact on neighboring property.
3. Street right-of-way and pavement construction shall be adequate to accommodate the type and volume of traffic anticipated.
4. The project shall be designed in harmony with its physical surroundings and in such a manner as to ensure land use compatibility.
5. Where the project will create a need for off-site improvements, including improvements to streets, drainage systems, sidewalks, and curbs, the DSR (minor subdivision application) or planning commission (PDD or major subdivision application) may require the installation of such improvements as a condition of approval.
6. The project shall be designed in compliance with article 10, stormwater management, and the county stormwater management design manual.

During the course of the review process, the DSR and/or planning commission may require the applicant to submit any information or supporting documentation it deems necessary in order to make an informed decision on any proposed land development application in order to protect the health, safety and welfare of the general public.

Applications will be assigned to one of the following six categories, exempt subdivision, minor subdivision, major subdivision, minor site plan, major site plan and planned development districts, as determined by the DSR in accordance with the appropriate land development classifications as previously defined in this section.

(Ord. No. 11-22, § 7, 10-3-11)

2.6. - Exempt subdivision.

The DSR shall, at the time an exempt plat is submitted for recording, review said plat to determine if in fact it is exempt from the requirements of this ordinance and, if so, stamp each copy of the plat for recording as follows: "This plat is exempt from the requirements of the Jasper County Land Development Regulations pursuant to Section (specify particular

section)."

The subdivision plat shall be drawn to the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina. An electronic copy of the plat shall be submitted in accordance with section 4.13 of the land development regulations.

If the plat is found not to be exempt from the requirements of this ordinance, the applicant shall be instructed to submit the required application and supporting documentation for processing.

(Ord. No. 2018-07, 3(h), 4-16-18)

2.7. - Minor subdivision.

Applicants requesting approval of a proposed minor subdivision as defined by this ordinance and LDR shall submit to the DSR a completed minor subdivision application, checklist and appropriate fees along with four copies of the proposed subdivision plat, drawn to the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina. An electronic copy of the plat shall be submitted in accordance with section 4.13 of the land development regulations. An Encroachment Permit from the State or County, as appropriate, shall also be submitted with plat; see Section 25.91 of the Code of Ordinances of Jasper County.

The DSR shall review the application for completeness in accordance with section 2.4 and compliance with the requirements of this ordinance, and if found to be in compliance, will instruct the applicant to prepare a final plat, including surveyor certification. The DSR shall have 30 days from the time the application is deemed complete to render a decision.

Should during the course of review the DSR determine that additional information is required to make a decision on the application; the applicant will be informed in writing as to the nature of the additional information which needs to be submitted. The applicant shall have 30 days in which to submit the additional information as may be required, at the end of which time a new application package will be necessary, unless the applicant provides written notification to the DSR requesting an extension of time along with an explanation for the request.

Action on the final plat shall be taken by the dsr and so noted for recording and providing monthly updates to the planning commission.

(Ord. No. 2018-07, 3(i), 4-16-18)

2.8. - Major subdivision.

A. *Conceptual plan review.* For the purpose of securing advice in the formative stages of major subdivision design, expediting applications, and reducing development costs, the applicant, may request conceptual plan review prior to applying for preliminary review. The Jasper County Planning Commission shall act upon the concept plan application within 60 days from the time it has been deemed complete unless an extension of time is granted by the applicant. The concept plan must be scaled and show the approximate proposed layout of streets, lots, buildings, open spaces, and other features in relation to existing conditions, along with the following information:

1. Name of the proposed development.
2. North arrow.

3. A vicinity map including north arrow.
4. Boundaries of the tract and the portion of the tract to be subdivided.
5. Parcel number(s) of the lot(s) to be subdivided.
6. Adjacent property owners and tax map numbers.
7. Zoning classification of the tract and of adjacent properties.
8. Total acreage to be subdivided.
9. Estimated and proposed uses of the land within the subdivision and the existing uses of land adjoining it.
10. Existing and proposed road layout with approximate pavement and right-of-way width, lot layout and size of lots.
11. Existing easements.
12. Roads and lots of adjacent developed or platted properties.
13. Existing topographic conditions of the property.
14. Water courses, floodplains, and preserved areas.

The planning commission may waive any information required by this section or require any additional information they deem necessary. Conceptual plan approval does not authorize the applicant to do any site work, sell or otherwise transfer lots or parcels.

- B. *Preliminary major subdivision plat approval.* Applicants requesting approval of a proposed major subdivision as defined by this ordinance shall submit to the DSR a preliminary and final major subdivision application in accordance with the following procedures:

The applicant shall submit to the DSR four copies of the preliminary plat, four copies of land development plans, fees and all materials stipulated in the preliminary major subdivision application checklist.

The DSR shall review the plans for completeness in accordance with the requirements of Section 2.4 of this ordinance, and if deemed complete submit copies to all affected County agencies for review and comment.

The planning commission shall act upon the application within 60 days from the time it has been deemed complete unless an extension of time is granted by the applicant.

If the planning commission approves the preliminary major subdivision application, the applicant shall submit four final sets of construction plans for execution by the planning commission, one copy of which shall be forwarded to the applicant.

Preliminary major subdivision plat approval shall confer upon the applicant the following rights for one year from the date of the approval, unless extended by the county to proceed under the supervision of the county, with the installation of site improvements.

Preliminary Major Subdivision plat approval shall not authorize the applicant to sell or otherwise transfer lots or parcels within the platted subdivision.

No construction shall begin on the site until the planning commission chairman has signed the construction plans and the developer has posted the appropriate performance instrument(s), letter-of-credit, or other financial security acceptable to the county for the proposed site improvements along with the appropriate inspection fee.

C.

Final subdivision plat approval. An applicant requesting final subdivision plat approval must first satisfy all outstanding issues in conjunction with the preliminary subdivision approval. Four sets of revised as-built plans, fees and all documentation as stipulated in the final major subdivision application checklist shall be submitted to the DSR along with four originals of the final subdivision plat for execution by the county.

Final subdivision plat approval shall be approved or denied by the planning commission within 60 days after submission of a complete application to the DSR or within such further time as may be consented by the applicant.

An applicant requesting final plat approval shall submit to the DSR four copies of the material specified in this ordinance, which shall show all streets and utilities in exact location, identifying those portions already installed and, where approved by the DSR and/or planning commission, those to be installed and/or certified in the amount of improvement guarantees required to assure completion of those improvements not yet installed.

No subdivision or land development plat, portion, or phase thereof shall be accepted for filing by the office of clerk of court until it has been signed by the planning commission chairman. No such signature shall be affixed to the plat until the developer has completed all required improvements or has posted the appropriate performance instrument(s), letter-of-credit, or other financial security acceptable to the county and a letter from the DSR has been issued. This plat, marked as "Final Plat with Security Instrument", may be recorded in the Jasper County Court of Clerk's office upon the approval of the financial security instrument.

An applicant/developer who wishes to acquire building permits or sell lots before final plat approval may do so through financial security instruments, an irrevocable letter-of-credit and agreement, or other financial security acceptable to the planning commission. The developer shall provide the County with an itemized estimate of the improvements in the subdivision (i.e. roads, water, sewer, etc.). If a portion of the improvements have been installed, the itemized estimate will be for the improvements from that point to completion of the subdivision. Once the estimates have been approved by the county, the developer then presents the county with a financial security instrument or other acceptable means for the total of the improvements plus 25 percent in a form acceptable to the county.

Final plat approval shall confer upon the applicant the right to record the plat with the county clerk of court and to proceed with the sale and/or transfer of lots and parcels in accordance with the approved and recorded plat. An electronic copy of the plat shall be submitted in accordance with section 4.13 of the land development regulations.

(Ord. No. 2018-07, § 6, 4-16-18; Ord. No. 2020-14, § 2, 8-17-20)

2.9. - Minor site plan.

Applicants requesting approval of a proposed minor site plan as defined by this ordinance shall submit to the dsr a completed minor site plan application, checklist and appropriate fees along with four copies of the proposed site plan, drawn to the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina. An electronic copy of the plat shall be submitted in accordance with section 4.13 of the land development regulations.

The DSR shall review the application for completeness in accordance with section 2.4 and compliance with the requirements of this ordinance, and if found to be in compliance, will instruct the applicant to submit four signed and sealed originals of the site plan for final execution by the county. The DSR shall have 30 days from the time the application is deemed complete to render a decision.

Should during the course of review the DSR determine that additional information is required to make a decision on the application; the applicant will be informed in writing as to the nature of the additional information which needs to be submitted. The applicant shall have 30 days in which to submit the additional information as may be required, at the end of which time a new application package will be necessary, unless the applicant provides written notification to the DSR requesting an extension of time along with an explanation for the request.

Action on the site plan shall be taken by the DSR and so noted for recording and providing updates to the planning commission.

No construction shall begin on the site until the DSR has signed the site plan and the developer has posted the appropriate performance instrument(s), letter-of-credit, or other financial security acceptable to the county for the proposed site improvements along with the appropriate inspection fee.

(Ord. No. 2018-07, § 6, 4-16-18)

2.10. - Major site plan.

Applicants requesting approval of a proposed major site plan as defined by this ordinance shall submit to the DSR a completed major site plan application, checklist and appropriate fees along with four copies of the proposed site plan, drawn to the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina. An electronic copy of the plat shall be submitted in accordance with section 4.13 of the land development regulations.

The DSR shall review the application for completeness in accordance with section 2.4 and compliance with the requirements of this ordinance, and if found to be in compliance, will instruct the applicant to submit four signed and sealed originals of the site plan for final execution by the county. The DSR shall have 30 days from the time the application is deemed complete to render a decision.

Should during the course of review the DSR determine that additional information is required to make a decision on the application; the applicant will be informed in writing as to the nature of the additional information which needs to be submitted. The applicant shall have 30 days in which to submit the additional information as may be required, at the end of which time a new application package will be necessary, unless the applicant provides written notification to the DSR requesting an extension of time along with an explanation for the request.

Action on the site plan shall be taken by the DSR(s) and so noted for recording. No construction shall begin on the site until the DSR(s) has signed the site plan and the developer has posted the appropriate performance instrument(s), letter-of-credit, or other financial security acceptable to the county for the proposed site improvements along with the appropriate inspection fee.

(Ord. No. 2018-07, § 6, 4-16-18)

2.11. - Planned development district (PDD).

All PDD applications shall be submitted in accordance with Article 8:1 of this ordinance.

2.12. - Court ordered subdivisions of certain property.

1. The limitations on subdivisions and procedures required in this article do not apply to partitions in kind of property (a) held by tenants in common, (b) at least 80 percent of whom are related by blood or marriage, and (c) ordered by a court of competent jurisdiction.
2. The Jasper County Clerk of Court will forward to the county attorney a copy of any complaint or petition seeking partition in kind of property in Jasper County.
3. The Jasper County Attorney in consultation with the county administrator will intervene in appropriate cases to bring to the attention of the court the requirements of this ordinance.
4. Notwithstanding any other provisions of this ordinance, the unappealed decision of a court of competent jurisdiction to partition property in Jasper County shall be honored by the county in accordance with its terms.

2.13. - Information to be included on plats.

In addition to the provisions of Section 2.12, the DSR may exempt subdivisions from the requirements of these regulations regarding the construction of roads only if the property is being transferred by will or intestate succession or forced division decreed by appropriate judicial authority. The subdivider must submit legal documentation satisfactory to the DSR in order to establish eligibility for this exemption. This exemption shall apply only to initial division of property, not to subsequent sale or further subdivision by the heirs, devisees, or transferees. Plats of subdivisions so exempted shall show an ingress/egress easement providing access to all parcels, and shall contain the following information:

- a. Names of owners of each parcel being created; and
- b. Purpose of the subdivision; and
- c. A note stating that "ROAD ACCESS NOT PROVIDED"; and
- d. A note stating "THESE LOTS/PARCELS MAY NOT BE TRANSFERRED, OR FURTHER SUBDIVIDED UNTIL ROAD ACCESS IS PROVIDED AND A REVISED PLAT IS APPROVED BY JASPER COUNTY".
- e. Should the DSR exempt a proposed subdivision from the construction of the private roadway, the property shall also be exempt from delineation of jurisdictional and non-jurisdictional wetlands (for purposes of approving the plat for recordation only; this chapter shall not supersede any state and/or federal requirement for construction in, around or through a jurisdictional wetland or flood zone) and all requirements associated with the maintenance of the private road (a hold harmless agreement, establishing a system of continued maintenance, and establishing an escrow account for the maintenance of the private road); In the situation that a property owner requests exemption from road construction as outlined in this subsection, the property owner shall sign a statement that he/she understands that the proposed subdivision of land shall not be exempted from any other minimum standard set forth by county council through ordinance including any and all review fees, minimum lot size, etc.

(Ord. No. 2018-07, § 3(j), 4-16-18)

ARTICLE 3. - SITE PLAN REQUIREMENTS

3.1. - Compliance required; exception.

Site plan review and approval shall be required as a condition for the issuance of a permit for any development, except that individual lot applications for detached one- or two-dwelling-unit buildings which are part of a minor subdivision shall be exempt from site plan approval. Site plan applications shall be in accordance with Article 2 of the Jasper County Land Development Regulations (LDR) and Zoning Ordinance (ZO).

All site plans shall provide adequate on-site parking in accordance with Article 12.1.2 of the Jasper County Zoning Ordinance.

3.2. - Development staging.

In the case of a site plan for a development which proposes construction over a period of years, the developer shall plan proposed stages so as to protect the interests of the public and of the residents, occupants and owners of the proposed development during the total completion of the development.

Site plan applications for Group Developments shall be in accordance with the LDR and Article 10.2 of the Jasper County Zoning Ordinance.

3.3. - Common application requirements.

The following documents shall be submitted with all applications for approval:

- A. Proof from the Jasper County Tax Collector or other designated official that no taxes or assessments for local improvements are due or delinquent on the property for which the site plan application is made.
- B. Where the applicant is a corporation or partnership it shall submit the following:
 - (1) A list of all stockholders or individual partners owning at least ten percent of its stock or at least ten percent of the interest in the partnership, as the case may be.
 - (2) Where the ten percent or more of the ownership disclosed is by a corporation or partnership the applicant shall provide a list of all stockholders or individual partners owning at least ten percent of the stock or partnership interest in a corporation or partnership owner subject to disclosure.

3.4. - Submission of minor site plan.

- A. Minor site plan shall be submitted for the development of a single lot which does not involve planned development, any new street or extension of any off-tract improvements as defined in Article 2.1.2. A Minor Site Plan application shall include the following information:
 - 1. North arrow, scale, date of plan preparation and any revisions thereto.
 - 2. Scale.
 - 3. Tax sheet and parcel number(s) for the existing lot(s) in question.
 - 4. Subdivision name and name of preparer.
 - 5. Names of owners and block and lot numbers of properties within 200 feet of the tract with key map of appropriate scale.
 - 6. Boundary survey signed by a licensed South Carolina land surveyor, except that for minor site plans where there are no building additions or new accessory buildings or structures. The boundary may be based upon tax map, deed or other reasonably accurate base with appropriate scale.

7. Existing topography on and within 50 feet of the tract including roads, driveways, parking areas, loading areas, curbs, sidewalks, fences, retaining walls, buildings, structures, wooded areas, streams, drainage facilities, utility lines, wells and septic systems. The DSR may waive this item or require more accurate contours or additional grading information if deemed necessary to adequately review the application.
8. Distances measured along right of way lines of existing streets adjoining the property to the nearest intersection with other streets.
9. A schedule of required and provided zone district requirements including lot area, width, depth, yard setbacks, coverage, etc.
10. Setback dimensions of existing structures and required building setback lines.
11. Location of one-hundred-year floodplain and wetlands with source of information.
12. Existing and proposed rights-of-way, easements, deed restrictions or covenants affecting the property.
13. Gross and net building area of any existing structure as well as any proposed buildings and/or additions.
14. Location, type and size of proposed utility services, including but not limited to gas, electric, water, sewer and cable television: location of proposed wells and septic systems where public sewer and water are not available.
15. Will serve letters for water, sewer and any other proposed utilities.
16. Location and floor elevations of all proposed buildings and structures and the approximate location of proposed driveways.
17. Location of existing and proposed signs and details of their size, lighting and type of construction.
18. The location, type and size of any proposed curbs, sidewalks, driveways, fences, landscaping, retaining walls, etc.
19. A narrative indicating the proposed use of the property and anticipated impacts upon traffic circulation, parking, lighting, stormwater runoff and sewage disposal.
20. Stormwater management plan (if applicable).

(Ord. No. 11-22, § 8, 10-3-11)

3.5. - Submission of concept plan.

- A. Prior to the submission of a major preliminary site plan the applicant is required to submit a concept plan showing the proposed site development. The DSR shall grant an informal review of a concept plan from which the applicant intends to prepare and submit an application for development. The concept plan shall be in sufficient detail to allow the DSR to make an informal decision on the merits of the proposal.
- B. If the project requires a stormwater management plan, the applicant shall demonstrate the consideration of better site planning, better site design and low impact development practices as outlined in the county stormwater management design manual.

Neither the applicant nor the DSR shall be bound by any concept plan review.

(Ord. No. 11-22, § 9, 10-3-11)

3.6. - Submission of preliminary site plan.

- A. The applicant shall submit five black-on-white prints of the preliminary plan, together with three completed application forms for preliminary approval to the DSR. The applicant shall also submit a certification from the tax collector that all taxes and assessments on the property have been paid to date. At the time of filing, a fee shall be paid of the County as specified in the current fee schedule.
- B. The DSR shall act on the preliminary plan within the time limits set forth in the Jasper County LDR and the applicant shall be notified of the action of the DSR within the time limits set forth. If the DSR acts favorably on a preliminary plan, the DSR shall affix his signature to the plan with a notation that it has received preliminary approval and return it to the applicant for compliance with final approval requirements. Preliminary approval shall be valid for a two-year period from the date of approval; provided that the general terms and conditions under which the preliminary approval has been granted will not be changed.

