



Community Services and Land Use Committee Beaufort County, SC

Council Chambers, Administration Building Beaufort County Government Robert Smalls
Complex 100 Ribaut Road, Beaufort

Monday, September 11, 2023
3:00 PM

AGENDA

COMMITTEE MEMBERS:

ALICE HOWARD, CHAIR
GERALD DAWSON
THOMAS REITZ

YORK GLOVER, VICE-CHAIRMAN
PAULA BROWN
JOSEPH PASSIMENT, EX-OFFICIO

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. PUBLIC NOTIFICATION OF THIS MEETING HAS BEEN PUBLISHED, POSTED, AND DISTRIBUTED IN COMPLIANCE WITH THE SOUTH CAROLINA FREEDOM OF INFORMATION ACT
4. APPROVAL OF AGENDA
- [5.](#) APPROVAL OF MINUTES- August 14, 2023
- [6.](#) **CITIZEN COMMENT PERIOD- 15 MINUTES TOTAL**
Anyone who wishes to speak during the Citizen Comment portion of the meeting will limit their comments and speak no longer than three (3) minutes. Speakers will address Council in a respectful manner appropriate to the decorum of the meeting, refraining from the use of profane, abusive, or obscene language. In accordance with Beaufort County's Rules and Procedures, giving of a speaker's time to another is not allowed.
7. UPDATE FROM ASSISTANT COUNTY ADMINISTRATOR

AGENDA ITEMS

- [8.](#) *Overview and background of the Lady's Island Village Center Master Plan*

FISCAL IMPACT:

If the plan moves forward, \$25,000 for Beaufort County.

STAFF RECOMMENDATIONS TO COUNCIL:

No action required.

- [9.](#) RECOMMEND APPROVAL OF AN ORDINANCE FOR A PROPOSED TEXT AMENDMENT TO ARTICLE 7, DIVISION 7.4, SECTION 7.4.50 (PUBLIC HEARING SCHEDULING AND NOTICE) AND SECTION 7.4.70 (PUBLIC HEARING PROCEDURES) TO CLARIFY THAT PUBLIC COMMENT IS NOT TAKEN FOR APPEALS TO THE PLANNING COMMISSION OR THE ZONING BOARD OF APPEALS
- [10.](#) RECOMMEND APPROVAL OF AN ORDINANCE FOR A ZONING MAP AMENDMENT/REZONING REQUEST FOR 71.54 ACRES (R600 013 000 0008 0000 AND R600 013 000 0050 0000), LOCATED AT 1691 OKATIE HIGHWAY, FROM T2 RURAL (T2R) TO T4 NEIGHBORHOOD CENTER (T4NC) AND T3 NEIGHBORHOOD (T3N) USING A VILLAGE PLACE TYPE OVERLAY (PTO) (ARTICLE 3 DIVISION 4 SECTION 80, ARTICLE 7 DIVISION 3 SECTION 50).
- [11.](#) RECOMMEND APPROVAL OF AN ORDINANCE ADOPTING AMENDMENTS TO CH 38. ARTICLE II. TRASH AND LITTER CONTROL OF THE BEAUFORT COUNTY CODE OF ORDINANCES (**FISCAL IMPACT:** *There is no fiscal impact*)

EXECUTIVE SESSION

12. PURSUANT TO S.C. CODE SECTION 30-4-70(A)(2): DISCUSSION OF NEGOTIATIONS INCIDENT TO PROPOSED CONTRACTUAL ARRANGEMENTS (BEAUFORT-JASPER ECONOMIC OPPORTUNITY COMMISSION)
13. PURSUANT TO S. C. CODE SECTION 30-4-70(A)(2): DISCUSSION OF NEGOTIATIONS INCIDENT TO PROPOSED CONTRACTUAL ARRANGEMENTS (DAUFUSKIE ISLAND FERRY SERVICE CONTRACT)
14. MATTERS ARISING OUT OF EXECUTIVE SESSION
15. ADJOURNMENT

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<https://beaufortcountysc.gov/council/council-committee-meetings/index.html>



Community Services and Land Use Committee Beaufort County, SC

Council Chambers, Administration Building Beaufort County Government Robert Smalls
Complex 100 Ribaut Road, Beaufort

Monday, August 14, 2023
3:00 PM

MINUTES

Watch the video stream available on the County's website to hear the Council's discussion of a specific topic or the complete meeting. <https://beaufortcountysc.new.swagit.com/videos/269066>

1. CALL TO ORDER

Committee Chair Howard called the meeting to order at 3:00 PM.

PRESENT

Chair Alice Howard
Vice-Chairman York Glover
Council Member Gerald Dawson
Council Member Paula Brown
Council Member Anna Maria Tabernik
Council Member Joseph F. Passiment
Council Member Lawrence McElynn
Council Member Mark Lawson
Council Member Thomas Reitz
Council Member Logan Cunningham (came in late)

ABSENT

Council Member David P. Bartholomew

2. PLEDGE OF ALLEGIANCE

Committee Chair Howard led the Pledge of Allegiance.

3. FOIA

Committee Chair Howard noted that public notification of this meeting had been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act.

4. APPROVAL OF AGENDA

Motion: It was moved by Council Member Passiment, seconded by Committee Vice-Chair Glover, to approve the agenda.

The Vote – The motion was approved without objection.

5. APPROVAL OF MINUTES

Motion: It was moved by Council Member Passiment, seconded by Council Member Dawson, to approve the minutes of May 8, 2023, and June 12, 2023.