3.7. - Submission of final site plan.

- A. The final plan shall be submitted to the DSR for final approval within two years from the date of the preliminary approval of the plan. The DSR shall act upon the final plan within the time limits set forth in the Jasper County LDR. This provision shall not prohibit submission of a final site plan for non-complex projects concurrently with the preliminary submittal.
- B. The applicant shall submit five black-on-white prints of the final plan together with three completed application forms for final approval to the DSR. The applicant shall also submit a certification from the tax collector that all taxes and assessments on the property have been paid to date. At the time of filing, a fee shall be paid to the county as specified in the current fee schedule.
- C. Prior to final approval, the DSR shall receive a letter containing a list of all items to be covered by a performance guaranty (cash or certified check) pursuant to the requirements in the Jasper County LDR, the quantities of each item, the cost of each item and the total amount of all items.
- D. The DSR shall act on the final plan within the time set forth in the Jasper County LDR, or within a mutually agreed upon extension of time. Failure to act within the allotted time shall constitute approval, and the DSR shall issue a certificate to that effect.
- E. After final approval, five sets of signed and sealed drawings shall be submitted for final execution by the county.

3.8. - Submission of plans.

- A. Site plans shall be submitted in accordance with the following schedules:
 - (1) The sizes of all maps and plans submitted in compliance with this chapter shall be one of the following sizes:
 - (a) Fifteen by twenty-one (15 × 21) inches.
 - (b) Twenty-four by thirty-six (24 × 36) inches.
 - (2) The title block shall include the following information:
 - (a) The name of the site plan.
 - (b) The name, address, membership or license of the professional person who prepared the drawings.
 - (c) The term "concept site plan," "preliminary site plan" or "final site plan," as applicable.
 - (d) The date of the drawing.
 - (e) The drawing reference number.

- (f) The section number of the section being submitted, if applicable.
- (g) The scale of the drawing.

(3) Drawings shall also include the following:

- (a) North arrow and reference meridian.
- (b) Date of the original drawing and date and nature of all subsequent revisions.

B. Applicants are required to submit preliminary sketches, reports and/or proposals for development to the DSR for all major site plan applications. The following of such informal procedure shall not prejudice the developer's right to proceed subsequently as an applicant otherwise pursuant to the requirements of this chapter. The applicant shall be required to submit any fees for such an informal review in an amount equal to 25 percent of the required fees for preliminary plan submittal. The applicant shall not be bound by any concept plan for which review is requested, and the DSR shall not be bound by any such review.

C. *Preliminary site plan requirements.*

(1) The preliminary site plan shall be drawn at a scale in accordance with the following table:

Area of Site (acres)	Scale-Not to be less than
Less than 10	1 inch equals 30 feet
10—40	1 inch equals 40 feet
Over 40	1 Inch equals 50 feet

(2) The plan shall include the following data:

- (a) The name and address of the developer and the owner and the name, including address and title of the person preparing the plan and maps, including appropriate map titles and accompanying data.
- (b) The acreage, county tax map identification numbers, tax sheet numbers of the lot or lots, and names of all adjacent property owners.
- (c) A key location map showing the site and its relationship to surrounding areas and zone boundaries within a minimum of one-fourth mile.
- (d) A date, graphic scale, North arrow, and reference meridian on any map.
- (e) An affidavit from the owner and other parties in interest that the site plan is submitted with their knowledge and consent.
- (f) All existing, proposed and minimum required setback dimensions.
- (g) Landscaped areas, fencing and trees over four inches in diameter, except that where trees are in mass, only the limits thereof if proposed to remain need be shown, or if proposed for removal, only trees over nine inches in diameter need be shown.
- (h) All existing and proposed signs, utility poles and their size, type of construction and location.
- (i)

The existing and proposed principal building or structures and all accessory buildings or structures, if any, approximate floor areas of said buildings and approximate finished grade elevations at all corners of said buildings.

- (j) The location of all existing buildings, drainage and parking areas within 200 feet of the lot.
 - (k) Existing topography depicted by contours at one foot intervals based upon an approved South Carolina Geodetic Control Survey datum for the site and areas within 100 feet of the site.
 - (l) The approximate location and size of all existing and proposed storm drainage facilities, plus all required preliminary design data supporting the adequacy of the existing or proposed facility to handle future storm flows and analysis of the capacity of the facility into which the stormwater will flow.
 - (m) An analysis of all existing and proposed utilities and an analysis of the capacity of the existing utilities to accept the proposed facility.
 - (n) The location of all existing and proposed sidewalks, driveways, fences, retaining walls, parking space areas and the layouts thereof, and all off-street loading areas, together with the dimensions of all the foregoing on the site in question and within 100 feet of said site.
 - (o) The estimated average number of automobiles and number and size or type of trucks or buses that will enter and leave the site each day and during the peak hours, including an analysis of the ability of the existing road system to accept the additional traffic volumes.
 - (p) The location, size and nature of all existing and proposed rights-of-way, easements and other encumbrances which may affect the lot or lots in question, and the location, size and description of any lands to be dedicated to the township or to the county.
 - (q) The location, size and nature of the entire lot or lots in question, and any contiguous lots owned by the developer or in which the developer has a direct or indirect interest, even though only a portion of the entire property is involved in the site plan for which approval is sought; provided, however, that where it is physically impossible to show such entire lot or lots contiguous lots on one map, a key map thereof shall be submitted.
 - (r) Plans and profiles of streets adjoining the property for a distance of 500 feet in either direction, including the location of driveways and intersecting streets and an indication of the maximum available sight distance.
 - (s) General nature and extent of proposed site lighting.
 - (t) The method of sewage disposal and water supply and corresponding "will serve" letters.
 - (u) Proposed stages or development sections, if any, and the approximate schedule for implementing each stage or section.
 - (v) Tax Identification numbers and names of owners of all properties within 200 feet of the site.
- (3) The plans shall be prepared by a properly licensed professional registered in the state of South Carolina.
 - (4) The preliminary site plan shall be accompanied by an environmental impact statement.
 - (5) The preliminary site plan shall be accompanied by a community facilities analysis.
 - (6) Stormwater management plan (if applicable).

D. *Final site plan requirements.*

- (1)

An application for final site plan shall be substantially the same as the approved preliminary site plan or a stage or section thereof; however, it shall show final detailed design and engineering which shall be designed in accordance with the review and design guidelines herein above.

- (2) The site plan shall be drawn at a scale not less than one inch equals 50 feet and not greater than one inch equals ten feet; except that for land development plans that will require more than one sheet at this scale, a key map shall be included to show the entire tract and the detail sheet which allows each segment thereof.
- (3) The plan shall include or be accompanied by the following data:
 - (a) The name and address of the developer and the owner and the name, address and the title of the person preparing the plan or maps, including appropriate map and titles and accompanying data.
 - (b) The acreage, county tax map identification numbers, tax sheet numbers of the lots or lots, and names of all adjacent property owners.
 - (c) A key location map showing the site and its relationship to surrounding areas and zone boundaries within a minimum of one-fourth mile.
 - (d) A date, graphic scale, North arrow and reference meridian on any map.
 - (e) An affidavit of the owner and other parties in the interest that the site plan is submitted with their knowledge and consent.
 - (f) The zone district in which the lot or lots are located, together with a delineation of the yard setback lines required in the zone district.
 - (g) An accurate boundary survey prepared and certified by a South Carolina licensed land surveyor. The survey shall be based on a field traverse with an error of closure not less than one part in 10,000.
 - (h) The existing and proposed principal building or structures and all accessory buildings or structures, if any, and finished grade elevations of all first floors and roofs, including roof structures.
 - (i) Architectural floor plans for each floor of the building or structure and elevations from all entry/exit points of all buildings or structures on the site; with the name, address and registration number of the licensed architect preparing the plans.
 - (j) Existing topography based upon approved South Carolina Survey datum, for the site and areas within 100 feet of the site, and proposed grading, both at one contour intervals.
 - (k) All setback dimensions and minimum setback lines, fences and landscaped areas and trees as required by the zoning ordinance.
 - (l) A landscape and planting plan which, as a minimum, shall spot the location of all existing plantings to be retained and all plantings to be established and shall contain a schedule, keyed to the plantings shown, calling out the type (common name and botanical name), size (height, spread and trunk diameter) at time of planting and at maturity and quantity of all plantings shown on the plan.
 - (m) All existing and proposed signs and lighting standards, including design calculation and indications of size, type of construction and location.
 - (n) The location, type and size of all existing and proposed catch basins and storm drainage facilities with profiles thereof, including design calculations, plus all required design data supporting the adequacy of all existing facilities to accept additional stormwater runoff.
 - (o)

The location, type and size of all existing and proposed curbs, sidewalks, driveways, fences, retaining walls, parking space areas and the layouts thereof, and all off-street loading areas, together with the dimensions of all the foregoing on the site in question and within 100 feet of said site.

- (p) The location, size and nature of all existing and proposed rights-of-way, easements and other encumbrances which may affect the lot or lots in question and the location, size and description of any lands to be dedicated to the county or other agency.
 - (q) The location and size of all sanitary sewer lines.
 - (r) Location, size and type of all proposed utility lines and structures, including but not limited to telephone, electric, water, sanitary sewer, gas and CATV, and letters from each that the facilities are adequate to serve the site development.
 - (s) The location, size and nature of remaining lands or contiguous lots in which the developer has a direct interest.
 - (t) All proposed easements and public community access.
 - (u) The location, size and type of all proposed off-site improvements.
 - (v) All points of vehicular ingress and egress for the site, indicating the size of driveways and sight triangles.
 - (w) Provision for refuse and garbage disposal.
 - (x) Location of all points in pedestrian access, including internal circulation patterns.
 - (y) Location and design of all fire prevention measures, including emergency lanes, hydrants, sprinkler and siamese connections and fire zones.
 - (z) The present and proposed number of units and number of tenants, employees, customers or occupants of each unit and a summary of the total number of each expected to be on the site each day.
 - (aa) The location of any other feature directly on the property and beyond the property, if such feature has an effect on the use of said property.
 - (bb) Construction details of all proposed site improvements.
 - (cc) Such information or data as may be required by the DSR in order to determine that the details of the site plan are in accordance with the standards of the county ordinances.
 - (dd) A complete list of the site improvements, except principal and accessory buildings, by item, and the quantities thereof to be constructed.
 - (ee) Copies of all applicable local, state and federal permits that may be required for the development.
- (4) The plans shall be prepared by a properly licensed professional registered in the State of South Carolina.
- (5) Stormwater management plan (if applicable).

(Ord. No. 11-22, § 10, 10-3-11)

3.9. - Design guidelines.

- A. *General design considerations.* The following shall constitute the general design considerations for site plans which shall be adhered to by the applicant in preparation of site plans:
- (1) *Preservation of landscape.* Landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal and any grade changes shall be in keeping with the general appearance of the neighboring developed areas. Adequate shade trees shall be provided.

- (2) *Relation of proposed buildings to environment.* The proposed structure shall be related harmoniously to the land form (either natural or man-made) and to existing buildings in the vicinity that have a visual relationship to the proposed buildings. The achievement of such relationship may include the enclosure of space in conjunction with other buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features or other buildings.
 - (3) *Drives, parking and circulation.* With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access point(s) to the public streets, width of interior drives and access points, general interior circulation, separation of vehicular and pedestrian traffic and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed buildings and structures and the neighboring properties. Streets shall be of sufficient width and suitable grade and suitably located to accommodate prospective traffic and to provide access for fire-fighting and emergency equipment to buildings and coordinated so as to compose a convenient system consistent with the circulation element of the comprehensive plan. Individual lot or shared driveways longer than 150 feet from a publicly maintained street or road to the structure served shall require Fire Marshall approval to ensure emergency service vehicle access. Where adjacent properties are capable of future development, and in order to provide access between adjacent developments or subdivisions with having to resort to exiting one development or subdivision, travelling upon a federal, state or local government owned or maintained road or street, and then entering the adjacent development or subdivision from the road or street, side access between the developments or subdivisions should be preserved so that interconnectivity between them is provided. Shared access driveways on arterials should be used where possible to promote good traffic flow.
 - (4) *Surface water drainage.* Refer to article 10 and the county stormwater management design manual.
 - (5) *Utility service.* All electric, telephone, cable television and utility lines shall be underground. Adequate water supply, sewerage facilities and other utilities necessary for essential services to residents and occupants shall be provided.
 - (6) *Advertising features.* The size, location, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties.
 - (7) *Special features.* Exposed storage tank areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen planting or other screening methods as shall reasonably be required to prevent their being incongruous with the existing and contemplated site design and the surrounding properties.
 - (8) *Open space.* Open space for planned developments shall be provided in accordance with the provisions of this ordinance.
 - (9) *Application of design standards.* The standards of review outlines above shall also apply to all accessory buildings, structures, freestanding signs and other site features.
- B. *Design standards.* The following minimum design standards shall be required for all site improvements.
- (1) *Public streets.*
 - (a) Improvement of the public street upon which the site fronts shall be required for the portion of the site to be developed. These improvements shall be as required by the Jasper County Land Development Ordinance.

(b) Sight triangles shall be provided at the intersection of all drives leading to and exiting from the site in accordance with the Jasper County LDR. The site triangle shall be clear of all obstructions from 20 inches above center-line grade to a point 120 inches above the center line, except that utility poles and street trees shall be permitted, provided that they do not create a safety hazard. An easement dedication to the owner of the intersecting roadway incorporating the entire sight triangle within the site but outside the right-of-way line shall be made.

(2) *On-site improvements.*

(a) Site lighting.

[1] Site lighting shall be provided all areas accessible to the public in accordance with the following table:

Area	Average Maintained Footcandles
Parking Lots	—
Shopping Center	<u>1.5</u> —5
Retail businesses	1.0—4.0
Industrial	0.5—1.0
Shopping centers	2.0—3.0
Retail businesses	1.0—3.0
Industrial	1.0—3.0
Park area and pedestrianways	0.4
Sidewalks	0.5
Intersections	2.0—5
Other areas	As determined by individual study

[2] In general, the areas most frequently utilized shall be more intensely lit, with lighting levels decreasing as usage decreases.

[3] All lighting shall be designed to meet the following minimum criteria.

[a] All lighting from fixtures shall be cut off at property lines adjoining residential areas and zones.

[b]

Fixtures shall provide cutoff so that the lamp or refractor is not visible from adjoining roadways or residential areas.

- [c] Sky glow effects are prohibited.
- [d] Maximum desirable luminaire mounting heights shall be 30 feet.
- (b) *Storm drainage.* Refer to article 10 and the county stormwater management design manual.
- (c) *Parking lot layout.* Parking lots providing in excess of 50 parking spaces shall meet the following requirements.
 - [1] Driveways shall be separated from parking stalls and aisles by raised curbed islands which shall be a minimum of five feet wide.
 - [2] In every fifth row of parking, the opposing stalls shall be separated by raised curbed islands, which shall be a minimum of four feet wide.
 - [3] Trees shall be planted within each island required herein.
 - [4] All islands required herein shall be landscaped and grassed.
- (d) *Landscaping.* A buffer zone shall be provided as required by the zoning ordinance.
- (e) *Pedestrian access.* In parking areas in excess of 100 parking stalls, sidewalks shall be constructed along all driveways and roadways as necessary to accommodate pedestrian travel parallel to the flow of traffic thereon.
- (f) *Grading.*
 - [1] *Driveways.* Driveways and roadways shall be a minimum of one-half percent and shall not exceed a maximum grade of five percent. They shall not exceed a grade of four percent within 100 feet at the gutterline of an intersecting street.
 - [2] *Parking areas.* Parking areas shall be a minimum of three quarter percent and shall not exceed a maximum grade of five percent. They shall be graded so that stormwater does not cross drives or roadway in a concentrated flow.
 - [3] *Earthen slopes.* Slopes shall not exceed a ratio of two horizontal to one vertical unless a slope stability analysis indicates to the contrary, provided that slopes which are in excess of two to one shall have a fence or protective vegetative screen. Minimum slopes in grass areas shall be one and one-half percent unless within swales.
 - [4] All nonpaved areas shall be permanently stabilized to prevent erosion.
- (3) *Standards for construction.* All work shall be done in conformance with the current construction standards of the LDR or, the current edition of the South Carolina Department of Transportation Standard Specifications, whichever is more restrictive.

(Ord. No. 11-22, § 11, 10-3-11; Ord. No. 2018-07, § 4(a), 4-16-18)

3.10. - Guaranties.

- A. As a condition of final site plan approval, the DSR shall require and accept in accordance with the standards of this chapter for the purpose of assuring the installation and maintenance of improvements a performance guarantee in favor of the county in an amount equal to 125 percent of the cost of installation for all approved

site improvements and infrastructure within the rights-of-way, easements, open space and/or any other common areas of all residential, commercial and industrial subdivisions. The form and amount of the guarantee shall be as approved by the DSR in accordance with section 1.8 of these land development regulations.

Where the development or subdivision is to be served by private roads, the mechanism for the perpetual maintenance of private roads and the collection of funds for future maintenance shall be explicitly documented before the planning commission at the time of submission and recorded with the approved plat allowing lot sales in the form of restrictive covenants. All transactions involving properties accessed by said private road shall contain a copy of the private road maintenance provisions contained in the restrictive covenants. At a minimum, a process for collecting or creating a fund for future maintenance shall be documented in the covenants and restrictions affecting the parcels to use the private roads, and the planning commission shall require a property or homeowners association be formed and restrictive covenants and by-laws adopted and filed of record before issuing final approval for the subdivision and/or sale of lots.

If the subdivision owner and/or developer is not required to pay assessments in like manner as the individual lot owners to which lots are sold by the subdivision owner and/or developer, provisions must be included to secure the availability for funds for maintenance in the event sufficient lots are not sold to third party lot owners to adequately fund the maintenance fund created under the covenants and property or homeowners association. Included in the submission to the planning commission shall be an estimate provided by a licensed South Carolina Professional Engineer of the maintenance costs for the roads, including the estimated cost of resurfacing/refurbishing after the expected life of the initial pavement, or as may be applicable, gravel surfacing, not to exceed a period of ten years; the fund for future maintenance shall be designed so as to create a fund of no less than 125 percent of the estimated costs at time of resurfacing/refurbishing, as well as an ongoing fund to provide periodic maintenance and repair when predicted to be needed. Nothing contained herein shall be construed or interpreted as creating a responsibility or liability of the county or planning commission for the adequacy of the mechanism and/or amounts to be collected for maintenance.

B. Guaranty of workmanship/materials.

- i. The subdivider/developer shall guarantee the completed roadways and drainage system improvements against defect in function, workmanship, and materials for two years following acceptance of such improvements under warranty.
- ii. The subdivider/developer shall furnish a cash financial security instrument, letter of credit, or other acceptable security with the county guaranteeing the maintenance of the improvements and/or correction of deficiencies during the warranty period.
- iii. The warranty period security shall be in an amount equal to 20 percent of the cost of the completed roadway and drainage system improvements.
- iv. The security shall empower the county to draw on the posted funds to correct deficiencies which the subdivider/developer does not correct in a timely manner.

C. Upon substantial completion of all required appurtenant utility improvements and the connection to the same to the public system, the obligor may notify the DSR in writing, of the completion or substantial completion of said improvements. Thereupon, the DSR, or his/her designee shall inspect all the improvements and shall file a written report, indicating approval, partial approval or rejection of such improvements, with a statement of reasons for any rejection.

D.

The DSR shall notify the obligor, in writing, of the contents of said report not later than 65 days after receipt of notice from the obligor of the completion of the improvements. Where partial approval is granted, obligor shall be released from all liability pursuant to its performance guaranty, except for that portion adequately sufficient to secure provision of the improvements not yet approved, provided that 30 percent of the amount of the performance guaranty posted may be retained to ensure completion of all improvements. Failure of the governing body to send or provide such notification to the obligor within 65 days shall be deemed to constitute approval of the improvements, and the obligor and surety, if any, shall be released from liability pursuant to such performance guaranty for such improvements.

- E. If any portion of the required improvements are rejected, the approving authority may be require the obligor to complete such improvements, and, upon completion, the same procedure of notification, as set forth in subsections B and C above, shall be followed.

(Ord. No. 09-05, § 3, 1-20-09; Ord. No. 2018-07, § 4(b), 4-16-18)

3.11. - Noncompliance.

Failure to comply with any of the conditions of site plan approval subsequent to the receipt of a zoning permit, construction permit or certificate of occupancy, as the case may be, shall be construed to be a violation of this chapter and shall be grounds for the revocation of any zoning permit, construction permit or certificate of occupancy, as the case may be. If the DSR and/or construction code official finds that any conditions of site plan approval have not been met, the DSR shall give the applicant ten days written notice to comply with said conditions, and failure to comply within this ten-day period shall result in revocation of the zoning permit, construction permit, certificate of occupancy or certificate of temporary occupancy, as the case may be.

3.12. - Filing of site plans.

- A. All site plans shall be filed with the Jasper County Registrar of Deeds within 30 days of final approval. Section 49-460 of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina contains the list that the registrar's office required for filing plats. The applicant/owner shall contact the registrar for proper filing procedures.
- B. *Submittal requirements.*
 - 1. All sheets shall be drawn at a suitable scale on either 11" × 17" or 24" × 36" paper.
 - 2. Two originals shall be submitted for each sheet on good, white paper stock. Vellum is not permitted.
 - 3. All plats shall contain both the existing (parent) parcel number (PIN, TMS, TMP, etc.) and proposed numbers for each lot or parcel.

ARTICLE 4. - SUBDIVISION PLAT REQUIREMENTS

4.1. - Compliance required; exception.

Subdivision plat review and approval shall be required as a condition for the issuance of a permit for any development, except when the subdivision is deemed as exempt by the DSR. Subdivision applications shall be in accordance with Article 2 of the Jasper County Land Development Regulations (LDR) and Zoning Ordinance (ZO).

4.2. - Development staging.

In the case of a subdivision for a development which proposes construction over a period of years, the developer shall plan proposed stages so as to protect the interests of the public and residents, occupants and owners of the proposed development during the total completion of the project.

4.3. - Subdivision classifications

All subdivision applications shall be classified based on the definitions as provided in section 2.1 as one of the following:

- A. Exempt
- B. Minor
- C. Major

The applicant is encouraged to contact the county DSR in order to discuss the appropriate classification for any proposed application to be brought forward for review.

If the parcel has dual or split lot zoning, then any subdivision that occurs must follow the lines of such a split.

4.4. - Exempt subdivisions.

Any request for a proposed subdivision to be considered exempt shall be submitted in writing to the DSR. The request shall include a narrative which includes a description of the proposed subdivision along with a statement as to how the subdivision meets the definition of an exempt subdivision as provided in section 2.1.1. The DSR may require the applicant to provide any additional information deemed necessary in order to render a decision on the request. The DSR shall have 30 days from the submittal date of the request in order to make a determination in accordance with section 2.6.

4.5. - Minor subdivision plat.

Minor subdivision plat applications for minor subdivision approval shall be submitted in accordance with section 2.7.

4.6. - Preliminary major subdivision procedure.

- A. Application for preliminary approval of a major subdivision plat shall be submitted to the Jasper County DSR in accordance with section 2.8 of the Jasper County Zoning Ordinance and meeting the minimum requirements contained herein. Upon receipt of the proposed subdivision, the DSR shall review the application for completeness in accordance with Ordinance requirements. After the application has been deemed complete, the DSR or his/her representatives shall begin review of the application. During the course of the review the DSR may consult any outside agencies, as well as others as the DSR deems necessary for the review and recommendations concerning the application.
- B. In addition, the DSR may require the services of various professional consultants for the review and preparation of recommendations for the application at his/her own discretion. In these instances, the applicant shall submit a review fee in accordance with the current fee schedule.
- C. The planning commission shall act on the preliminary plat within 60 days and, if approved, shall indicate in writing the conditions of such approval, if any, or if disapproved, shall express in writing its disapproval and its reasons therefore. An appeal from the decision of the planning commission must be taken to the circuit court within 30 days after the actual notice of the decision. The action of the planning commission shall be recorded in the minutes of the commission meeting.

- D. On authorization by the planning commission, preliminary approval of the subdivision plat shall be noted on the plat and certified by the chairman of the planning commission. Also noted shall be the date on which the planning commission granted preliminary approval.
- E. Upon approval of the preliminary major subdivision, the subdivider may proceed to comply with the specific requirements of these regulations and the preparation of the final subdivision plat. Approval of a preliminary subdivision plat shall not constitute approval of the final subdivision plat. Preliminary approval shall constitute approval of the proposed widths and alignments of streets and dimensions and shapes of lots. The final plat may not be recorded until reviewed and approved by the planning commission in accordance with the requirements of this ordinance. The final plat will be considered eligible for approval only after the requirements for final plat approval, as specified herein, have been fulfilled and after all other specific conditions of the DSR and/or planning commission have been met. A paper copy of the proposed final plat is to be submitted to the DSR at least ten working days prior to recording so that the appropriate County agencies may review the proposed final plat. Final plats shall not be filed until review approvals of the construction plans are completed and notice is given by the DSR.
- F. To help offset the cost to the county of processing a subdivision plat, administration fees shall be paid with the initial submission of the application for preliminary plat approval in accordance with the current fee schedule. Contact the DSR for the most recent Jasper County Fee Schedule.
- G. All preliminary approvals granted by the planning commission shall be valid for a period of time not to exceed two years unless an extension of time is applied for and granted by the approving authority. If the developer does not apply for and receive an extension, the preliminary approval shall be null and void two years from the initial date of approval. The DSR may authorize one extension of a preliminary plat approval. All subsequent extensions must be approved by the planning commission.

4.7. - Preliminary plat requirements.

A preliminary plat shall be submitted to the DSR for approval in a scale of no smaller than one inch to 100 feet on a sheet size as approved by the DSR, and shall include the following information:

- A. A vicinity map in a scale no smaller than one inch to 1,000 feet which indicates the exact location of the site within the county.
- B. A preliminary lot layout and an accurate boundary survey of the property of the proposed subdivision showing bearings and distances prepared, signed and sealed by a registered land surveyor licensed to practice in the State of South Carolina.
- C. The name of the subdivision and roadway(s); the owner or owners and current address; the name of the engineer, surveyor, landscape architect or land planner who prepared the plan; proposed street names; the names of the adjoining subdivisions or property owners; and location of the proposed subdivision.
- D. The location of all structures, right-of-way widths, and names of all streets and roads adjacent to any property proposed for subdivision and whether they are public or private.
- E. A Location Plan showing the relationship of the property submitted for approval with adjoining property and to all streets, roads, watercourses, live streams, marshes, floodplains, floodways, wooded areas, water impoundments, and any other significant features on the land existing within 500 feet of any part of the property to be approved. In addition, the property will be located on this sketch from at least one highway or well-known road or intersection by indicating the mileage to the nearest tenth to the property.

- F. The location and size of sanitary and storm sewers, location and size of water mains, and other utilities immediately adjacent to the tract along with the names of the owners of the utilities. If water mains and sewers are not on or adjacent to the tract, indicate the direction, distance to, and size of nearest accessible mains.
- G. Topographic contours at one foot intervals shall be provided.
- H. The location, size and width of all street rights-of-way, easements, common areas, centerline road radii, and other areas proposed to be dedicated to the public or intended for public use along with proposed lot lines and approximate lot dimensions.
- I. Scale, north arrow, and date.
- J. Total area stated in acres of the existing parcel(s) and land proposed for subdivision along with a table showing the existing and proposed lot numbers, approximate area and zoning setback criteria for each proposed lot.
- K. If public sewage facilities are proven infeasible, the developer shall contact the SCDHEC for septic tank approval information. Approval of the preliminary plat may not be granted until such time as the subdivision has successfully completed any SCDHEC posting requirements for the creation of a subdivision utilizing septic tanks.
- L. All preliminary subdivision plans shall show the existing zoning classification for the area being platted and all abutting property. The Preliminary plat plan shall comply with the requirements of the zoning ordinance in effect in the area proposed for the subdivision. If the area or any part being platted will not meet the minimum requirements of the zoning ordinance, and the developer's design requires the area to be rezoned, the developer must make an application for a zoning change with the DSR(s) in accordance the appropriate section of the zoning ordinance.
- M. In order to prevent safety problems associated with multiple entrances to existing county and state maintained roads, to the greatest extent possible, preliminary plats shall provide internal access to newly created proposed new lots.
- N. Submit a stormwater management plan (if applicable).
- O. A road centerline plan and profile for each street shall be prepared with the plan immediately above the profile. The horizontal scale should be no greater than one inch = 50 feet and vertical scale no greater than one inch = five feet. The roadway centerline plan and profile shall include alignment information, existing and proposed centerline elevations at no less than 50-foot stations, high and low points clearly labeled, location of street intersections, pipe profiles, drainage structure locations, horizontal and vertical curve design data and any other supporting documentation deemed necessary by the DSR.
- P. An environmental impact assessment must be provided for the site. In addition to any outside agency requirements regarding environmental issues for the proposed improvements, a report which addresses any potential environmental impacts to the site and/or adjacent properties shall be submitted. The report shall take into account findings and recommendations as outlined in the Jasper County Natural Resources Report on file with the DSR.
- Q. Reserved.
- R. Detailed plans of any proposed entrance islands and any proposed cul-de-sac islands shall be submitted. These plans must include any proposed plant materials.

- S. A geotechnical report shall be submitted. The report shall be prepared by a South Carolina Professional Engineer or Certified Soil Scientist and shall include sufficient information to verify proposed drainage and roadway design criteria throughout the site. The report shall include depth(s) to seasonal high ground water.
- T. A traffic report shall be submitted for any land development application which generates more than 75 peak hour trips per day. The report shall include an impact analysis of the existing roadway network which surrounds the proposed development. The analysis should encompass all roadways, intersections and other significant traffic generators which may be impacted by the proposed development and include existing and projected traffic counts, existing and proposed levels of service (LOS), average daily and peak hour trip generations, traffic distributions, etc. in order to facilitate the review of potential transportation impacts based on the development. The study should be prepared in accordance with the practices recommended in "Traffic Access and Impact Studies for Site Development", published by ITE.

In addition, if necessary, a mitigation plan which provides recommendations and cost estimates for proposed improvements required as part of the off-tract impact assessments shall be included. The plan should also include any anticipated right-of-way dedications and/or purchases that may be necessary to construct the proposed improvements.

(Ord. No. 11-22, § 12, 10-3-11)

4.8. - Final major subdivision procedure.

The subdivider shall prepare a final plat of the major subdivision upon fulfillment of the requirements of these regulations and the conditions of preliminary approval, if any. The final plan map is the map prepared for recordation and is referred to as the final plat. The planning commission chairman shall be empowered to certify for recording final plats of subdivisions.

No major subdivision shall be given final approval until all improvements have been installed and accepted by the DSR. No subdivision containing public roads shall be granted final acceptance until the DSR receives an affidavit from the donor(s) of the roads and the contractor(s) who constructed the roads stating that all construction costs have been paid and that the road is free of all encumbrances. The subdivision owner or his authorized agent may also submit security of the type prescribed by these land development regulations. No final plat shall be given final approval unless assurances have been made or certificates of acceptability and affidavits of payment have been received by the DSR. Adequate guaranties for the perpetual maintenance of private roads in accordance with Section 3.10 and filings of record of such documents as are required by the land development regulations shall be received and approved by the DSR prior to final approval. No subdivision shall be granted final approval until the DSR has received a copy of the dedication of private easements to the appropriate agencies, if applicable.

The chairman of the planning commission shall be authorized to sign the final plat upon compliance with all conditions and requirements of these regulations. The final plat must be recorded by the subdivider or his authorized agent in the office of the Jasper County Register of Deeds within seven days of the date of final approval by the planning commission or such approval shall be void.

A subdivision owner or the authorized agent may request final approval of a portion or portions of the subdivision provided that such a request is in compliance with an approved preliminary plan and that the requirements of these regulations are met.

4.9. - Final plat requirements.

Four copies of the final plat shall be submitted at a scale of at least one inch to 100 feet. The final plat shall be submitted on a sheet size approved by the DSR. If the final plat is drawn in two or more sections, each section shall be accompanied by a key map showing the location of each section, and shall include the following information.

- A. The title of each map shall contain the following information: subdivision name, name of owner and his address, location as to county and state, the date or dates the survey was made, scale in feet per inch in words or figures, and graphic scale, name, address, registration number, and crimped with the seal of the registered land surveyor who prepared the plat.

Final plat(s) shall be accompanied by digital files submitted in accordance with the provisions in this article referenced as General Survey Standards.

- B. There shall appear on each plat a certificate by the person making the survey stating the origin of the information shown on the map including deeds and any recorded data shown thereon or written notice that no survey was made. If a complete survey was made, the error of closure as calculated by latitudes and departures must be shown. The maximum allowable error of linear closure shall not be in excess of 1:10,000. Any lines on the map that were not actually surveyed must be clearly indicated and a statement included revealing the source of information.
- C. If the area of land parcels is shown, the method of computation used by the surveyor must be shown. Area "by estimation" or copied from another source is not acceptable.
- D. Every plat shall contain the following specific information:
1. Accurately positioned north arrow coordinated with any bearings shown on the plat. Indication shall be made as to whether the north index is true, magnetic, or grid.
 2. The final plat shall show sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement boundary line, and other property boundaries including the tangent and/or radius and other data for curved property lines to an appropriate accuracy and in conformance with good surveying practice.
 3. The names of adjacent landowners and lot, block, and subdivision designations shall be shown where they have been determined and verified by the surveyor.
 4. All visible and apparent rights-of-way, watercourses, utilities, roadways, and other such improvements shall be accurately located and appropriately sized easements provided.
 5. Steel or iron pipe survey markers at least 24 inches long and one-half inch in diameter shall be set at all lot corners and at all other survey points not marked by monuments.
 6. The Final Plat shall present the full plan of development for the subject land, delineating by solid lines areas to be dedicated to the public for street, highway, park, and other public purposes. Easements for public or private uses (with such uses clearly noted) and building setback lines shall be indicated by broken lines. Plats accomplishing a re-subdivision of land previously divided into streets and lots shall show existing property boundaries and lot designations in broken lines and proposed property boundaries and lot designations in solid lines.

7. If applicable, provide a statement dedicating an appurtenant utility easement to the appropriate agencies by the developer or owners' association in a horizontal property regime, planned unit development, or similar development.
8. Where applicable, final plats shall indicate that roads are private and will not be maintained by the county.
9. The final plat shall show the existing zoning classification. The plat shall indicate all applicable yard requirements and other dimensional requirements contained in the zoning ordinance.
10. If applicable, deed restrictions or restrictive covenants shall be recorded with the final plat. No deed restriction shall stipulate lower standards than the minimum standards required herein.
11. If applicable, the base flood elevation (BFE) must be shown on the final plat prior to recording, along with a finished floor elevation chart.