The Vote – The motion was approved without objection.

6. CITIZEN COMMENT PERIOD

Please watch the video stream available on the County's website to view the comments.

<https://beaufortcountysc.new.swagit.com/videos/269066>

1. Rev. Dr. Elijah Washington
2. Belinda Littlefield
3. Mayor Stephen Murray
4. Ed Allen
5. Kristen Williams
6. Grant McClure

7. RECOMMEND APPROVAL OF AN ORDINANCE AMENDING BEAUFORT COUNTY CODE OF ORDINANCES CHAPTER 38, ARTICLE VII – GREEN SPACE PROGRAM, TO ESTABLISH SECTION 38-200 – GREEN SPACE ADVISORY COMMITTEE (GSAC) PROGRAM CRITERIA AND APPLICATION PROCESS

Please watch the video stream available on the County's website to view the full discussion.

<https://beaufortcountysc.new.swagit.com/videos/269066>

The Green Space Committee Chairman, Mike McShane, introduced the Green Space Committee members who were in attendance. Mr. McShane provided an update on the establishment of the Green Space Committee and noted the backup material that shows the criteria. This item is recommended to be approved by the Committee and the first reading at Council today. The concept is to have quarterly applications come through, which matches up with the State Conservation Bank. Mr. McShane's goal is to leverage funds through programs like the State Conservation Bank. The program's criteria show an application schedule deadline is October 31st, so the applications will be in by the end of the quarter instead of 2024, so revenues can be produced. This ordinance will allow for the procurement of a conservation easement and fee simple. This ordinance will also cover purchases of existing planned development or development agreement buy-downs. This ordinance will uniquely consider the impact on surrounding counties and qualify those areas to apply. The applications are being produced and worked on now. The program criteria will also consider farmland preservation as well as natural scenic wildlife corridor procurements. The committee was given great latitude to establish these types of applications. Beaufort County is the first in the state to allow Green Space funds to purchase buy-down development agreements that existed prior to the adoption of this ordinance. All applications will be evaluated and brought forward as a recommendation of approval to the Committee and then to full Council. All recommended applications will have fully participating applicants.

Council Member Tabernik expressed her appreciation for the Green Space Committee and its members. She also pointed out how great the discussions were during the selection process and was impressed with how things have come together for this Committee and that its leadership and Sen. Tom Davis are on the right path.

Motion: It was moved by Council Member Passiment, seconded by Council Member Dawson, to recommend approval of an ordinance amending Beaufort County Code of Ordinances Chapter 38, Article VII – Green Space Program, to establish Section 38 – 200 – Green Space Advisory Committee (GSAC) program criteria and application process.

The Vote- The motion was approved without objection.

DISCUSSION: Committee Vice–Chair Glover asked if there was only one map that the committee was using. Mr. McShane answered that there is a Green Print map, but applications will require individual mapping to include connectivity and adjacency because that is a component when investing. The State Conservation Bank map will also be utilized to overlay the Green Print map.

Committee Chairman Howard mentioned that funds can be used from other Counties, but there will be a lot of guidance on how that will be done, and these Counties also have their own conservation plans.

Committee Chairman Howard and Green Space Committee Chairman Mike McShane expressed their appreciation for all the hard work that has been done by Staff.

Council Member Tabernik requested that the Green Space Committee share the current amount of funds. Mr. McShane said that there is approximately \$5,500,000.00 from the first quarter. The September 30th date will be indicative of how the program is going. In a two-year period, there will be approximately \$100,000,000.00.

8. RECOMMEND APPROVAL OF AN ORDINANCE AMENDMENT TO PROVIDE FOR A MODIFIED MILLAGE RATE FOR THE LEVY OF TAX FOR SCHOOL PURPOSES FOR BEAUFORT COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, AND ENDING JUNE 30, 2024, AND TO MAKE APPROPRIATIONS FOR SAID PURPOSES

Please watch the video stream available on the County's website to view the full discussion.

<https://beaufortcountysc.new.swagit.com/videos/269066>

Tonya Crosby, Chief Financial Officer for Beaufort County School District, presented the School Operations rollback millage. June 26th was the final reading of the School Districts budget. At that time, the revenue needed from tax revenues was \$195,000,000.00. Last year's millage and operations were 125.6 mills. The school district and council approved an increase of 4.4 mills bringing the total amount to 130.0 mills. There was a discussion that this was a pre-rollback millage number and stipulated that there would be a chance for a rollback millage number during presentations. The original numbers were rolled back to the fiscal year 2022-2023 at 117.4 mills, a decrease of 8.2 mills, and an increase of 4.4 mills to bring the fiscal year 2023-2024 to 121.8 mills, the net reduction of millage from the prior year is 3.8 mills. The new millage is believed to generate the amount of revenue listed in the budget ordinance. If the originally approved millage at 130.0 at \$1,601,96.00, a mill would generate \$208,255,190.00 in general fund revenue, which is \$13,000,000.00 more than the budget approved by the school district and council at \$195,119,038.00. According to state law, it requires an adjustment to the millage to generate the same revenue level approved in the budget ordinance. The purpose is to generate revenue neutrality. The new millage rate continues to meet the limitations of the state millage cap. The budget ordinance states that the council has the authority to adjust the millage rate no later than August 31st of the tax year. A resolution would adopt a new millage rate if deemed necessary and appropriate. Legal advised that the change needed to be done by way of amending the ordinance rather than a resolution, and the ordinance would require three readings and a public hearing. Once the amended ordinance is approved, all documentation will be sent to the County Auditor's Office.