4.10. - Revisions.

If it should become necessary to revise a final plat that has been recorded, the subdivider shall have the registered engineer or land surveyor submit a revised final plat under the provisions of sections 4.1 and 4.13 of the Jasper County Land Development Regulations. A filing fee in accordance with the current fee schedule must be paid at the time of recording. Revisions must be accompanied by digital files submitted in accordance with the provisions in this article referenced as general survey standards.

4.11. - Maintenance of common areas.

Membership rights and obligations related to common areas and private roads in a subdivision or Planned Development District, or providing access to the subdivision or PDD, shall be described in covenants running with the land.

(Ord. No. 2018-07, § 5(b), 4-16-18)

4.12. - Standards for deed restrictions or restrictive covenants.

- A. The developer shall restrict the use of residential property within the subdivision or PDD, requiring a minimum building floor area, control the use of fencing or landscaping, or in other ways control the development of and the use of lots created by recording covenants or deed restrictions applicable to every lot within the subdivision or PDD and shall clearly address maintenance of streets, drainage, and common areas within the development.
- B. Covenants or restrictions shall not violate any law existing with the county or the State of South Carolina.
- C. Covenants or restrictions shall be recorded before or after recording of the final plat of the subdivision or PDD, or if the subdivision or PDD is bonded, at the time of the acceptance of the financial security instrument by the county a recorded copy of the final covenants and restrictions and any alterations, along with the final plat shall be filed with the DSR who shall maintain a file of such covenants or restrictions.
- D. The building department shall not issue a building permit without a statement from the property owners association or their designated representative indicating compliance of proposed plans with the requirements of recorded covenants.

(Ord. No. 2018-07, §§ 5(c), 6, 4-16-18)

4.13. - General survey standards.

In order to maintain and improve county land records general survey standards must be followed. Land parcels subject to the requirements specified herein, are required to be referenced by South Carolina State Plane Coordinates, as defined in the S.C. Code of Laws, (The South Carolina Coordinate Act, as amended), either by Global Positioning System (GPS) Surveys or Terrestrial Surveys. Additionally, digital files shall be submitted in a standard format, in addition to standard printed documents required by this article. These files consist of a copy of the CAD drawing containing all applicable layers and an ASCII text file describing the technical parameters and contact information for the CAD file (metadata).

- A. *Surveys requiring first order of the state plane coordinate reference.* The following surveys require a state plane coordinate reference.
1. Any subdivision of eight or more lots total aggregate including all phases and sections severed from parent parcel, at the time of this ordinance.
 2. Boundary surveys of 25 or more acres total aggregate, unless exempted in subsection B below.
- B. *Surveys exempt from geodetic control monument tie.* The county considers it very desirable for surveyors to tie all surveys, whenever possible, to the state plane coordinate system. Nothing in these exemptions is intended to discourage surveyors from tying surveys to the state plane coordinate system.

The following surveys are exempted from state plane coordinate reference:

1. Re-tracement surveys of property in existing, platted subdivisions already recorded in the Jasper County Register of Deeds Office.
 2. Any boundary survey more than one mile in distance as measured along public roads from a published geodetic monument.
 3. Any survey not specified in section A.
- C. *Survey requirements.* Survey requirements specified in this document are only for referencing land parcels to state plane coordinates. Boundary surveys shall be performed in accordance with the state minimum standards published by the state board of registration for professional engineers and land surveyors unless more stringent requirements are specified herein. In so far as possible, control surveys between geodetic monuments and property boundaries shall be extended from the nearest geodetic control monument(s).

The GIS is primarily a foundation of geographic information to support and improve county operations and community decision-making. As such, this information is a representation of geographic features that comprise Jasper County. These data are not intended to represent legal boundaries of any kind and are for information purposes only. The signed and sealed plat of record shall be referenced for all legal matters.

The specifications for horizontal control are as follows:

1. *Global Positioning System (GPS) Surveys:* GPS procedures shall be followed to ensure survey grade compatibility with the nearest geodetic control monuments. Survey grade GPS receivers shall be used with a manufacturers stated accuracy of at least plus/minus five centimeters plus/minus two ppm. It is realized that the nearest station may not always be suitable for occupation by GPS because of obstructions, property owner permission or other reasons. The intent here is to make ties to network stations within six miles of the project and to establish new coordinates on property corners to a spatial accuracy of 0.2 feet.
2. Terrestrial Survey monument ties shall meet South Carolina Class B Standards.

3. Plat requirements:
 - a) All directions shall be referenced to South Carolina Grid.
 - b) Distances shall be ground distances (not grid distances).

D. *Electronic submission applicability and content.*

1. All plats subject to the requirements specified herein and submitted for recording, shall be accompanied by an electronic copy, as specified by the electronic submission standards and procedures described below.
2. The only use of the electronic information submitted will be for the anonymous inclusion into the Jasper County GIS system. Disclaimers and limiting statements may be placed in electronic submissions, provided such disclaimers do not direct liability to the county or create indemnification by the county to the party submitting electronic files.
3. Submitted files shall contain, at a minimum, parcels, rights-of-way, ground control points, street centerlines, easements, lot numbers, lot dimensions, road names, and easement types if these elements are shown on the submitted, printed document.

E. *Electronic submission standards and procedures.*

1. Plats and drawings shall be submitted as a drawing file in DWG or DXF on standard storage media approved by Jasper County. Such media include CD-ROM disks. The use of alternate media requires County approval prior to submission.
2. The submitted media shall be legibly labeled with the drawing or plat name, filename, drawing type (preliminary, final, as-built, etc.), project contact information (name, affiliation, phone number, and e-mail address), and submittal and file creation dates.
3. Coordinate datum shall be the current South Carolina State Plane Coordinate System as specified in the South Carolina Code of Laws. All drawing files shall be oriented to True North in model space.
4. South Carolina State Plane Coordinates shall be inherent to the submitted drawing file. That is, the submitted drawing file shall contain South Carolina State Plane coordinates, not local grid or paper space coordinates.
5. To the extent possible, the submitted drawing file will be named the same as the hardcopy plat. File names must not exceed 27 characters. Long subdivision or plat file names may be abbreviated as long as there is a clear relationship to the name of the hardcopy plat.
6. Drawing files shall be compatible with the system currently in use at the time of the electronic submission.
7. The submitted drawing file will include features and text classified by the standard layer and naming convention shown in Appendix F. Drawing features and associated text shall not be combined in one layer. Text included in drawing files will use standard fonts that can be read without third-party software.
8. Closure is critical in converting CAD features to GIS features. All linear and polygon features must be snapped closed, when applicable, and free of symbols (circles at property corners) that break line continuity.
9. Submitted drawing files shall contain only complete parcel polygon features in the PARCEL 1 layer (Appendix F). Incomplete parcel boundaries, provided for reference, may be included in an open layer, not shown in Appendix F.

10. A metadata text file with the same name as the drawing file (<drawing_file_name>.txt) is required with each electronic submission. This text file will provide technical parameters and contact information for the survey as specified in Appendix F.

F. *Penalty for nonconformance.* Jasper County will not record plats for surveys that do not meet the Surveying requirements contained herein. Failure to comply with the electronic submission requirements will result in a recording fee in accordance with the current fee schedule. A completed metadata sheet, as specified in Appendix F, must accompany non-electronic plat submissions.

4.14. - Filing of subdivision plats.

A. All site plans shall be filed with the Jasper County Registrar of Deeds within 30 days of final approval. Section 49-460 of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina contains the list that the registrar's office requires for filing plats. The applicant/owner shall contact the registrar for proper filing procedures.

B. *Submittal requirements.*

1. All sheets shall be drawn at a suitable scale on either 11 inches × 17 inches or 24 inches × 36 inches paper.
2. Two originals shall be submitted for each sheet on good, white paper stock. Vellum is not permitted.
3. All plats shall contain both the existing (parent) parcel number (PIN, TMS, TMP, etc.) and proposed numbers for each lot or parcel.

ARTICLE 5. - FINANCIAL SECURITY REQUIREMENTS

5.1. - Financial security.

A. Financial security is required for all development projects. The developer through his engineer of record shall submit to the DSR or his/her authorized representative for review cost estimates for the proposed site improvements. These estimates shall cover the full cost of all approved site improvements and infrastructure within the rights-of-way, easements, open space and/or any other common areas of all residential, commercial and industrial subdivisions. The financial security amount shall be determined in accordance with section 1.8 of these land development regulations.

B. For purposes of these regulations, and this article "Financial security" shall refer to a county approved instrument and arrangement undertaken by and at the expense of the developer, established to provide a financial guarantee in favor of the county. In the event of default or failure by the developer, the financial security shall be applied so as to provide funds for the completion of all required infrastructure and common area improvements.

C. A developer may choose either of the following two methods as outlined in below to execute said financial security:

1. A developer submitting a subdivision plat for final approval (whether an individual, partnership, or corporation) may execute his own financial security if it is accompanied by an irrevocable letter of credit from an FDIC accredited bank or institution, cash, or a certified check deposited in a County escrow account properly securing the amount of the financial security.

2.

All subdivisions will be developed in accordance with the rules and regulations enacted by Jasper County Council. In order to proceed with the development and to assure that minimum County specifications will be met, a developer may request the DSR to accept an assignment to secure completion of infrastructure improvements. This assignment shall be certified by the lending institution and states that said developer has secured a development loan, from a lending institution, and that a specified amount of this loan, as verified by actual cost estimates submitted by contractors, will be held by the issuing institution until all improvements required by the Jasper County Land Development Regulations are complete and accepted by the DSR.

- D. All initial financial security requests set forth in subsection A and B above shall be accompanied by a fee in accordance with the fee schedule. For the purpose of this subsection, appropriate lending instruments shall be limited to a FDIC accredited bank or institution. Letters of credit must be issued by a financial institution with a full service branch located within the State of South Carolina, at which the letter of credit may be presented for payment. The letters themselves may be processed from the bank's main office located in another city or state. All instruments and agreements used under this Article are subject to the approval by the DSR or his/her authorized representative.

(Ord. No. 09-05, § 4, 1-20-09)

5.2. - Financial security period.

All financial security instruments shall be posted with the DSR or his/her authorized representative for and on behalf of the County of Jasper. The financial security will be in effect within a period specified by the DSR or planning commission and expressed in the financial security instrument until final acceptance of the project by the DSR.

(Ord. No. 2018-07, § 6, 4-16-18)

5.3. - Financial security reductions.

- A. Developers may apply in writing to the DSR for a reduction in the amount of the financial security posted pursuant to section 5.1 based on completed infrastructure improvements. In order to qualify for credit for completed work, a minimum of 50 percent of any one of the following items must be installed in accordance with the approved plans: storm drainage; base; asphalt; curb and gutter; or sidewalk.
- B. Jasper County permits only one reduction in the amount of the financial security posted pursuant to the section. Upon the DSR's receipt of a written request for reduction by the developer, a site visit will be scheduled by the DSR or his/her authorized representative in order to verify completed work certified by the developer or the developer's engineer of record. The request shall be accompanied by the proposed reduction calculations along with as-built plans for the installed improvements as prepared by the developer's engineer-of-record. Developers should be advised that they must ensure relevant work is complete and in accordance with the approved construction plans prior to making the recalculation request.
- C. In no case may the result of the reduction allow the total financial security to go below 30 percent of the original posted amount.

5.4. - Constructing required improvements.

After the planning commission has approved a preliminary subdivision plat and accepted financial security to ensure completion of required improvements, the developer shall complete such improvements. When constructing the required improvements for the subdivision, the following procedures shall apply:

- A. Prior to construction, a set of construction plans will be submitted for review to the DSR bearing a certificate by a registered engineer that the plans comply with this ordinance.
- B. During construction, inspections will be conducted in accordance with article 11.
- C. After completing each phase of road and drainage improvements, the developer shall notify the DSR that the improvements are ready for inspection. Upon such notification, the DSR shall perform inspections of all required improvements. Upon completion of the improvements, "Record Drawings" shall be submitted with certification that the subdivision's design and construction are in compliance with the County's Land Development Regulations. Certifications are to be made by a registered professional engineer licensed in South Carolina.
- D. After completing all public water and sewer improvements, the developer shall notify the DSR in writing. A final acceptance letter must be submitted by the appropriate water and/or sewer authority along with approval by the Environmental Quality Control Office of the South Carolina Department of Health and Environmental Control (SCDHEC). The environmental quality control officers of SCDHEC shall issue a permit to operate for water and sewer before systems are placed into service.

5.5. - Notification to the county.

When the required improvements have been installed and accepted by the proper authority, that agency shall notify the DSR by letter. At any time prior to the anticipated completion date, if the improvements are not completed or progressing in accordance with county requirements, the proper authority shall notify the DSR and recommend that the developer be notified to complete the required work within a specified period of time.

5.6. - Release of financial security.

Following proper notification to the county pursuant to section 5.5, the planning commission shall then either release the financial security instrument, or in the event that the financial security instrument is not released, proceed to enforce collection on the financial security instrument and call for completion of the required improvements within a specified period of time, or if requested by the developer, the planning commission may, extend the financial security for a maximum of one year. Prior to granting an extension, the DSR, shall review actual cost estimates and work to be completed to ensure that the extended security is adequate to cover the remaining work. All financial security extension requests shall be accompanied by a fee in accordance with the approved Fee Schedule.

5.7. - Financial security administration.

The developer is responsible for maintaining adequate financial securities and is required to update the DSR on any status changes.

5.8. - Dedications.

The county or other public authority shall not accept, lay out, open, improve, grade, pave, or light any street; or authorize the laying of water mains, sewers, connections, stormwater utilities or other facilities or utilities in any street within the unincorporated area of Jasper County unless such street has been accepted, opened, or has received the legal status of a public street through official action of county council specifically accepting the offer of dedication to the county as a public street, which action may be taken by official written resolution setting forth any conditions of acceptance, such as completion of the infrastructure or providing financial security for the completion of infrastructure; provided however, that nothing herein shall create an obligation to accept such offer of dedication by the county, and the depiction of any street road or other right of way on a plat shall not be deemed to be an offer of dedication in and of itself, nor approval of the plat for recording or sale of lots be deemed an acceptance of such by the county.

No subdivision shall be granted final (record) approval until the DSR has received a statement duly acknowledged before some officer authorized to take acknowledgment of deeds and signed by each owner of the property to the effect that: (1) the subdivision plan shown on the preliminary plan is made with his or their free consent and in accordance with their desires; (2), the restrictive covenants providing for perpetual maintenance of the street and roads as required by Sections 3.10 and 4.8 of Appendix B of the Code of Ordinances of Jasper County have been executed properly by all required parties and are to be filed contemporaneously with the plat, and any financial requirements imposed to provide security for such have been satisfied; (3) the property shown on the plat is not encumbered by a recorded deed of trust or mortgage or by a judgment rendered by any court.

(Ord. No. 2018-07, §§ 7, 8, 4-16-18)

ARTICLE 6. - WATER SUPPLY/SEWAGE DISPOSAL REQUIREMENTS

6.1. - Required improvements.

Except as provided in Article 5, Financial Security Requirements, the following improvements shall have been completed and approved in accordance with the general standards specified below before any final plat of a subdivision shall be eligible for final approval by the planning commission.

6.2. - Water supply and sewage disposal systems.

1. The developer shall be required to install water supply, including fire protection, in accordance with the standards, procedures, and policies of the governing authority appropriate water service provider and applicable fire code provisions, unless documented by the water service provider that the existing line size will not permit. The extension/upgrading of water lines, as well as the location and spacing of fire hydrants to be installed within a new subdivision will be determined by the water service provider and/or fire district.
2. The developer shall be required to provide public sewage disposal systems in accordance with the standards, procedures, and policies of the appropriate sewer district, unless documented by the sewer treatment authority providing waste treatment, that sewer service and/or sewer treatment is not available.
3. The applicant shall provide the DSR with approved means of water supply and sewage disposal systems by the appropriate agencies prior to preliminary subdivision approval.

6.3. - Public water and sewer systems.

1. All extensions of public water and sewer systems, including fire protection systems, shall have the approval of the appropriate agency involved and shall be constructed according to their specifications and under their supervision.
2. Should public water systems prove unfeasible; a statement of approval for individual wells shall be obtained from the SCDHEC.
3. Should public sewer systems prove unfeasible, a statement of approval for individual septic tank usage shall be obtained from the SCDHEC. Individual permits shall be obtained from the SCDHEC at the time of development of each lot.

6.4. - Private water and sewer systems.

- A. *Water.* Prior to construction, all community (private) water systems shall obtain a "construction permit" from the environmental quality control office of the SCDHEC. The agency which issues the construction permit should be contacted when construction begins so they can make inspections. Upon completion and prior to placing the water system into service, Environmental quality control will make a final inspection and issue a copy of their "Permit to Operate" to the DSR. Should community (private) water systems prove unfeasible; a statement of approval for individual wells shall be obtained from the SCDHEC.
- B. *Sewer.* Prior to construction, all community (private) sewer systems shall obtain a "construction permit" from the environmental quality control office of the SCDHEC. In order to make construction inspections, the environmental quality control office will be contacted when construction begins. Upon completion and prior to placing the sewer system into service, environmental quality control will make a final inspection and issue a copy of their "permit to operate" to the DSR.

Prior to abandonment all community (private) sewer systems shall be closed in accordance with all State (SCDHEC) and county regulations.

6.5. - Water or sewer systems not connected to service systems.

If a water and/or sewer system is not connected to a municipal or district system and serves an area inside Jasper County, the responsibility for the operation and maintenance of the total facility must be approved by the environmental quality control office of the SCDHEC and the appropriate agency. This instrument must be recorded in the office of the Jasper County Register of Deeds as required by the SCDHEC. Builders of systems which lie within the boundary of any legally constituted governmental jurisdiction such as a municipality or water and/or sewer district must submit written evidence to the environmental quality control office of the SCDHEC that the facility is under the control of the municipality or district and that the municipality or district accepts responsibility for the operation and maintenance of the facility.

ARTICLE 7. - ROAD CLASSIFICATION AND DESIGN STANDARDS

7.1. - Roadway classifications.

Before any final plat of a subdivision shall be eligible for final approval, all street improvements shall have been completed and approved in accordance with the design standards as set forth in this section and in accordance with SCDOT and AASHTO guidelines. Such approval shall be set forth in writing by the DSR stating whether said improvements

are located within the corporate limits of the municipality or the unincorporated area of the county, and that such improvements were completed in accordance with standards and specifications.

For the purpose of this ordinance, all streets within the land development regulations area shall be classified based upon the projected traffic volume on the street. These classifications and the required Design Standards for each are included in table below and further detailed in following descriptions.

Classification	Pavement Width (feet)	Maximum Design Speed	Vehicles Per Day	Minimum Pavement Section	Minimum Right-of-Way
Arterial					120
Minor Arterial					120
Major Collector			>4,000		100
Minor Collector	26	40 mph	1,250 — 4,000	1.5" Top 2.5" Base 6" Stone Sub base	80
Residential Sub-collector	24	35 mph	400 — 1,250	1.5" Top 2.5" Base 6" Stone Sub base	50
Residential Local	24	25 mph	<400	1.5" Top 2.5" Base 6" Stone Sub Base	50
Nonresidential zoned Commercial or Industrial	28	40 mph	N/A	2" Top 4" Base 6" Stone Sub Base	80

Private Responsibility of Landowner, Developer or HOA	24	AS DESIGNED	N/A	8" stone base is only available for roads predicted to have no more than 50 trips per day in accordance with the International Traffic Engineers ("I.T.E.") Manual, and that developments or subdivisions predicted to have more than 50 trips per day must provide for a 2" Top over a 6" Stone Sub Base.	50
---	----	-------------	-----	--	----

Note:

In cases where access will serve subdivisions of not more than four lots, unless greater dimensions and standards are otherwise required by the adopted International Fire Codes applicable in Jasper County, or a lesser standard is allowable and approved by the Fire Marshall, the access may be provided by a shared driveway/street having a minimum 50 foot wide ingress/egress easement with a minimum travelway of 20 feet, with such travelway having at least a 6" stone base, and adequate storm drainage provided within the ingress/egress easement. The driveway/street shall be no longer than 500 feet in length, the developers must require and receive a hold harmless agreement and indemnification agreement signed by each landowner. These agreements shall be presented to and approved by the county attorney, or his designee, prior to final platting and shall operate to relieve the county of any liability or responsibility arising from the construction and use of the private street and/or drainage facility. This release shall be in favor of the county from any harm which may result from the use

of the private street by adjoining landowners, visitors, or any user of the road, including the public at large. Each signed agreement will be recorded with the plat and reference shall be made as to the character of the road on the plat.

(Ord. No. 2018-07, §§ 9, 10, 4-16-18)

7.2. - Roadway design standards.

Street and road design shall comply with the following design standards as reviewed and approved by the DSR or his/her authorized representative, local fire district and emergency personnel based on the most recently adopted edition of the International Fire Code by the S. C. Building Codes Council, and those appendices that have been adopted by Jasper County Council. To ascertain standards applying to any specific classification, refer to the design standards chart. In all instances where reference is made to a section of the South Carolina Department of Transportation (SCDOT) specifications for highway construction (SCDOT specifications), it is the most recent edition.

- A. *Right-of-way and roadway cross section* A proposed right-of-way shall be of sufficient width to accommodate the required street cross section, but in no case shall the right-of-way be less than that required in the design standards chart. In instances where construction or maintenance may necessitate going beyond the normal right-of-way, a temporary right-of-way will be required to be given by easement.

Pavement width shall be sufficient to serve the projected traffic on and use of the street, but in no instance shall the pavement width be less than that required in the design standards chart.

- B. *Grades.* The minimum vertical tangent grade on any proposed curbed street shall not be less than one-half percent and the maximum grade shall not exceed five percent.

All proposed street grades when intersecting an existing street or highway shall be constructed as to meet the same horizontal grade of the existing intersection and shall have a maximum approach grade of four percent for a distance of 100 feet from the gutter line elevation of the existing street to which the proposed connection is being.

- C. *K factors/vertical curves.* All vertical curve design shall be in accordance with the most current AASHTO Policy of Geometric Design and SCDOT standards.

- D. *Horizontal curves.* Where a deflection angle in the alignment of the street occurs, the right-of-way shall be curved. The minimum horizontal radius of curvature at the centerline of proposed street rights-of-way in all areas shall be designed in accordance with the most current AASHTO Policy of Geometric Design and SCDOT standards.

At subdivision entrances there should be a minimum of 50 feet tangent prior to the start of any horizontal curve.

- E. *Signs.* All signs and speed limit designations shall be in accordance with the most current Manual of Uniform Traffic Control Devices (MUTCD).

- F. *Reverse curves.* Reverse curves in the street rights-of-way shall be connected by tangents of not less than 100 feet for all roadway classifications with the exception on non-residential which shall be a minimum of 150 feet.

G.

Intersecting streets. Minor collector, residential sub collector, residential local and nonresidential streets shall be laid out so as to intersect other streets at right angles whenever possible. No street shall intersect any other street at an angle less than 75 degrees.

H. *Street offsets.* Where there is an offset in the alignment of a street across an intersection, the minimum offset of the centerline shall be as shown in the following chart:

SPEED LIMIT ON MAIN THROUGH STREET	OFFSET IN FEET
25 MILES PER HOUR	125 FEET
35 MILES PER HOUR	150 FEET
45 MILES PER HOUR	175 FEET
55 MILES PER HOUR	200 FEET

I. *Easements.* A ten-foot drainage and utility easement is required on each side of all interior side and rear lot lines. A ten foot drainage and utility easement is required along all exterior rear lot lines. If an adjoining subdivision has already dedicated a rear five-foot easement, the ten-foot requirement is reduced to five feet. An easement acts as a reciprocal agreement between the subdivision property owners. Each property owner is responsible for maintaining such easement on the property. Drainage and utility easements are intended to be reciprocal easements among the subdivision property owners and not a dedication to the county.

J. *Cul-de-sac streets.* Cul-de-sac streets are defined as those streets designed to be terminated. Cul-de-sacs shall have a minimum length of 125 feet and a maximum length of 1,200 feet. A cul-de-sac shall be terminated by a circular right-of-way and a circular paved surface for turning. Minimum cul-de-sac radii shall be 50 feet for the paved surface. Minimum right-of-way around cul-de-sacs shall be ten feet.

In phased subdivisions, temporary cul-de-sacs shall be required. Wherever practical, the design engineer shall design the temporary cul-de-sac beyond the limits of the lots. Developers and their engineers may want to coordinate utility location along these areas at the mandatory pre-construction meeting.

7.3. - Private roads.

Private roads shall be limited to residential streets constructed as a cul-de-sac, loop street, or combinations thereof provided that the private road or road network does not allow through access between/among adjoining public roads.

All liability, maintenance, and upkeep of the travel surface, and all incidental structures shall be the responsibility of the landowners, developer or Homeowners (property owners) Association. Installation and maintenance of driveway pipe, drainage features, street name signs and traffic control signs shall be the responsibility of the landowners, developer, or homeowners association. The final subdivision plat on which a private road is established must contain the following statement:

Property owner rights and responsibilities regarding roads and other common areas shall be specified within the home owner's association documentation.

See Section 3.10 regarding guaranties, and Section 4.8 regarding filing restrictive covenants and by-laws of property owner associations.

(Ord. No. 2018-07, § 11, 4-16-18)

ARTICLE 8. - GENERAL SUBDIVISION DESIGN STANDARDS

In addition to the other development standards set forth in this section, the following general subdivision design standards shall apply:

8.1. - Sight triangles.

The property lines at all intersections shall have a 25-foot setback from the point of intersection (PI) to the point of tangent (PT). Each point of tangent will be connected to the point of intersection (PI) with a straight line. There will be no radius placed on property lines at any intersection. The triangles will allow for unobstructed lines of sight. The planting of trees or other plantings, or the location of structures exceeding 30 inches in height that would obstruct the clear sight across the area is prohibited. The county has the right to remove any object, material or otherwise, that obstructs the clear sight at any intersection.

8.2. - Clear sight distance.

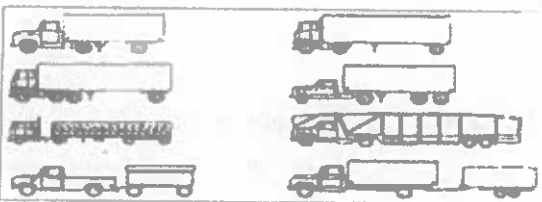
A minimum corner sight distance is required to permit drivers entering the higher-order street to see approaching traffic from a long enough distance to allow the driver to decide when to enter the higher-order street, turn onto the higher-order street, and accelerate in advance of the approaching traffic. The entire area of the clear sight triangle shall be designed to provide the driver of the entering vehicle with an unobstructed view to all points 3.5 feet above the roadway along the centerline from point A to point B. The sight distance in feet is determined using the chart below (taken from the SCDOT Highway Design Manual):



FHWA Class 5, two-axle single unit trucks



FHWA Class 6/7, Single unit trucks with more than two axles



FHWA Class 8: 3-4 axle, 1-trailer vehicles

Design Speed (V _{major}) (mph)	ISD (ft)		
	Passenger Cars	Single-Unit Trucks	Tractor/Semitrailers
15	170	210	255
20	225	280	340
25	280	350	425
30	335	420	510
35	390	490	595
40	445	560	680
45	500	630	765
50	555	700	850
55	610	770	930
60	665	840	1015
65	720	910	1100
70	775	980	1185
75	830	1050	1270
80	885	1115	1350

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

8.3. - County roads with prescriptive right-of-way.

Any subdivision accessing a County road and/or having lots adjacent to county roads shall be provided with a 40-foot half width right-of-way from the centerline of the county roadway for future projects, regardless of existing right-of-way.

8.4. - Drainage and utility easements.

The width, length, and location of all easements for drainage and utilities shall as indicated in this ordinance and be as established by the appropriate agency involved. In no instance shall any easements be less than ten feet wide unless specifically allowed by the DSR and/or planning commission. All easements shall be shown on the final plat with corresponding descriptions and total lot areas.

8.5. - Half streets.

New half streets shall be prohibited. Whenever an existing half street is adjacent to a tract of land to be subdivided, the other half of the street shall be platted within such tract and the total right-of-width provided shall be as required in the design standards chart in Article 7 based on the proposed road classification.

8.6. - Traffic calming requirements.

Every effort shall be made to produce a design which will encourage appropriate residential speeds. On roads on which there is a combination of expected high traffic volume, length, straight alignment, and/or a design hardship, traffic calming devices may be required. Acceptable traffic calming devices include but are not limited to raised crosswalks, neckdowns, chicanes, traffic circles, raised intersections, and median islands. All traffic calming devices shall be designed in accordance with standard engineering guidelines as established by the Institute of Transportation Engineers (ITE) and SCDOT.

8.7. - Island standards.

A detailed design plan for proposed roadway islands must be shown on the road plan and profile and shall adhere to the following standards:

A. *Roadways surrounding islands.*

1. *Entrance islands.*

- a. The county strongly encourages the use of multiple entrances and interconnectivity between land development tracts, when available, in order to promote sound traffic patterns and reduce congestion in the area.
- b. Minimum pavement width for single lane entrances and exists shall be 16.
- c. Curb radius at the intersection shall be no less than 35 feet.
- d. Pavement width beyond the end of the island shall be tapered at a rate of 8:1 to the typical pavement width.
- e. No taper shall be allowed across the width of intersecting roadways. Road widths across intersections must be equal.
- f. No driveway curb cuts shall be allowed within the tapered section and in no instance within 25 feet of the end (rear) of the entrance island. All driveway curb cuts shall be designed in accordance with AASHTO and SCDOT standards.
- g. There shall be 100 feet of tangent roadway separating the entrance from a curve in the roadway.
- h. The width of the road at SCDOT right-of-way shall be determined by Table 3-8 of the SCDOT Access and Roadside Management Standards. From that point the street may taper at a minimum of 8:1 to the beginning of the island if island width necessitates. A double yellow centerline shall be provided when the island is more than five feet from the right-of-way.

2. *Cul-de-sac islands.*

- a. Pavement widths shall be in accordance with the most current AASHTO and SCDOT Policy on Geometric Design of Highways and Streets standards for WB-40 vehicles. A minimum width of 25 feet of paved surface shall surround the island.
- b. The cul-de-sac bulb shall be designed in accordance with Section 7:2].
- c. Except in the case of offset cul-de-sac pavements, all cul-de-sac islands shall be directly centered in the right-of-way.

B. *Island design requirements.*

1. *Entrance islands.*

- a. The island shall be curbed with the ends rounded.
- b. Reserved.
- c. The minimum width of islands shall be four feet measured from the outside face of the curb to the direct opposite outside face of the curb.
- d. The minimum length shall be 20 feet measured from the outside face of the curb. The maximum length shall be 50 feet measured from the outside face of the curb.

C. *Plant materials and structures within islands in roadways to be dedicated for county maintenance.*

1. A detailed landscape plan for all roadway island(s) shall be submitted as follows:

- a. The plant materials in the entrance island shall be maintained to provide a sight tunnel between the height of 30 inches and 72 inches above the adjacent roadway surface for a minimum distance of 35 feet from the intersecting right-of-way. Taller items may be placed in the entrance island beyond the point of 35 feet.
- b. In cul-de-sac islands, eyebrow islands, and any island except entrance islands, no plant material with a mature height in excess of one foot will be allowed within five feet of the face of curbing.
- c. A sight tunnel between the height of 30 inches and 72 inches above the roadway elevation also shall be required for all plant materials located in islands within traffic control islands, cul-de-sacs and eyebrows.
- d. Signs within entrance islands may be allowed upon review by the DSR or his/her authorized representative. Entrance island signs shall be placed at least three feet from the edge of curbs paralleling the travel lanes. No structures shall be permitted in the last five feet of the entrance island.
- e. No structures, such as retaining walls, raised planter beds or water features and/or fountains, are allowed in any island or within right-of-way of a public road. Structures such as lighting and flagpoles may be allowed if placed in accordance with the requirements published above.
- f. Trees within islands or the public road right-of-way will be allowed only upon approval of the DSR or his/her authorized representative.
- g. Any nonconforming structure or plant within any island may be removed at the discretion of the DSR or his/her authorized representative.
- h. A detailed landscape plan for all roadway island(s) shall be submitted to the DSR for review.
- i.

At no time may the plant material or structure(s) restrict the entrance of emergency vehicles into or along the roadway. If any plant material or structure(s) restricts the passage of emergency vehicles into or along the roadway, it will be removed by the developer or home owners association within 30 days of receipt of notification from the DSR.

- j. The maintenance of plant material and structures within islands in private roads is the responsibility of the homeowners' association or covered by the restrictive covenants.
- D. *Island ownership and maintenance.* Ownership and maintenance of all islands shall remain with the developer until such time as ownership is conveyed to a homeowner's (property owners) association and/or the responsibility for maintenance is addressed in restrictive covenants. The surveyor or engineer will include a statement on the final plat addressing ownership and maintenance of the island(s).
- E. *Maintenance.* Maintenance shall continue as long as the island(s) exist. If the maintenance is not continued, and the plant material or structures such as lighting or flagpoles becomes a hazard to the passage of traffic or roadway maintenance, the County reserves the right to remove any plant material, at the discretion of the DSR or his/her authorized representative.
- F. *Channelization island.* When required, a detailed channelization island plan shall be submitted for review. Channelization island design will be reviewed on a case-by-case basis due to differing roadway and traffic characteristics.

(Ord. No. 11-22, § 13, 10-3-11)

8.8. - Reserved.

Editor's note— Ord. No. 11-02, § 1, adopted January 18, 2011, repealed the former section 8.8 in its entirety, which pertained to street names and street markers, and derived from Ord. No. 07-47, adopted November 13, 2007.

For current provisions pertaining to similar subject matter, the user's attention is directed to chapter 25, article III of this Code.

8.9. - Sidewalks.

The DSR shall determine the need for providing sidewalks in all residential subdivisions or commercial areas. If the DSR has recommended that a sidewalk is necessary for the safety of the residents within any subdivision and the planning commission has approved, the subdivision developer shall construct a sidewalk on at least one side of all residential streets within the proposed development. In general, sidewalks will be required within one mile of a school.

In making a determination, the DSR shall consider the following:

- A. Whether the residential subdivision is to contain amenity areas (pools, tennis courts, playground areas).
- B. Whether the residential subdivision is to be located within one-half of a mile of a shopping/office area, library, public/county park, or other facility to which people might reasonably be expected to walk.
- C. Whether the residential subdivision is to provide access to roads where sidewalks or bicycle paths exist or are planned.
- D. Whether the residential subdivision will connect with another subdivision which already has, or plans to have, sidewalks.
- E. Whether the residential subdivision is to be part of a Planned Development District.
- F. Whether the residential subdivision is a mixed use subdivision (e.g. single-family and multifamily).