Motion: It was moved by Council Member Passiment, seconded by Council Member McElynn, to recommend approval of an ordinance amendment to provide for a modified millage rate for the levy of tax for school purposes for Beaufort County for the fiscal year beginning July 1, 2023, and ending June 30, 2024, and to make appropriations for said purposes.

The Vote – The motion was approved without objection.

9. RECOMMEND APPROVAL OF AN ORDINANCE ADOPTING AMENDMENTS TO CHAPTER 62, SOLID WASTE, BEAUFORT COUNTY CODE OF ORDINANCE

Please watch the video stream available on the County's website to view the full discussion.

<https://beaufortcountysc.new.swagit.com/videos/269066>

Public Works Director Neil Desai provided information on the text amendments to Chapter 62, Solid Waste, Beaufort County Code of Ordinance. Before this amendment came through, there were some discrepancies and contradicting language in the ordinance and codes. Examples of amendments were given to Council.

Committee Chair Howard pointed out that code enforcement can give a \$500.00 fine, and litter control can also issue a \$500.00 fine if a company isn't covering their trucks on the way to the landfill and trash falls out also if there is dumping on private property.

Motion: It was moved by Council Member Dawson, seconded by Council Member Tabernik, to recommend approval of an ordinance adopting amendments to Chapter 62, Solid Waste, Beaufort County Code of Ordinance.

The Vote – The motion was approved without objection.

10. RECOMMEND APPROVAL OF A RESOLUTION TO NAME THE BOUNDARY STREET OPEN SPACE/POCKET PARK LOCATED IN THE CITY OF BEAUFORT: "FIRST SOUTH CAROLINA VOLUNTEERS PARK"

Please watch the video stream available on the County's website to view the full discussion.

<https://beaufortcountysc.new.swagit.com/videos/269066>

Assistant County Administrator of Development Chuck Atkinson presented information on naming the Boundary Street Open Space/ Pocket Park located in the City of Beaufort. The City of Beaufort, Beaufort County, and Open Land Trust have worked on acquiring a parcel of land on Boundary Street and Battery Creek located in the boundaries of the City of Beaufort. This parcel is located about a ¼ of a mile from the Administration Building. The three entities have completed purchasing these parcels and demolished the commercial structures on the property. The Boundary Street Open Space Park is strongly tied to the legacy and importance of the First South Carolina Volunteers for their contributions toward the protection of the Sea Islands and bravery in other Civil War activities. The historical significance, sacrifice, and commitment of the First South Carolina Volunteers are worthy of public recognition. The proposed Resolution names the park in their honor.

Motion: It was moved by Committee Vice-Chair Glover, seconded by Council Member Dawson, to recommend approval of a resolution to name the Boundary Street Open Space / Pocket Park located in the City of Beaufort: "First South Carolina Volunteers Park."

DISCUSSION: Committee Vice-Chair Glover expressed the honor of having this park named after the First South Carolina Volunteers and recognized former City of Beaufort Mayor Keyserling for his diligence in getting support for this project. An interesting fact about African American history is that it hasn't really been told, and this is an opportunity for the history to be told for commitment and participation. Anytime there is a history to be told that includes the entire community, it is a great thing. Beaufort is unique in that it is a seabed for a lot of historical events, and this is just one of them.

Committee Chairman Howard stated that Ms. Littlefield spoke about 1,100 or more participants who contributed to the safety of the Sea Islands and hopes that descendants, including Mr. Allen, can attend the naming of the park.

Committee Vice-Chair Glover also mentioned a Civil War grave was discovered on St. Helena with the name Bailey and was amazed by this discovery. This proves that there is real history around.

Council Member Dawson agrees to the two previous statements and thanks all the participants who brought this item forward. Having these soldiers recognized for fighting to preserve and protect the Sea Islands is a great honor. Mr. Ed Allen is one of the descendants, and so is he, and it is befitting for the Committee to pass this.

The Vote – The motion was approved without objection.

11. RECOMMEND APPROVAL OF A RESOLUTION TO ACCEPT SC AERONAUTICS COMMISSION GRANT OFFER 23-025 FOR \$378,044 FOR TAXIWAY F STRENGTHENING AND FOR PARTIAL ACQUISITION OF EXEC AIR PROPERTY AT THE HILTON HEAD ISLAND AIRPORT

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<https://beaufortcountysc.new.swagit.com/videos/269066>

Council Member Cunningham arrived.

Assistant County Administrator, Infrastructure Jared Fralix, introduced this item.

Airport Director Jon Rembold stated that this grant is 100% funded by the SC Aeronautics Commission.

The way the SC Aeronautics Commission is set up for commercial airports is there is a set of funds that goes to the airport on an annual basis. The funds get assigned to specific projects as they come through for proposal. It's different than the way it used to be. An infrastructure project such as this would be funded 90% by the FAA, 5% by the State, and 5% by the airport. The airport has chosen to use a portion of two years' worth of annual funds and distribute to the taxiway project and a small acquisition of Exec Air. Exec Air is a private hangar association, and it became a necessity when the taxiway was relocated, rendering a small portion of their property unusable to Exec Air because it had airport infrastructure on it. Purchasing this property would allow that portion to be added to the airport.