All sidewalks shall be constructed within the road right-of-way as follows:

- A. Minimum width of five feet.
- B. A two-foot minimum grass strip shall be provided between the sidewalk and edge of pavement and/or concrete curb.
- C. Concrete curb ramps shall be provided at street intersections in accordance with the latest SCDOT and ADA standards.
- D. Mailboxes shall be placed within grass strips in accordance with U.S. Postal Service Guidelines.
- E. Construction materials and placement techniques shall be in accordance with this ordinance and the latest SCDOT standards.

8.10. - Access to community facilities.

- A. Streets shall be designed or pedestrian walkway easements provided to assure convenient access to parks, playgrounds, schools, and other community facilities.
- B. Walkway easements shall not be less than ten feet in width.
- C. Walkways or accesses to community facilities shall be shown on the final subdivision plat; accordingly such must be delineated both with signage and with on-site physical means such as concrete, gravel, asphalt, planted screenings or other appropriate delineators.

8.11. - Lots.

- A. All subdivision lots shall have a minimum of 50 feet of access to and frontage on a public street or on a private road constructed to the appropriate road standards.
- B. Newly created through lots, having frontage on newly created subdivision roads as well as having frontage on existing county or state maintained roads, must be provided access from the newly created road(s) only. Through access between newly created roads and existing roads is not permitted across newly created lots.
- C. All lots located shall conform to the zoning requirements in their respective districts. The size, shape and orientation of every lot shall be subject to approval of the DSR and/or planning commission with consideration of the type of development and use contemplated.
- D. Flag lots are prohibited.
- E. Each lot shall contain only one principal structure except as permitted in Appendix A, subsection 6:2.23.
- F. Each lot shall contain only one principle use, unless it is designated as a commercial center or PDD.
- G. Any subdivision submission must comply with article 10 and the stormwater management design manual.

(Ord. No. 09-28, § 3, 10-5-09; Ord. No. 11-22, § 14, 10-3-11)

8.12. - Subdivision screening.

In subdivisions approved after the effective date of this Ordinance, a landscape screen at least six feet in height will be provided along all existing road frontages adjoining the subdivision, unless it interferes with traffic safety. The landscaping may be comprised of evergreens at least six feet in height, planted five feet on center. The required height of the landscape material may be reduced if it is placed on a landscaped earthen berm resulting in a combination of berm and

plant material at least six feet in height. This landscape screen may also be a combination of fence, berms, landscaping, or other similar materials. The purpose of the berm is to obscure the structures in the subdivision from view from the adjoining roadways.

8.13. - Driveways and road access management.

Minimum separations between driveways and road accesses along county or state owned or maintained roads must be in conformity with the requirements of Section 3.10 of Appendix B of the Code of Ordinances of Jasper County, and must meet the minimum separations as set forth in the Table and Notes below:

Type of Road	Minimum Separation Between Curb Cuts for Roads and Driveways
Arterial	1,500 Feet
Minor Arterial	1,000 Feet
Major Collector	800 Feet
Minor Collector	400 Feet
Residential Sub-collector and Local Roads	200 Feet

Note 1. Street, driveway, or other access separation along county, state and federal highways shall be in accordance with the SCDOT, *Access and Roadside Management Standards*, unless greater separations requirements are set forth in this Table.

Note 2. To the maximum extent practical, lots fronting an arterial or major collector shall take access from an internal street, parallel frontage road, or rear alley. This avoids multiple lots with individual access along the existing public road frontage.

Note 3. If the topography of the site prevents access to lots using an internal street, parallel frontage road, or rear alley, shared access drives may be utilized in order to meet the above separation standards.

Note 4. Where existing conditions warrant, individual driveways and nonresidential curb cut spacing described in the Table above or the SCDOT *Access and Roadside Management Standards* may be varied by the Jasper County Planning Director upon the advice of the County's Traffic Engineer and Fire Marshall to provide essential site access where supported by an approved traffic impact analysis.

Note 5. Private lot driveways within subdivisions/corner lots:

- A. Each proposed lot for residential use shall be so designed as to allow the development of a private driveway serving said lot. Such driveway shall be so located, designed and constructed as to provide a relatively level stopping space no less than 20 feet outside the street right-of-way.

- B. Vision clearance. Adequate vision clearance at the intersection of driveways with road right-of-way lines shall be provided. Vegetation, walls, street furniture, or other structures shall be prohibited between a height of two and one-half feet and ten feet for a distance of five feet removed from the right-of-way.
- C. Corner lots. Driveways of corner lots within subdivisions shall be located at least 30 feet from the point of intersection of local/private road right-of-way lines, and the greater of the requirements of the South Carolina Department of Highways standards on State Roads, or 60 feet from the point of intersection of a collector road right-of-way line, and 120 feet from the point of intersection in the case of an arterial or collector road right-of-way line.

Note 6. Specific to non-residential developments, the following additional design standards are to be followed:

- A. Access way linkages between adjacent, nonresidential development along the same public thoroughfare shall be provided, to the maximum extent practicable, for movement from one development to another without requiring a return to the public thoroughfare.
- B. Access ways, including those through parking lots designated for such movement shall be paved.
- C. Required access linkages may include a driveway stub-out section when it is adjacent to vacant land, if that vacant land is located in a District allowing non-residential use and has not been developed as a residential lot or subdivision, or where it is determined the adjacent property will be developed as a nonresidential use (this requirement shall not apply where a frontage road system is planned or is in place.)
- D. See also Subsection 3.9(3) Drives, Parking and Circulation.

(Ord. No. 2018-07, § 12, 4-16-18)

ARTICLE 9. - CONSTRUCTION STANDARDS

In addition to all the design standards previously listed, the following construction standards are required:

9.1. - Clearing and grubbing.

All work shall be required to conform to requirements and standards as set forth in the "Clearing and Grubbing" section of the most recent edition of SCDOT Specifications.

9.2. - Subgrade.

Subgrade shall be constructed as specified in the "Subgrade" section of the SCDOT Specifications, or sound, undisturbed residual soils. In fill areas, all subgrade soils shall be compacted in accordance with the "Construction Requirements" section of the SCDOT Specifications.

9.3. - Base courses.

- A. *Granular base courses*. The granular base course shall be one of the following types, compacted and tested in accordance with the "compaction and testing requirements" section of this ordinance. The minimum compacted thickness requirements are given in the design standards chart in article 7.
 1. Soil-aggregate base course as specified in SCDOT Specifications.
 2. Macadam base course as specified in SCDOT Specifications.

3. Stabilized aggregate base course as specified in SCDOT Specifications.
 4. Cement stabilized base course as specified in SCDOT Specifications.
- B. *Asphaltic base courses.* An asphaltic base may be used in place of or in conjunction with granular bases. The asphalt base is to be one of the following types, constructed in accordance with the requirements set forth in the appropriate sections of the most current edition of the SCDOT Specifications. The minimum compacted thickness requirements are given in the design standards chart in article 7.
1. Hot laid asphalt aggregate base course as specified in SCDOT Specifications.
 2. Hot laid asphalt concrete binder course as specified in SCDOT Specifications.

9.4. - Surface course.

The surface course is to be one of the following types while adhering to general specifications set forth in the SCDOT specifications for bituminous pavement and for rigid pavement.

- A. Hot laid asphaltic concrete surface course, Type 3 or latest equivalent approved by the SCDOT. Types 1, 2, and 4 or latest equivalent approved by the SCDOT may be used with the prior authorization of the DSR or his/her authorized representative. The required compacted thickness requirements are given in the design standards chart article 7.
- B. *Portland Cement Concrete.* As specified in the SCDOT Specifications, with a minimum thickness of six inches for residential streets and eight inches for commercial/industrial streets. Welded wire reinforcing fabric must be used in all instances.

9.5. - Site specific paving designs.

At the discretion of the DSR, the applicant may provide the county with a pavement design report from a geotechnical engineer recommending the pavement thickness(es) for each road in the subdivision based on appropriate CBR values and anticipated traffic volumes. This report should include enough samples to provide a true representation of the soil type variations throughout the subdivision, with special attention to the appropriate pavement design in areas of fill.

9.6. - Restrictions on asphalt paving work.

- A. No surface asphalt paving shall be installed on a wet surface, when the temperature is below 40 degrees Fahrenheit in the shade, or when the weather conditions are otherwise unfavorable. Temperatures must be 35 degrees Fahrenheit and rising for binder placement.
- B. The asphalt shall be delivered and placed in accordance with the SCDOT Specifications.
- C. The asphalt shall be delivered to the spreader at a temperature between 250 degrees Fahrenheit and 325 degrees Fahrenheit and within 20 degrees Fahrenheit of the temperature set at the plant.
- D. *Equipment size requirements:*
 - Steel Wheel Roller — 5 to 8 ton
 - Back Roller — 5 to 8 ton
 - Rubber Tire Roller — 9-wheel rubber tire

Paving Train — self-propelled asphalt pavers w/vibratory screed capability and standard ten-foot screed.

9.7. - Roadway cross section.

All street cross sections shall have a minimum cross slope of two percent. Super elevation is required for curves in accordance with AASHTO Policy on Geometric Design.

9.8—9.10. - Reserved.

Editor's note— Ord. No. 11-22, § 15, adopted October 3, 2011, repealed the former sections 9.8—9.10 in their entirety, which pertained to storm drainage, subsurface drainage, and miscellaneous drainage requirements, respectively, and derived from Ord. No. 07-47, adopted November 13, 2007.

9.11. - Bridges.

- A. All bridges, tunnels, and underpasses intended for vehicular traffic shall have a minimum length of 20 feet and a clear width of 28 feet. Jasper County reserves the right to request greater widths based on the street classification. All bridge designs shall be subject to the prior approval of the DSR.
- B. All bridges, tunnels, and underpasses intended for vehicular traffic shall be designed in accordance with the most current edition of the AASHTO "Standard Specifications for Highway Bridges", including any interim specifications and the alternate military loading.

(Ord. No. 11-22, § 15, 10-3-11)

9.12. - Construction standards.

- A. *Sidewalks and curbing.* All proposed street connections to existing streets or highways having existing sidewalks shall be constructed by removal of the sidewalk to the new proposed curb radii.

All sidewalks and curbs shall conform to the following regulations.

1. The concrete shall be batched and mixed in accordance with the provisions in the "Portland Cement Concrete for Structures" Section of the SCDOT specifications.
2. Curbs and gutters shall be constructed in uniform sections of ten feet in length except where shorter sections are necessary for closure, but none less than four feet in length.
3. Forms shall not be displaced during concrete pouring and the concrete shall be spaded or vibrated throughout the entire volume especially against forms and joints. The surface of the concrete shall be floated, trowled, broomed, corners edged and finished to the typical cross-section used, i.e. crown sections and/or super elevation.
4. *Rolled curb or stand up curb and gutter.* Curb must provide a six-inch face against the pavement and the cross sectional shape is approved by the DSR. When slip forms are used, the aggregate size, amount of cement, and proportions of all materials for the concrete may vary from previous requirements as necessary to provide a workable and satisfactory mix. Expansion and contraction joints shall be constructed at the same locations as required with formed construction. These joints, spaced at ten-foot intervals, shall be made by cutting the concrete by an acceptable method. The manner of construction of all joints shall meet the approval of the DSR or his/her authorized representative and shall present a workmanlike finish.

5. No obstructions shall be allowed within the limits of the sidewalk area.

6. *Joints.*

a. *Expansion joints.* Performed expansion joints three-quarter inch thick, extending the full depth of the concrete, shall be constructed at the locations indicated on the plans and at other locations as follows:

i. Whenever a sidewalk is constructed between an adjoining substantial structure on one side and a curbing on the other side, an expansion joint shall be formed adjacent to the curbing.

ii. An expansion joint shall be placed between the sidewalk and the radius curbing at street intersections.

iii. When sidewalks are constructed adjacent to existing or new pavements or structures, expansion joints shall be placed to match these existing joints.

iv. Transverse expansion joints shall be placed at intervals of not more than 20 feet in all concrete shapes.

b. *Contraction joints.* The concrete slabs in sidewalks between expansion joints shall be divided into blocks ten feet in length by scoring transversely after floating operations are complete. Whenever the sidewalk slabs are more than ten feet in width, they shall be scored longitudinally in the center. All scoring shall extend for a depth of one inch and shall not be less than one-quarter inch nor more than one-half inch in width. All scoring shall be edged and finished smooth and true to line.

B. The following requirements and procedures shall apply for all base failure, binder, and full-depth repairs:

1. For full-depth repairs of finished pavement:

a. Saw cut pavement 12 inches beyond the extent of distresses to provide clean, unbroken edges.

b. Patches will be cut to have a straight and vertical edge. The sides of the existing asphalt pavement will be clean and thoroughly tacked. The patch will tie into the existing pavement to ensure a smooth transition and ride as well as positive drainage.

2. For all repairs including binder patching:

a. For patched areas in excess of six inches deep, backfill with stone is acceptable.

b. Depths of patches over four inches will be performed in two separate lifts.

c. Thickness of binder course must be at least three inches.

d. In the case of failures in the repaired area, the DSR may require a geotechnical firm to inspect and report recommendations to the developer/contractor in the repaired areas.

ARTICLE 10. - STORMWATER MANAGEMENT

Footnotes:

--- (2) ---

Editor's note— Ord. No. 11-22, § 16, adopted October 3, 2011, amended article 10 in its entirety to read as herein set out. Formerly, article 10, sections 10.1—10.3, pertained to drainage system design standards, and derived from Ord. No. 07-47, adopted November 13, 2007.

10.1. - General provisions.

- A. Purpose and intent. The purpose of this article is to protect, maintain, and enhance the public health, safety, and general welfare by establishing requirements and procedures to control the adverse effects of increased stormwater runoff associated with future development, re-development, and existing developed land. The intent of this article is to:
1. Ensure a balance between sustainable economic development and environmental protection.
 2. Ensure a functional drainage system that reduces local flooding thereby minimizing damage to public and private property.
 3. Reduce the effects of development on land and stream channel erosion.
 4. Attain and maintain water quality standards.
 5. Enhance the local environment associated with the drainage system.
 6. Reduce pollutant loading to the maximum extent practical.
 7. Maintain pre-development runoff characteristics to the maximum extent practical.
 8. Encourage prudent site planning, preservation of natural drainage ways and buffers, on-site stormwater retention and infiltration, effective and efficient stormwater management, and the use of structural and non-structural stormwater best management practices (BMPs).
 9. Provide a mechanism for the review, approval, and inspection of the approach to be used for the management and control of stormwater for development or redevelopment.
- B. This article specifically authorizes and enables the county at a minimum to:
1. Prohibit illicit discharges to a stormwater system and receiving waters.
 2. Define procedures for site plan review, inspection, and enforcement relative to stormwater management.
 3. Control the discharge of spills, dumping or disposal of materials other than stormwater to the stormwater system and receiving waters.
 4. Address specific categories of non-storm water discharges and similar other incidental non-storm water discharges.
 5. Require temporary erosion and sediment controls to protect water quality to the maximum extent practicable during construction activities, in accordance with current state and county regulations.
 6. Define procedures for receipt and consideration of information submitted by the public.
 7. Address runoff, including but not limited to volume, rate, and quality through site planning and the control and treatment of stormwater with stormwater management facilities and/or BMPs.
 8. Develop post-construction stormwater quantity and quality performance standards, through enforcement of minimum design standards.
 9. Ensure effective long-term operation and maintenance of stormwater management infrastructure, including BMPs.
 10. Carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to determine compliance or noncompliance with this article.
 11. Enforce maintenance and/or cause maintenance of any stormwater management facility, either privately or publicly owned.

(Ord. No. 11-22, § 16, 10-3-11)

10.2. - Applicability and exemptions.

- A. The stormwater management regulations presented within shall be applied to any new development or redevelopment activity that meets one or more of the following criteria:
1. New development that involves the creation of 5,000 square feet or more of impervious cover that otherwise did not exist on site previously or that involves other land disturbing activities of one-half acre or more.
 2. Redevelopment that involves the addition of 5,000 square feet or more of impervious cover that otherwise did not exist on site previously or that involves other land disturbing activities of one-half acre or more.
 3. New development or redevelopment, regardless of size, that is part of a larger common plan of development, even though multiple, separate and distinct land disturbing activities may take place at different times and on different schedules.
 4. Residential major subdivision shall design for full site buildout to ensure quantity, quality and volume best management practices are in place.
 5. Commercial major subdivisions may design for full site buildout to ensure quantity, quality and volume best management practices are in place or on a parcel by parcel basis at the discretion of the applicant. Regardless, all major commercial subdivision infrastructure shall meet the quantity, quality and volume requirements of this article.
- B. The following activities are exempt from sections 10.4, 10.5, 10.6, and 10.7. Exempt activities remain subject to the remaining articles herein and to section 3 of the county stormwater management design manual.
1. New development that involves the creation of less than 5,000 square feet of impervious cover and less than ten percent total site impervious area or that involves less than one-half acre of total land disturbing activities.
 2. Redevelopment that involves the addition of less than 5,000 square feet of impervious cover and less than ten percent total site impervious area or that involves less than one-half acre of total land disturbing activities.
 3. New development or redevelopment activities on individual residential lots that are not part of a larger common plan of development and do not meet any of the applicability criteria listed above.
 4. New development of commercial sites located in a major subdivision that was previously approved and for which the stormwater infrastructure has been constructed.
 5. Additions or modifications to existing single-family homes that do not meet any of the applicability criteria listed above. However, soil erosion best management practices shall be used.
 6. Land disturbing activities that are undertaken exclusively for agricultural purposes within areas zoned for agricultural land use. Not exempt is the construction of an agricultural structure that creates 5,000 square feet or more of impervious cover or that involves other land disturbing activities of one-half acre or more shall be subject to this article.
 7. Land disturbing activities that are undertaken exclusively for silviculture purposes within areas approved for silviculture land use. Federal and state silviculture best management practice must be followed.
 8. Maintenance and repairs of stormwater management practices deemed necessary by the DSR.

10.3. - Stormwater design manual.

To assist in the design and evaluation of stormwater management facilities, the Jasper County Stormwater Management Design Manual has been adopted for use in the county. Design procedures and criteria are presented for conducting hydrologic and hydraulic evaluations and evaluation of best management practices (BMPs). Although the intention of the manual is to establish uniform design practices, it neither replaces the need for engineering judgment nor precludes the use of information not presented. Other accepted engineering procedures may be used to conduct hydrologic and hydraulic studies and evaluation of BMPs if approved by the DSR. The DSR shall use the county stormwater management design manual as the basis for decisions delegated to him/her in this article. The county stormwater management design manual may be reviewed by the DSR and recommended changes may be adopted by county council after recommendation by the DSR and the planning commission.

(Ord. No. 11-22, § 16, 10-3-11)

Note— The stormwater management design manual is not set out at length in this Code, but may be found in the offices of the county.

10.4. - Stormwater management plans.

- A. A stormwater management plan shall be submitted through the county's land development application submittal process as further defined in the county land development regulations. A stormwater management plan shall be deemed complete only when submittal contains all elements of a complete submittal pursuant the county stormwater management design manual. The stormwater management plan is required as a minimum requirement for development application submittal as noted in LDR section 2.4, when applicable. Stormwater management plans shall be reviewed as a component of the land development application review process by the DSR.
- B. A stormwater management plan review and approval shall be required for the design, installation, and construction of stormwater management and control practices, including structural BMPs and elements of site design for stormwater management other than structural BMPs. Application contents and form may be set forth in the stormwater design manual. The DSR shall establish requirements for the content and form of all applications and may amend and update those requirements from time to time.
- C. As part of county submittal requirements, the stormwater management plan shall detail how the development will control and manage the stormwater runoff to meet the requirements of this article.

(Ord. No. 11-22, § 16, 10-3-11)

10.5. - Inspection and maintenance agreement and plan.

- A. Prior to the issuance of a permit for any new development or redevelopment activity, unless the stormwater management system is dedicated to and accepted by a local division of government, the applicant and owner of the development site, if different, must execute an inspection and maintenance agreement and plan that shall be in form recordable with the county register of deeds and binding on all subsequent owners of the site and upon approval by the county be recorded in the office of the county register of deeds. Modifications to the inspection and maintenance agreement and plan must be in writing and are only effective after written approval by DSR via a legally binding document which shall be recorded in the office of the county register of deeds.

B. The inspection and maintenance agreement and plan shall include the following provisions:

1. A legal description of the property.
2. Responsible party and successors in interest will be responsible for all maintenance and appropriate function of all permanent green infrastructure practices and stormwater management practices implemented on the subject property.
3. Responsible party and successors in interest must agree to allow the county access of the project site at reasonable times, in a reasonable manner, for the purposes of inspections of all green infrastructure, stormwater management practices and stormwater systems.
4. Responsible party and successors in interest must agree to allow the county access to the project site when the jurisdiction has reason to believe there is a violation of an approved stormwater management system inspection, maintenance agreement and/or plan has occurred within the project site.
5. Responsible party and successors in interest must agree to allow the county access to the project site when necessary for abatement of a public nuisance, correction of a violation of county ordinances or an approved stormwater management system inspection, maintenance agreement and/or plan.
6. Responsible party and successors in interest must agree to correct and repair deficiencies of the permanent green infrastructure practices and stormwater management practices implemented on the subject property found to be in violation by the county within the specified time of written notification from the county.
7. Responsible party and successors in interest must acknowledge the county stormwater management article and all provisions thereof by incorporation into the agreement by reference and must acknowledge that the terms and conditions thereof are enforceable to the fullest extent allowed by law.
8. Responsible party and successors in interest must acknowledge the county has the legal right to enforce the provisions for ongoing inspections and maintenance.
9. The agreement must include a maintenance schedule stating when and how often routine inspection and maintenance will occur to ensure proper function of the stormwater management system.
10. The agreement must include plans for annual inspections to ensure proper performance of the stormwater management system between scheduled maintenance activities.
11. The agreement must include plans for record keeping or acknowledgment of recording keeping requirement by all future owners.

The inspection and maintenance agreement and plan shall be approved by the DSR prior to approval of the stormwater management plan and recorded upon approval. In addition to enforcing the terms of the inspection and maintenance agreement and plan, the DSR may also enforce all of the provisions for ongoing inspection and maintenance contained in this ordinance. A copy of the recorded inspection and maintenance agreement shall be given to the DSR within 14 days following its recordation and prior to certificate of project closeout.

C. If the responsible party named in the recorded inspection and maintenance agreement and plan is a homeowner's association or other owner's association, such as a unit owner's association, the inspection or maintenance agreement must also provide:

1. That stormwater management practices are part of the common elements of the development site and shall be subject to the requirements of the stormwater management system inspection and maintenance agreement and plan.
- 2.

That membership in the association shall be mandatory and automatic for all homeowners or unit owners of the development site and their successors.

3. That the association shall have lien authority to ensure the collection of dues from all members.
 4. That the requirements of the inspection and maintenance agreement and plan shall receive the highest priority for expenditures by the association except for any other expenditures that are required by law to have higher priority.
 5. That a separate fund shall be maintained by the association for the routine maintenance, reconstruction and repair of stormwater management practices, and kept in an account insured by the Federal Deposit Insurance Corporation (FDIC) or by another entity acceptable to the DSR.
 6. That the routine maintenance, reconstruction and repair fund shall contain at all times the dollar amount reasonably determined from time to time by the DSR to be adequate to pay for the probably reconstruction and repair cost (but not routine maintenance cost) of the stormwater management system for a three-year period.
 7. That, to the extent permitted by law, the association shall not enter into voluntary dissolution unless responsibility for the stormwater management practices is transferred to an appropriate successor.
- D. In the case of a subdivision, the inspection and maintenance agreement must be approved by the DSR prior to recordation, it shall be referenced on the final plat and in covenants and it shall be recorded with the county register of deeds upon final plat approval.
- E. In case of single lot development where no subdivision plat is recorded for the site, then the operations and maintenance agreement shall be recorded with the county register of deeds to appear in the chain of title of all subsequent purchasers under generally accepted searching principles.

(Ord. No. 11-22, § 16, 10-3-11)

10.6. - Standards.

A. *General requirements.*

1. Use site planning, design, construction, and maintenance strategies to maintain, to the maximum extent practicable, the pre-development hydrology of the property with regard to the temperature, rate, volume, and duration of flow.
2. All development shall disconnect impervious surfaces with vegetative surfaces to the maximum extent practicable.
3. Storm water runoff shall be controlled in a manner that:
 - a. Promotes positive drainage from structures resulting from development.
 - b. Causes no adverse impact to downstream and upstream properties.
 - c. Includes the use of vegetated conveyances, such as swales and existing natural channels to promote infiltration.
 - d. Promotes low runoff velocities and maintains sheet flow condition to prevent erosion and promote infiltration.
 - e. Limits its interaction with potential pollutant sources that may become water-borne and create non-point source pollution.

B. *Stormwater design requirements for development.*

1. Control the post-development peak runoff discharge rate for the two-, ten-, and 25-year, 24-hour design storm events to pre-development discharge rates. The 100-year, 24-hour storm event shall be accommodated through the development without causing damage to on-site and offsite structures.
2. Engineered stormwater collection, conveyance, and storage systems shall be designed using criteria established in the county stormwater management design manual.

C. *Water quality requirements for development.*

1. *Storm water runoff volume.* The design of stormwater management facilities shall be based upon soil conditions. Information documenting the permeability of soils as well as the groundwater table elevations shall be provided as part of the design of stormwater management systems.
 - a. The development shall maintain the pre-development hydrology of the site for the 85th percentile storm event.
 - b. A stormwater management system is presumed to comply with this criteria if:
 - i. It includes practices that provide for the interception, evapotranspiration, infiltration or capture and reuse of stormwater runoff, that have been selected, designed, constructed and maintained in accordance with the stormwater design manual, sound engineering practice, and other information as approved by the DSR; and
 - ii. It is designed to provide the amount of stormwater runoff reduction specified in the latest edition of the stormwater design manual.
2. *Storm water runoff quality.* Post-construction stormwater runoff shall be adequately treated before it is discharged from a development site.
 - a. A stormwater management system is assumed to meet the stormwater runoff quality criteria by satisfying the stormwater runoff volume criteria above.
 - b. If any of the required stormwater runoff volume as defined above and in the stormwater design manual cannot be reduced on the site (due to impractical site characteristics or constraints and provided a waiver is granted), it shall be intercepted and treated in one or more stormwater management practices. These practices shall provide at least an 80 percent reduction in total suspended solids loads, 30 percent reduction of total nitrogen load, and 60 percent reduction in bacteria load.
 - c. A stormwater management system is presumed to comply with this criteria if:
 - i. It intercepts and treats stormwater runoff in stormwater management practices that have been selected, designed, constructed and maintained in accordance with the stormwater design manual;
 - ii. It provides documentation to show that total suspended solids, nitrogen and bacteria removal were considered during the selection of the stormwater management practices that will be used to intercept and treat stormwater runoff on the development site; and
 - iii. It is designed to provide the amount of stormwater load reduction specified in the latest edition of the stormwater design manual.

(Ord. No. 11-22, § 16, 10-3-11)

10.7. - Maintenance.

- A. *Maintenance responsibility.* The responsible party shall maintain in good condition and promptly correct, repair and restore all stormwater management practices, maintenance access routes and appurtenances, including, but not limited to surfaces, walls, drains, dams, structures, vegetation, erosion and sediment control practices and other devices. Such repairs and restoration and maintenance activities shall be performed in accordance with an approved inspection and maintenance agreement and plan.
- B. *Maintenance inspections.* Annual inspections of the stormwater management practices shown on an approved stormwater management design plan, and subject to the terms and conditions of an approved inspection and maintenance agreement and plan, shall be conducted by a registered professional engineer or landscape architect to document repair and maintenance needs and ensure compliance with the requirements of the approved inspection and maintenance agreement and plan and provisions of this article. All inspections must be documented in written reports that contain the following information:
1. The date and location of the inspection;
 2. The name of the inspector;
 3. The condition of:
 - a. Vegetation and filter media;
 - b. Fences and other safety devices;
 - c. Spillways, valves and other hydraulic control structures;
 - d. Embankments, slopes and safety benches;
 - e. Reservoirs and permanent pools;
 - f. Inlet and outlet channels and structures;
 - g. Underground drainage structures;
 - h. Sediment and debris accumulation in storage and forebay areas;
 - i. Any other item that could affect the proper function of the stormwater management system; and
 4. A description of repair, restoration and maintenance needs.
 5. Photographs of major BMPs, outfalls and vegetated areas.

If any repair, restoration or maintenance needs are found, the responsible party named in the recorded stormwater management system inspection and maintenance agreement and plan shall be notified in writing about the repair, restoration or maintenance needs and the remedial measures that are required to bring the stormwater management system into compliance with the approved stormwater management system inspection and maintenance agreement and plan.

- C. *Records of maintenance activities.* The responsible party shall make and maintain records of all inspections, maintenance and repairs, and shall retain the records for a minimum of five years. These records shall be made available to the DSR during inspections and at other reasonable times upon request of the DSR.
- D. *Nuisance.* The owner of each stormwater BMP shall maintain it so as not to create or result in a nuisance condition, such as but not limited to flooding, erosion, excessive algal growth, overgrown vegetation, mosquito breeding habitat, existence of debris, or other impairments to public safety and health.
- E. *Failure to maintain.* If the responsible party fails or refuses to meet the terms and conditions of an approved stormwater management system inspection and maintenance agreement and plan and/or the requirements of this article, the DSR, after 30 days written notice (except, that in the event the violation constitutes an immediate

danger to public health or safety, 24 hours' notice shall be sufficient), may correct a violation by performing the work necessary to place the stormwater management practice in proper working condition.

(Ord. No. 11-22, § 16, 10-3-11)

10.8. - Illicit discharges and connections.

- A. *Illicit discharges.* No person shall cause or allow the discharge, emission, disposal, pouring, or pumping directly or indirectly to any stormwater conveyance, receiving water, or upon the land in manner and amount that the substance is likely to reach a stormwater conveyance or the receiving waters, any liquid, solid, gas, or other substance, other than stormwater or allowable non-storm water discharges listed in subsection B. Prohibited substances include but are not limited to: oil, anti-freeze, chemicals, animal waste, paints, garbage, and litter.
- B. *Non-storm water discharges.* Non-storm water discharges associated with the following activities are allowed provided that acceptable BMPs are followed and a nuisance is not created:
1. Water line flushing;
 2. Landscape irrigation;
 3. Diverted stream flows;
 4. Rising ground waters;
 5. Uncontaminated ground water infiltration;
 6. Uncontaminated pumped ground water;
 7. Discharges from potable water sources;
 8. Foundation drains;
 9. Air conditioning condensation;
 10. Reuse water;
 11. Springs;
 12. Water from crawl space pumps;
 13. Footing drains;
 14. Individual residential car washing;
 15. Flows from riparian habitats and wetlands;
 16. Dechlorinated swimming pool discharges;
 17. Street wash water; and
 18. Other non-storm water discharges for which a valid NPDES discharge permit has been approved and issued by the State of South Carolina.
- C. *Illicit connections.* Connections to a receiving water and/or stormwater conveyance system that allow the discharge of substances prohibited by subsection B. are prohibited. Prohibited connections include, but are not limited to floor drains, waste water from washing machines or sanitary sewers, wash water from commercial vehicle washing or steam cleaning, and waste water from septic systems.

Where such connections exist in violation of this article and said connections were made prior to the adoption of this article or any other article prohibiting such connections, the property owner or the person using said connection shall remove the connection and remedy the violation.

- D. *Spills.* Spills or leaks of polluting substances released, discharged to, or having the potential to released or discharged to receiving water or the stormwater conveyance system, shall be contained, controlled, collected, and properly disposed. All affected areas shall be restored to their preexisting condition.

Persons in control of the polluting substances shall immediately report the release or discharge to persons owning the property on which the substances were released or discharged, shall within two hours of such an event notify county emergency services division (or other appropriate emergency response agency). Notification shall not relieve any person of any expenses related to the restoration, loss, damage, or any other liability which may be incurred as a result of said spill or leak, nor shall such notification relieve any person from other liability which may be imposed by state or other law.

- E. *Nuisance.* Illicit discharges and illicit connections which exist within the county limits are hereby found, deemed, and declared to be dangerous and prejudicial to the public health, and welfare, and are found, deemed, and declared to be public nuisances. Such public nuisances shall be abated in accordance with the procedures set forth in this article.

(Ord. No. 11-22, § 16, 10-3-11)

ARTICLE 11. - TESTING AND INSPECTIONS

11.1. - Description.

Prior to site development a pre-construction meeting shall be held on-site to ensure appropriate sediment and erosion controls are established ahead of time and to discuss pertinent details of construction. The applicant, design engineer and contractor, or representative(s) acceptable to the DSR, shall attend. The following topics shall be covered in the pre-construction meeting:

- A. Emergency contacts.
- B. Timeframe and hours of operation.
- C. Key inspections and meetings.
- D. Process for final approval and close-out.

Testing shall include proof rolling, compaction, and density testing of in-situ base soils, roadway fill areas, backfill within utility trenches, stone base courses, and/or asphalt pavement, but may include other material tests as required by the DSR or his/her authorized representative.

Inspections shall consist of periodic field visits during various phases of construction for the purposes of investigating present site conditions and activities, and documenting all substandard methods, materials, or conditions. Periodic (key) inspections by the developer's engineer-of-record shall be required during the course of the project, and shall be conducted jointly with the county representative at critical stages of construction.

(Ord. No. 11-22, § 17, 10-3-11)

11.2. - Testing requirements.

- A. *Proof rolling.* The proof roll is good for 24 hours. The proof rolling shall be performed using a fully loaded tandem dump truck weighing not less than 30 tons gross, or equivalent. Any areas which show visible deflection will be required to be repaired, and a second proof roll may be required prior to verify the repairs. Compaction

tests by a geotechnical engineering firm may also be required in problem areas as directed by the DSR or his/her authorized representative.

B. *Compaction testing.*

1. *Applicability.* The grading contractor and utility installation contractor shall be responsible for providing compaction testing and reporting as described below. The design engineer or geotechnical testing firm shall determine the location for tests, and shall obtain prior approval from the DSR. Additional testing in problem areas may be required as directed by the DSR or his/her authorized representative.
2. *Compaction requirements.* Testing by a geotechnical engineering company shall be performed for all backfill over utility installations and fill areas in the road right-of-way. The minimum required compaction shall be 95 percent standard proctor for all trench and fill areas within the right-of-way.
3. *Location and frequency of tests.* Compaction tests shall be taken at random locations and at random depths at each location to provide a range of sampling depths. The required frequency of testing shall be as follows:
 - a. *Sanitary sewer.* Test along the line at 300-foot intervals, and randomly at service connections at the rate of one test per eight services and at manholes at the rate of one test for every three manholes.
 - b. *Water mains.* Test along the line at 300-foot intervals, and randomly at valve and blowoff locations in the roadway at the rate of one for every three valve and blowoff locations in the roadway. Test randomly at service connections at the rate of one test per eight services and at manholes at the rate of one test for every three manholes.
 - c. *Storm drains.* Test along the line at 300-foot intervals, and at all cross lines.
 - d. *Other utilities.* Test along the line at 300-foot intervals, and at all road crossings (excluding borings).
 - e. *Fill areas.* Fill should be placed, compacted and tested at no more than 18-inch intervals. The test shall be performed at 150-foot intervals, staggered on the left and right sides of the roadway. If bridging in the fill is required, a geotechnical engineer will provide a report for recommendations to be submitted to the DSR or his/her authorized representative.
4. *Reporting.* The results of all compaction tests shall be reviewed by the design engineer and forwarded to the DSR or his/her authorized representative with comments as necessary. A copy of the overall site plan or the appropriate road plan sheets, showing the test locations and depth below subgrade elevation, shall be submitted with the test results. No roadways shall be paved until the DSR or his/her authorized representative has reviewed and approved the compaction tests results for the section of roadway to be paved.