Motion: It was moved by Council Member Passiment, seconded by Council Member Reitz, to recommend approval of a resolution to accept SC Aeronautics Commission grant offer 23-025 for \$378,044 for taxiway F strengthening and for partial acquisition of Exec Air property at the Hilton Head Island Airport.

The Vote – The motion was approved without objection.

12. RECOMMEND APPROVAL OF A RESOLUTION AUTHORIZING THE REALLOCATION OF AMERICAN RESCUE PLAN ACT (ARPA) FUNDS FOR THE PLANNING, PERMITTING AND CONSTRUCTION OF INFRASTRUCTURE NECESSARY TO RELOCATE THE OPERATION OF THE PUBLIC DAUFUSKIE ISLAND FERRY SERVICE

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Special Assistant to County Administrator Hank Amundson briefed Council on the recommendation of this resolution and how approving this resolution pertains to funding the request in item number 13.

Beaufort County "County" received \$37,317,466.00 under the American Rescue Plan Act ("ARPA") and allocated \$11,700,000.00 of the ARPA Funds for Infrastructure Projects. The Infrastructure Projects included several categories, each allocating a portion of the funds. Specifically, the subcategory "General," for projects that weren't specifically defined and later observed to be not feasible or completable, was allocated \$8,000,000.00, and the "Ferry" was allocated \$500,000.00. The subcategory of Ferry was included in the allocation of ARPA funds to improve and construct the necessary infrastructure for the Daufuskie Island Ferry ("DI Ferry"), a county-funded public transportation service to and from Daufuskie Island. To comply with the Court order, funding in the amount of \$2,306,634.00 is required for the planning, permitting, and construction of the infrastructure necessary to relocate the operation of the DI Ferry from Buckingham Landing to the Cross Island Boat Landing on Hilton Head Island. The General subcategory has funds that remain unallocated in an amount sufficient to fund the amount necessary for the costs associated with the planning and construction of the infrastructure located at Cross Island Boat Landing; therefore, it is recommended to move \$2,306,634.00 from the General line item to the Ferry line item. Referencing Ordinance 2022/16, it allows the County Administrator to reallocate funds within the ARPA categories as the County progresses and assess the feasibility, allowability, or completable projects. For transparency purposes, it is being brought forward to Committee and Council for approval to reallocate these funds.

DISCUSSION: Committee Vice-Chair Glover asked what line item the funding was coming from. Mr. Amundson explained that there is a category called infrastructure, and with that category, there is a subcategory called general. The subcategory general is where the \$2,306,634.00 is coming from for the ferry.

Council Member Lawson stated that the county pledged to Buckingham Landing that the county would move forward to move the ferry from Buckingham Landing. Buckingham Landing filed legal action against the county, and a part of that is for the County to relocate the ferry and ultimately provide permanent embarkation for Daufuskie Island and Hilton Head and become self-sufficient, but until then, funds are needed to get this project done.

Committee Vice-Chair Glover stated that initially, broadband was funded at \$500,000.00 and then recently increased it to \$750,000.00. Is there a need for additional funding for broadband, and would that come from the infrastructure's general subcategory? Mr. Amundson mentioned that are other funds are underutilized and can allocate that money to broadband if needed.

Motion: It was moved by Council Member Passiment, seconded by Council Member Lason, to recommend approval of a resolution authorizing the reallocation of American Rescue Plan Act (ARPA) funds for the planning, permitting, and construction of infrastructure necessary to relocate the operation of the public Daufuskie Island Ferry Service.

The Vote – The motion was approved without objection.

13. RECOMMEND APPROVAL OF A RESOLUTION APPROVING THE EMERGENCY PROCUREMENT OF AND FUNDING FOR THE DESIGN, PERMITTING, AND CONSTRUCTION SERVICES NECESSARY FOR IMPROVEMENTS TO THE CROSS ISLAND BOAT LANDING TO ACCOMMODATE THE DAUFUSKIE ISLAND FERRY BY JANUARY 1, 2024 TO COMPLY WITH A COURT ORDER

Please watch the video stream available on the County's website to view the full discussion.

<https://beaufortcountysc.new.swagit.com/videos/269066>

Special Assistant to the County Administrator Hank Amundson explained to Council why the emergency procurement is needed. The County is a party to litigation regarding the County's right to operate a Public Ferry service from what is known as Buckingham Landing. The Circuit Court issued an order on February 21, 2023, requiring the County to relocate the Public Ferry to a new location by January 1, 2024. The Court denied the County's motion to reconsider on March 16, 2023. In response to the Order, County staff immediately proceeded to explore all available options and discussions of temporary embarking at Haig Point until the long-term goal of building a county embarkation was complete. But to temporarily use Haig Point, the condemnation of the adjacent parcels would be needed to have parking. The condemnation and acquisition of the parcels are still ongoing, and the County would not have time to continue with that route. It was then determined that the best available option was located at what is known as the Cross Island Boat Landing ("Cross Island"). County staff has worked diligently with the Town of Hilton Head Island and SCDOT to clear title issues, secure an encroachment permit, accomplish site acquisition, develop site and construction plans, and initiate the permitting process. County staff has sought out a team of capable, competent, and local contractors willing to push current work aside to assist the County in its efforts to comply with the court order. The team of O'Quinn Marine Construction (General Contractor), McSweeney Engineers, and David & Floyd (formally Andrews Engineering & Surveyors) have formulated a plan, timeline, and full cost of construction of all embarkation site improvements required to be in place to operate the Ferry Service at the Cross Island Landing on January 1, 2024. This project is only possible on this timeline through the County's Emergency Procurement Policy.

DISCUSSION: Council Member Tabernik asked if a brief description of the County's Emergency Procurement Policy could be given to the public on why this is an emergency, and it states that written determination of the basis for the emergency and the selection of the particular contract will be on file. Mr. Amundson stated that the definition of emergency was discussed immediately with procurement

about this process, knowing that it would have to be approved today. A condition is a situation that creates a threat to public health welfare or safety that arises because of floods, epidemics, equipment failure, or other such reasons pertaining to using an agency. Such conditions create an immediate need for supplies and materials of service that cannot be met through a normal procurement process. Lack of which would threaten the function of the county government or the health, safety, and welfare of residents. Emergency procurement shall be limited only to the quantity of those supplies and equipment necessary to meet this need. The sole focus of this project on that property is because of health safety. Residents get to and from the doctor or hospital through the ferry services. This ferry service isn't just to move residents and tourists to and from Daufuskie Island. Through partnership and overall offering of services, the service transports EMS, Fire, and County Employees. EMS utilizes Harbor Town, and an ambulance is already available. EMS ran 70 calls last year. This truly meets emergency needs, and that is important for the public to know.

Motion: It was moved by Council Member Tabernik, seconded by Council Member Brown, to recommend approval of a resolution approving the emergency procurement of and funding for the design, permitting, and construction services necessary for improvements to the Cross Island Boat Landing to accommodate the Daufuskie Island Ferry by January 1, 2024, to comply with a court order.

The Vote – The motion was approved without objection.

14. RECOMMEND APPROVAL TO ISSUE TASK ORDERS TO JH HIERS TO PERFORM WORK FOR THE BESSIE LAND DRAINAGE IMPROVEMENT PROJECT

Please watch the video stream available on the County's website to view the full discussion.

<https://beaufortcountysc.new.swagit.com/videos/269066>

Public Works Director Neil Desai gave Council a background on this item and its location. The homeowner of 21 Young Circle granted an easement to the County to convey drainage through their property. The homeowner requested the drainage system realignment to follow the property line. The current drainage system bisects the property, minimizing full access for the property owners. Stormwater presented the project to the Stormwater Utility Board in November 2021. The county hired an on-call consultant for projects to assist the current Stormwater Infrastructure Staff. Based on their proposed and negotiated scope, the Stormwater Department's on-call contractor, JH Hiers, will execute this current project.

DISCUSSION: Council Member Dawson recalls that this property has been a problem for years with the Stormwater Committee, and prior to Mr. Desai's arrival, he is glad to see that with Mr. Desai's leadership and staff, they were able to secure the easements right away to get the drain system in there.

Committee Vice-Chair Glover echoed Councilman Dawson's statement, and if he isn't mistaken Council was going to abandon this project because they couldn't get an easement even though the problem was still there. Without that homeowner granting an easement, the resolution to the problem would not exist.

Motion: It was moved by Council Member Dawson, seconded by Committee Vice-Chair Glover, to recommend approval to issue task orders to JH Heirs to perform work for the Bessie Land Drainage Improvement Project.

The Vote – The motion was approved without objection.

15. ADJOURNMENT

Adjourned at or around 4:01 p.m.

Ratified:

CITIZEN COMMENTS

Community Services and Land Use Committee September 11, 2023, 3:00 PM

CITIZEN COMMENT PERIOD- 15 MINUTES TOTAL

Anyone who wishes to speak during the Citizen Comment portion of the meeting will limit their comments and speak no longer than three (3) minutes. Speakers will address Council in a respectful manner appropriate to the decorum of the meeting, refraining from the use of profane, abusive, or obscene language.

In accordance with Beaufort County's Rules and Procedures, page 7(D4): 1) Each speaker is limited to three minutes 2) Only one speaker limit at microphone, and 3) Giving of a speaker's time is not allowed.

BY SIGNING UP FOR PUBLIC COMMENT, YOU ACKNOWLEDGE THE ABOVE RULES AND WILL COMPLY.

FULL NAME (PLEASE PRINT LEGIBLY)

Topic

~~XXXXXXXXXXXX~~

because late
Diane Reindio

Cherry Pt / Kahlua Blvd
Affordable Housing

✓ TERRY STETTER

10

✓ CHUCK NEWTON

8 - LADYS ISLANDS

✓ Scottie Daniel - wants the applicants'

Cherry Point

✓ Bonnie Krstolic

8 Lady's Island

✓ Felice LAMARCA

149 Cherry Point

→ ✓ TERRY LASETER

146 Cherry Point Rd



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
Overview and background of the Lady’s Island Village Center Master Plan
MEETING NAME AND DATE:
Community Services and Land Use Committee
PRESENTER INFORMATION:
Robert Merchant, AICP (10 minutes)
ITEM BACKGROUND:
In 2019 the City and the County completed an area plan for Lady’s Island that involved an extensive public input and engagement process that established growth management tools that will ensure Lady’s Island develops appropriately if those tools are implemented and maintained in the future. Immediately following the adoption of the plan, members of the Plan Implementation Committee called for the City and the County to develop a Lady’s Island Village Center Master Plan that would focus on the business district along Sea Island Parkway and Sams Point Road.
PROJECT / ITEM NARRATIVE:
At the February 7, 2022 Natural Resources Committee, the Committee motioned to provide funding not to exceed \$25,000 for a design planning charette to develop design criteria and drawings to enhance the implementation of the Lady’s Island Plan. Beaufort City Council agreed to contribute another \$25,000 toward the study. With the \$50,000 budget approved for the project, Planning and Zoning Staff reached out to SGA Architects and developed a scope of work that would meet the budget. The scope and contract was approved by Beaufort County in October 2022 and was then sent to the City of Beaufort for their approval. No action was taken by the city until a February 14, 2023 City Council Work Session where they rejected the scope and contract.
FISCAL IMPACT:
If the plan moves forward, \$25,000 for Beaufort County.
STAFF RECOMMENDATIONS TO COUNCIL:
No action required.
OPTIONS FOR COUNCIL MOTION:
No action required.



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
Proposed Text Amendment to Article 7, Division 7.4, Section 7.4.50 (Public Hearing Scheduling and Notice) and Section 7.4.70 (Public Hearing Procedures) to clarify that public comment is not taken for appeals to the Planning Commission or the Zoning Board of Appeals
MEETING NAME AND DATE:
<i>Community Services and Land Use Committee Meeting, September 11, 2023</i>
PRESENTER INFORMATION:
<i>Robert Merchant, AICP, Director, Beaufort County Planning and Zoning (10 minutes needed for item discussion)</i>
ITEM BACKGROUND:
<i>Both the Planning Commission and the Zoning Board of Appeals (ZBOA) occasionally hear appeals from an aggrieved party affected by a decision made by an administrative decision-maker to determine if the decision complies with the requirements of the Community Development Code (CDC). The reason public comment is not received during an appeal is that the public will introduce opinion testimony that was not part of the decision process. This new information might serve improperly as a basis for a decision and result in the decision being overturned by a circuit court on appeal. The CDC currently is ambiguous regarding the conduct of public hearings for appeals. At their July 6 meeting, the Planning Commission (5-1) recommended approval of the proposed text revisions.</i>
PROJECT / ITEM NARRATIVE:
<i>Staff is proposing changes to the following Community Development Code (CDC) Sections to clarify that public comment is not taken for appeals to the Planning Commission or the Zoning Board of Appeals:</i> <ul style="list-style-type: none">• 7.4.50- Public Hearing Scheduling and Notice• 7.4.70- Public Hearing Procedures
FISCAL IMPACT:
<i>Not applicable</i>
STAFF RECOMMENDATIONS TO COUNCIL:
<i>Staff recommends approval.</i>
OPTIONS FOR COUNCIL MOTION:
<i>To approve or deny the proposed text amendments to the Community Development Code (CDC)</i>

ORDINANCE 2023/_____

PROPOSED TEXT AMENDMENT TO ARTICLE 7, DIVISION 7.4, SECTION 7.4.50 (PUBLIC HEARING SCHEDULING AND NOTICE) AND SECTION 7.4.70 (PUBLIC HEARING PROCEDURES) TO CLARIFY THAT PUBLIC COMMENT IS NOT TAKEN FOR APPEALS TO THE PLANNING COMMISSION OR THE ZONING BOARD OF APPEALS

WHEREAS, both the Planning Commission and the Zoning Board of Appeals (ZBOA) occasionally hear appeals from an aggrieved party affected by a decision made by an administrative decision-maker to determine if the decision complies with the requirements of the Community Development Code (CDC); and

WHEREAS, when the Planning Commission or ZBOA hears an appeal, they follow a “quasi-judicial” process where they are given the powers and procedures resembling those of a court of law where which are obliged to determine facts objectively based on the file and the record that the decision maker relied upon; and

WHEREAS, new information might serve improperly as a basis for a decision and result in the decision being overturned by a circuit court on appeal; and

WHEREAS, the CDC currently is ambiguous regarding the conduct of public hearings for appeals; and

WHEREAS, the Beaufort County Planning Commission considered the proposed text amendments at their July 6, 2023 meeting, voting to recommend that County Council approve the proposed amendments.

NOW, THEREFORE be it ordained by County Council in a meeting duly assembled that Sections 7.4.50 (Public Hearing Scheduling and Notice) and 7.4.70 (Public Hearing Procedures) of the Community Development Code are hereby amended as set forth in Exhibit A hereto. Additions are highlighted and underlined.

Adopted this _____ day of _____ 2023.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, JD, Clerk to Council

7.4.50 - Public Hearing Scheduling and Notice

A. Public Hearing Scheduling.

1. **Application to be Scheduled for Meeting.** When a development application is subject to a public hearing, as identified in Table 7.4.50.A (Required Public Hearings), the Director shall ensure that the public hearing on the application is scheduled for a regularly scheduled meeting or a meeting specially called for that purpose by the advisory or decision-making body reviewing the application.
2. **Timing.** The public hearing(s) on the application shall be scheduled so there is sufficient time for a staff report to be prepared and for the public notification requirements to be satisfied under state law.
3. **Public Hearing by Review Boards.** A public hearing shall be conducted by the following advisory or decision-making bodies for the following development applications. See Table 7.4.50.A (Required Public Hearings).

> Table 7.4.50.A: Required Public Hearings			
Development Application or Approval	Advisory or Decision-Making Bodies		
	County Council	Planning Commission	Zoning Board of Appeals (ZBOA)
Comprehensive Plan Amendment	X	X	
Text Amendment	X	X	
Zone Map Amendment	X	X	
Special Use Permit			X
Variance Permit			X
Street Renaming		X	
Appeal to Planning Commission		X*	
Appeal to Zoning Board of Appeals			X*
Development Agreements	X		

*Public comment is not taken for appeals to the Planning Commission or the Zoning Board of Appeals (7.3.70.C)

- ### B. Public Hearing Notification.
- All development applications requiring a public hearing shall comply with the S.C. Code of Laws, the provisions listed in Table 7.4.50.B (Public Hearing Notification Timing Requirements), and the other provisions of this Section with regard to public notification. Failure to receive notice in accordance with this Section shall not invalidate the proceedings for which notice was required, nor shall failure to receive notice constitute a basis for legal action against the County.

1. **Notice Timing Requirements.** Public notification of a public hearing on a development application shall be provided in accordance with the timing requirements in Table 7.4.50.B (Public Hearing Notification Timing Requirements), for the type of application and the type of notice. In computing the required time periods, the day the notice is published or postmarked shall not be included, but the day of the hearing shall be included.

7.4.70 - Public Hearing Procedures

- A. If the development application is subject to a public hearing by an advisory or decision-making body, the advisory or decision-making body shall hold the public hearing in accordance with the following procedures.
- B. **Conduct of Public Hearing.**
1. **Burden of Proof or Persuasion.** The burden of demonstrating that an application complies with applicable review and approval standards of this Development Code is on the applicant. The burden is not on the County or other parties to show that the standards have not been met by the applicant.
 2. **Rights of All Persons.** **Except for appeals to the Planning Commission or the Zoning Board of Appeals (7.3.70.C),** any person may appear at a public hearing and submit testimony, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall be identified, state an address, and if appearing on behalf of a person or organization, state the name of the person or organization being represented. If the person states they represent an organization, the body conducting the hearing may request written evidence of that person's authority to speak on behalf of the organization in regard to the matter under consideration.
 3. **Exclusion of Testimony.** The body conducting the public hearing may exclude testimony that it finds to be irrelevant, immaterial, or unduly repetitious.
 4. **Offers of Testimony.** In the event any testimony is excluded as irrelevant, immaterial, or unduly repetitious, the person submitting such testimony shall have an opportunity at that hearing to offer such testimony to be entered into the record. Such offer shall be made at the public hearing.
 5. **Continuance of Public Hearing.** The body conducting the public hearing may, on its own motion or at the request of any person, continue the public hearing to a fixed date, time, and place. An applicant shall have the right to request and be granted one continuance. Any subsequent continuances requested by any party shall be granted at the discretion of the body conducting the public hearing only upon good cause shown.
 6. **Recording.** A record of the hearing shall be kept as follows.
 - a. **General.** The body conducting the public hearing shall record the public hearing. The written or taped record of oral proceedings (including testimony and statements of personal opinions), the hearing minutes, all applications, exhibits and papers submitted in any proceeding before the review board, the staff report, and the recommendation or decision shall constitute the record. The establishment of a verbatim transcript, if requested, shall be the sole responsibility of the applicant.
 - b. **Public Record.** All records of public hearings conducted by an advisory or decision-making body shall be a public record, and open for inspection at the offices of the Director during normal business hours upon reasonable notice.
 - c. **Copy.** A copy of the public hearing record may be obtained by any person upon applying to the Director and paying the cost for duplication of the record.
 7. **Close of Hearing.** Upon the completion of all testimony or public comment, the hearing shall be closed. No further direct or informal testimony, comments or evidence shall be provided or considered on the matter. The applicant may be asked questions or allowed to comment on proposed conditions.
- C. **General Procedures and Findings Following Public Hearing.**
1. **Time.** Any review body conducting the hearing shall act in accord with any time limits established in state law, this Development Code or the body's own by-laws. Action shall be taken as promptly as possible in consideration of the interests of the applicant, the citizens of the County, and shall

include a recommendation or decision of approval, approval with conditions, or disapproval (whichever is appropriate).

2. **Form of Decisions.** The form of all decisions shall include at least the following elements:

- a. A summary of the information presented before the body;
- b. A statement of findings or other factors considered, whichever is appropriate, and a statement of the basis upon which such facts were applied with respect to the relevant review standards, if required by state law; and
- c. A statement of a recommendation or decision of approval, approval with conditions or disapproval (whichever is appropriate).



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
<i>ZONING MAP AMENDMENT/REZONING REQUEST FOR 71.54 ACRES (R600 013 000 0008 0000 AND R600 013 000 0050 0000), LOCATED AT 1691 OKATIE HIGHWAY, FROM T2 RURAL (T2R) TO T4 NEIGHBORHOOD CENTER (T4NC) AND T3 NEIGHBORHOOD (T3N) USING A VILLAGE PLACE TYPE OVERLAY (PTO) (ARTICLE 3 DIVISION 4 SECTION 80, ARTICLE 7 DIVISION 3 SECTION 50).</i>
MEETING NAME AND DATE:
<i>Community Services and Land Use Committee Meeting, September 11, 2023</i>
PRESENTER INFORMATION:
<i>Robert Merchant, AICP, Director, Beaufort County Planning and Zoning (10 minutes needed for item discussion)</i>
ITEM BACKGROUND:
<i>The rezoning application went before the Beaufort County Planning Commission at their August 7, 2023 meeting. At that time, the Commission voted 5 for and 2 against to recommend denial of the proposed amendment to County Council.</i>
PROJECT / ITEM NARRATIVE:
<i>The applicant is requesting to rezone two parcels into two zoning districts (T4 Neighborhood Center and T3 Neighborhood) by using the Place Type Overlay (PTO) Village Place Type. The proposed PTO adjoins Okatie Elementary School and River Oaks and will have connection to Malind Bluff. Connecting a Village Place Type with a school and an adjoining residential community would accomplish the Comprehensive Plan's objective of providing walkable mixed-use nodes at intervals along the SC 170 corridor.</i>
FISCAL IMPACT:
<i>Not applicable</i>
STAFF RECOMMENDATIONS TO COUNCIL:
<i>Staff recommends approval. Place Type Overlays are recommended in the CDC and Comprehensive Plan to encourage high quality development in walkable urban nodes as opposed to low density sprawl. Because the proposed rezoning follows the requirements of the CDC and Comprehensive Plan and is a model of how an upzoning along SC 170 should occur, staff recommends approval on the condition that the applicant continues to work with staff updating the regulating plans as needed.</i>
OPTIONS FOR COUNCIL MOTION:
<i>To approve or deny the zoning amendment for 1691 Okatie Highway from T2 Rural to T4 Neighborhood Center and T3 Neighborhood utilizing Place Type Overlay (Village Place Type).</i>

ZONING MAP AMENDMENT/REZONING REQUEST FOR 71.54 ACRES (R600 013 000 0008 0000 AND R600 013 000 0050 0000), LOCATED AT 1691 OKATIE HIGHWAY, FROM T2 RURAL (T2R) TO T4 NEIGHBORHOOD CENTER (T4NC) AND T3 NEIGHBORHOOD (T3N) USING A VILLAGE PLACE TYPE OVERLAY (PTO) (ARTICLE 3, DIVISION 4, SECTION 80 AND ARTICLE 7, DIVISION 3, SECTION 50)

WHEREAS, the property located at 1691 Okatie Highway (R600 013 000 0008 0000 AND R600 013 000 0050 0000) is currently zoned T2 Rural; and

WHEREAS, the owner of the property has requested to rezone into two zoning districts (T4 Neighborhood Center and T3 Neighborhood) by utilizing the Place Type Overlay (PTO) Village Place Type; and

WHEREAS, the Beaufort County Comprehensive Plan encourages high quality development in walkable urban nodes as opposed to low density sprawl and designates this site as a location to implement a Village Place Type; and

WHEREAS, the Beaufort County Planning Commission considered the request on August 7, 2023, voting to recommend that County Council deny the request; and

WHEREAS, County Council now wishes to amend the zoning map to change the zoning of the property from T2 Rural to T4 Neighborhood Center and T3 Neighborhood by using the Place Type Overlay (PTO) Village Place Type.

NOW, THEREFORE be it ordained by County Council in a meeting duly assembled as follows:

The zoning map of the County is hereby amended to change the zoning of the property located at 1691 Okatie Highway from T2 Rural (T2R) to T4 Neighborhood Center (T4NC) and T3 Neighborhood (T3N) using a Village Place Type Overlay (PTO).













Ordained this ___ day of _____, 2023.

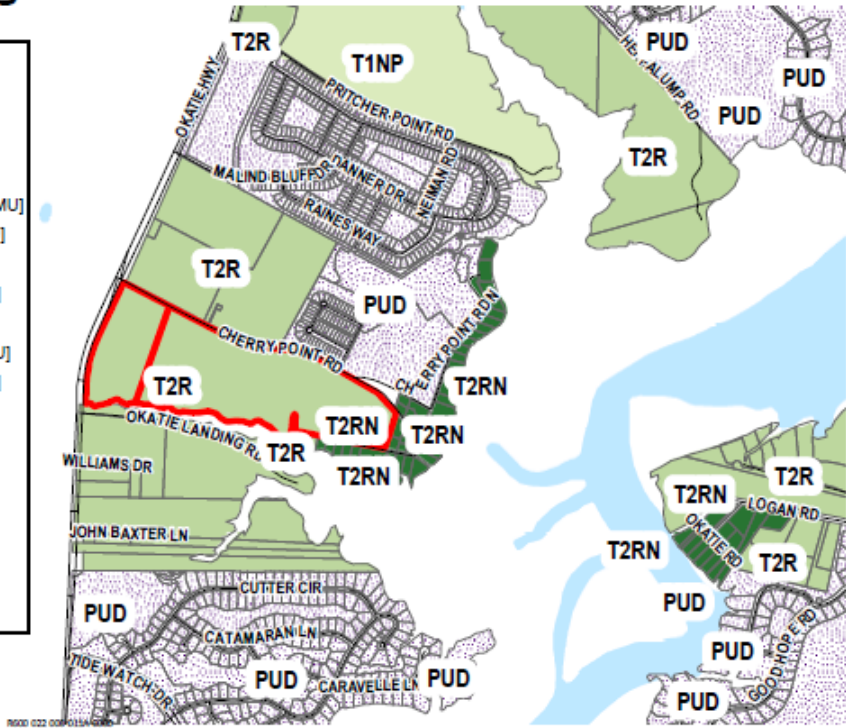
COUNTY COUNCIL OF BEAUFORT COUNTY

By: Joseph Passiment, Chairman


















Sarah Brock,
Clerk to Council