C. *Asphalt quality control.*

1. During pavement application, the Contractor shall achieve the required density for the asphalt by suitable rolling equipment and methods. The contractor will use a highway class paver exceeding 30,000 pounds, a steel wheel front roller of five to eight tons or more, nine-wheel rubber tire intermediate roller, and a five to eight ton steel wheel back roller or equipment the DSR deems equal or better. If proper compaction of the asphalt is questionable, the DSR may require the Contractor to conduct a series of density tests to verify proper compaction of the asphalt.
2. Extraction and gradation testing may also be required at the contractor's expense to determine mix composition and verify compliance with SCDOT specifications. All asphalt shall be in accordance with SCDOT standards.

11.3. - Inspection procedures.

A. *Inspections by the design engineer.*

1. *Key inspections.* The following key inspections shall be performed by the design engineer during the course of construction:
 - a. *Inspection #1.* At completion of clearing and grubbing operations. The design engineer will meet the DSR on site in order to verify that all organic materials (i.e. stumps, logs, and brush) have been removed from the roadway area. The design engineer will also document any unsuitable soil conditions in the right-of-way. The DSR shall receive copies of all material and testing certifications.
 - b. *Inspection #2.* At completion of rough grading. The design engineer will inspect the roadway, especially any fill areas and slopes, to identify unsuitable soil conditions. The design engineer will review the compaction test results in the fill areas to verify that the required compaction has been achieved.
 - c. *Inspection #3.* At completion of subgrade and after major utility installation. The design engineer will verify that all major utilities are installed and trenches are backfilled and compacted. If unsuitable material is encountered, then the engineer of record will document the location of deficiencies, specific correction outlined to the contractor, and material used for correction. This information should be provided to the DSR as a part of the reports needed for final acceptance. The design engineer will check the road subgrade for proper elevations, grades, and crown, and will check the catch basin locations and configurations to identify any possible deviations from the plans. The design engineer will review all compaction test reports and verify the necessary number and location of tests and the required compaction at each location. The DSR or designated representative shall be on site periodically in order to observe the installation of the subgrade, drainage system and utilities where necessary.
 - d. *Inspection #4.* Proof roll. The DSR shall meet the design engineer on-site to conduct the proof roll prior to binder or stone base installation. If any problems are encountered, the contractor will make the necessary repairs at the direction of the design engineer and/or the DSR or his/her authorized representative.
 - e. *Inspection #5.* During binder/surface combination or stone base installation. The design engineer, his/her representative, or SCDOT Level 2 Asphalt inspector will periodically monitor the paving application in order to provide direction and document the binder or stone base installation. The DSR will plan to be on-site, but the county's presence will not relieve the design engineer or Level 2 inspector of his/her duty to document and certify proper installation.
 - f. *Inspection #6.* Binder punch-list inspection. The design engineer and DSR shall conduct a thorough punch-list inspection of the roadway, including curbs and catch basins, to identify base failures, broken curbs, broken CB aprons, water valve and/or manhole cover problems, etc. In the inspection report, the design engineer will detail the items to be corrected and the tentative schedule for repair.
 - g. *Inspection #7.* Follow-up inspection prior to final surface installation. The design engineer shall meet the DSR on-site to go over the repairs to the binder, curbs, and/or catch basins. If all repairs are satisfactory, the contractor will be given the permission to install the final surface.
 - h. *Inspection #8.* During final surface installation. The design engineer, his/her representative, or SCDOT Level 2 inspector will periodically monitor the paving application on-site to provide direction and document the final surface installation. The DSR will plan to be on-site, but the county's presence will not

8. *Thirty-six hours notice.* The county shall be provided a minimum of 36 hours advance notice prior to any of the above key inspections. Failure to provide the 36 hours advance notice may result in scheduling conflicts, delay of the County's inspection, and possible disruption of the project schedule.

11.4. - Miscellaneous paving requirements.

- A. *One month binder waiting period.* In order to identify and repair possible base failures prior to final paving, the final surface may not be applied for a minimum of one month after the binder application. The DSR shall inspect the binder after the one month waiting period, and shall reserve the right to extend the waiting period an additional three months if failures are observed.

11.5. - Notice of approval.

- A. The DSR shall conduct an inspection of the project or project phase to determine if it is substantially complete. If site improvements and stabilization are completed to the satisfaction of the DSR, prior to the written notice of approval through certificate of project close out, the applicant shall provide a complete set of as-built/record drawings (including field changes to the plans) certified by a professional land surveyor and/or engineer in the State of South Carolina as well as a statement that the development was built in accordance with the approved construction and stormwater management plans, signed and sealed by the design engineer (professional engineer in the State of South Carolina).
- B. At final inspection, seeding for stabilization must have at least 70 percent density of uniform vegetative coverage. If stabilization and seeding efforts have occurred per plans but are not yet at 70 percent density of uniform vegetative coverage, the project may be issued a certificate of project close out as long as the site restoration guarantee remains valid and acceptable to the DSR. When the site is at least at 70 percent density of uniform vegetative coverage and there are no signs of significant scouring, washout and erosion, only then shall the DSR release the site restoration guarantee.

(Ord. No. 11-22, § 18, 10-3-11)

Editor's note— Ord. No. 11-22, § 18, adopted October 3, 2011, changed the title of section 11.5 from "Acceptance" to "Notice of approval."

11.6. - Warranty for general subdivision infrastructure.

- A. As a condition of the certification of project close out, the subdivider, either an individual, partnership, corporation, or other legal entity, will enter into an agreement with the county wherein (s)he agrees that (s)he will repair, upon written notification by the county and at his/her own expense, all defects in material and workmanship which occur with the infrastructure approved by the county pursuant to the granting of such acceptance for a period of two years from the date such work is accepted by the county.
- B. The two-year warranty period shall begin immediately after acceptance and shall cover all defects in materials, installation, and workmanship for the roadway pavement, storm drainage system, drainage outfall channels, curbs, sidewalks, and grassing/erosion control. Any significant problems, failures or defects observed during the warranty period shall be repaired by the developer at his/her expense, as deemed necessary by the DSR.

(Ord. No. 11-22, § 19, 10-3-11)

Editor's note— Ord. No. 11-22, § 19, adopted October 3, 2011, changed the title of section 11.6 from "Warranty" to "Warranty for general subdivision infrastructure."

APPENDIX A - MINOR SUBDIVISION PLAT CHECKLIST

JASPER COUNTY
Minor Subdivision Plat Checklist (1)

Yes	No	Waiver (2)	Section	Requirement
			2.4B	(1) North Arrow, Scale, Date of Drawing
			2.4B	(2) Scale
				(3) Tax Sheet and Parcel Number
				(4) Subdivision Name and Name of Preparer
				(5) Owners Within 200 Feet
				(6) Boundary Survey
				(7) Topographic Conditions
				(8) Location of Existing Streets
				(9) Zoning Criteria
				(10) Setback Dimensions
				(11) 100-Year Floodplain and Wetlands
				(12) Location of Right-of-Ways
				(13) Building Areas
				(14) Utilities
				(15) Utility Letters
				(16) Building Locations and Floor Elevations

				(17) Signs
				(18) Site Improvements
				(19) Narrative

NOTES:

1. The checklist item descriptions are not all-inclusive. The applicant is directed to refer to the Jasper County Land Development Regulations for more specific detail on requirements for completeness.
2. Specific reasons for consideration must be submitted in writing for each waiver requested.

APPENDIX B - MAJOR SUBDIVISION PRELIMINARY PLAT CHECKLIST

JASPER COUNTY

;Major Subdivision Preliminary Plat Checklist (1)

Yes	No	Waiver (2)	Section	Requirement
			<u>3.2</u>	Sheet Size
			<u>3.2</u>	Scale
				(a) Vicinity Map
				(b) Lot Layout
				(c) Name of Subdivision
				(d) Location of Roads
				(e) Location Plan
				(f) Utilities
				(g) Topography
				(h) Right-of-Ways
				(i) Scale, North Arrow, Date

				(j) Areas and Zoning Criteria
				(k) Sewage Facilities
				(l) Zoning Information
				(m) Site Access
				(n) Drainage Report
				(o) Road Design
				(p) Environmental Impact Assessment
				(q) Water Bodies
				(r) Entrance Islands and Cul-de-sacs
				(s) Geotechnical Report
				(t) Traffic Report

NOTES:

1. The checklist item descriptions are not all-inclusive. The applicant is directed to refer to the Jasper County Land Development Regulations for more specific detail on requirements for completeness.
2. Specific reasons for consideration must be submitted in writing for each waiver requested.

APPENDIX C - MAJOR SUBDIVISION FINAL PLAT CHECKLIST

JASPER COUNTY

Major Subdivision Final Plat Checklist (1)

Yes	No	Waiver (2)	Section	Requirement
			<u>4.2</u>	Submission of Plats
			4.2A	Subdivision Name, Scale, Date, etc.
			4.2B	Surveyor Certification

			4.2D	Map Information
				(1) North Arrow
				(2) Boundary Information
				(3) Adjacent Land Owners
				(4) Right-of-Ways
				(5) Monumentation
				(6) Streets and Easements
				(7) Easement Dedication
				(8) Road Dedication
				(9) Zoning Classification
				(10) Deed Restrictions
				(11) Flood Elevation

NOTES:

1. The checklist item descriptions are not all-inclusive. The applicant is directed to refer to the Jasper County Land Development Regulations for more specific detail on requirements for completeness.
2. Specific reasons for consideration must be submitted in writing for each waiver requested.

APPENDIX D - MINOR SITE PLAN CHECKLIST

JASPER COUNTY
Minor Site Plan Checklist (1)

Yes	No	Waiver (2)	Section	Requirement
			2.3A	Taxes and Assessments
			2.3B	Corporate Ownership Disclosure

			<u>2.6</u>	Submission of Plan and Fees
			<u>2.6</u>	5 Copies of Application
			<u>2.6</u>	3 Copies of Plans
			2.8A(1)	Sheet Size
			2.8A(2)	Title Block Information
			2.8A(3)	North Arrow, Date, Revisions
			2.8C(1)	Scale
			2.8C(2)	Information
				(a) Names, Address and Titles
				(b) Tax Map Information
				(c) Key Map
				(d) Date, Graphic Scale and North Arrow
				(e) Owners Affidavit
				(f) Setback Requirements
				(g) Landscaping, Fencing, Trees, etc.
				(h) Signs and Utility Poles
				(i) Principal and accessory structure data
				(j) Buildings, Drainage and Parking
				(k) Topography
				(l) Storm Drainage Facilities, Design & Analysis

				(m) Utility Analysis
				(n) Parking, Drives, Sidewalks, etc.

NOTES:

1. The checklist item descriptions are not all-inclusive. The applicant is directed to refer to the Jasper County Land Development Regulations for more specific detail on requirements for completeness.
2. Specific reasons for consideration must be submitted in writing for each waiver requested.

APPENDIX E - PRELIMINARY MAJOR SITE PLAN CHECKLIST

JASPER COUNTY
Preliminary Major Site Plan Checklist (1)

Yes	No	Waiver (2)	Section	Requirements
			2.3A	Taxes and Assessments
			2.3B	Corporate Ownership Disclosure
			<u>2.6</u>	Submission of Plan and Fees
			<u>2.6</u>	5 Copies of Application
			<u>2.6</u>	3 Copies of Plans
			2.8A(1)	Sheet Size
			2.8A(2)	Title Block Information
			2.8A(3)	North Arrow, Date, Revisions
			2.8C(1)	Scale
			2.8C(2)	Information
				(a) Names, Address and Titles
				(b) Tax Map Information

				(c) Key Map
				(d) Date, Graphic Scale and North Arrow
				(e) Owners Affidavit
				(f) Setback Requirements
				(g) Landscaping, Fencing, Trees, etc.
				(h) Signs and Utility Poles
				(i) Principal and accessory structure data
				(j) Buildings, Drainage and Parking
				(k) Topography
				(l) Storm Drainage Facilities, Design & Analysis
				(m) Utility Analysis
				(n) Parking, Drives, Sidewalks, etc.
				(o) Estimate and Analysis of Traffic
				(p) Rights-of-Way and Easement
				(q) Contiguously Owned Lands
				(r) Plans & Profiles of Adjoining Streets
				(s) Site Lighting
				(t) Sanitary Sewage Disposal System
				(u) Stages of Development
				(v) Owners within 200 Feet

			2.8C(3)	Plan Preparer Credentials
			2.8C(4)	Environmental Impact Statement
			2.8C(5)	Community Services Impact Statement

NOTES:

1. The checklist item descriptions are not all-inclusive. The applicant is directed to refer to the Jasper County Land Development Regulations for more specific detail on requirements for completeness.
2. Specific reasons for consideration must be submitted in writing for each waiver requested.

APPENDIX F - FINAL MAJOR SITE PLAN CHECKLIST

JASPER COUNTY
Final Major Site Plan Checklist (1)

Yes	No	Waiver (2)	Section	Requirement
			2.3A	Taxes and Assessments
			2.3B	Corporate Ownership Disclosure
			<u>2.6</u>	Submission of Plan and Fees
			<u>2.6</u>	5 Copies of Application
			<u>2.6</u>	5 Copies of Plans
			2.8A(1)	Sheet Size
			2.8A(2)	Title Block Information
			2.8A(3)	North Arrow, Date, Revisions
			2.8D(2)	Scale
			2.8D(3)	Information
				(a) Names, Address and Titles

				(b) Tax Map Information and Adjacent Owners
				(c) Key Map
				(d) Date, Graphic Scale and North Arrow
				(e) Affidavit of Owner's Consent
				(f) Zone District and Bulk Requirements
				(g) Boundary Survey and Certification
				(h) Principal and Accessory Structure Data
				(i) Architectural Drawings
				(j) Topographic Conditions and Grades
				(k) Setbacks, Fences, Landscaping, Trees
				(l) Landscape and Planting Plan and Schedule
				(m) Signs and Lighting, Design and Details
				(n) Storm Drainage Design and Details
				(o) Curbs, Sidewalks, Drives, Parking, etc.
				(p) Rights-of-Ways and Easements
				(q) Sanitary Sewer Linesands
				(r) Utilities
				(s) Nature of Remaining Lands
				(t) Public Access

				(u) Off-Site and Off-Tract Improvements
				(v) Vehicular Ingress and Egress
				(w) Provisions for Garbage Disposal
				(x) Internal Circulation Patterns
				(y) Fire Prevention Measures
				(z) Estimate of Site Usage
				(aa) Other Features Affecting the Property
				(bb) Construction Details
				(cc) Other Data Required by the DSR
				(dd) Estimate of Construction Quantities
				(ee) Copies of All Permits and Approvals
			2.8D(4)	Plan Preparer Credentials

NOTES:

1. The checklist item descriptions are not all-inclusive. The applicant is directed to refer to the Jasper County Land Development Regulations for more specific detail on requirements for completeness.
2. Specific reasons for consideration must be submitted in writing for each waiver requested.

APPENDIX G - ELECTRONIC SURVEY SUBMISSION STANDARDS

JASPER COUNTY
Electronic Survey Submission Standards

Drawing File (DWG/DXF) Specifications

Layer Number	Layer Name	Feature Type	Layer Description
2	PARCEL 1	Line	Parcel/lot boundaries

4	ROW1	Line	Rights of way delineating private/public land boundary
6	GCP1	Point	Ground control points for drawing file
17	CNTRLIN1	Line	Street/road centerlines (paved and unpaved)
26	EAS	Line	Utilities, wildlife, transportation, storm drainage, etc.
51	LONTUM1	Text	Proposed parcel lot number
52	LOTDIM1	Text	Bearings, distances, acreage, and x/y of POB
54	RDNAME1	Text	Street/road name
55	RDNAME2	Text	Road number (Federal, State, County highways, etc.)
59	EASTYPE	Text	Type of easement (utility, wildlife, storm, etc.)

NOTE: Only layers applicable to a given plat need to be submitted.

Submission Checklist:

1. Metadata Text File (<drawing_file_name>.txt') Specifications
2. Plat/Subdivision Name:
3. Drawing/File Name:
4. Type of Drawing (Preliminary, Final, As-Built, etc.):
5. Submittal Date:
6. County:
7. City:
8. Parent Parcel #:
9. Number of Lots:
10. Type of Survey (GPS or Terrestrial):
11. Referenced Monument Names/Numbers:

12. Plat Tie Point Description:
13. Grid Bearing and Grid Distance to Monuments:
14. State Plane Coordinates of the Plat Tie Point:
15. GPS Unit Type (Manufacturer and Model):
16. Elevation Reference:
17. Prepared by/Firm Name:
18. Contact Information including Street Address, City, State Zip Code, Phone Number and E-mail:
19. Software/Version Used: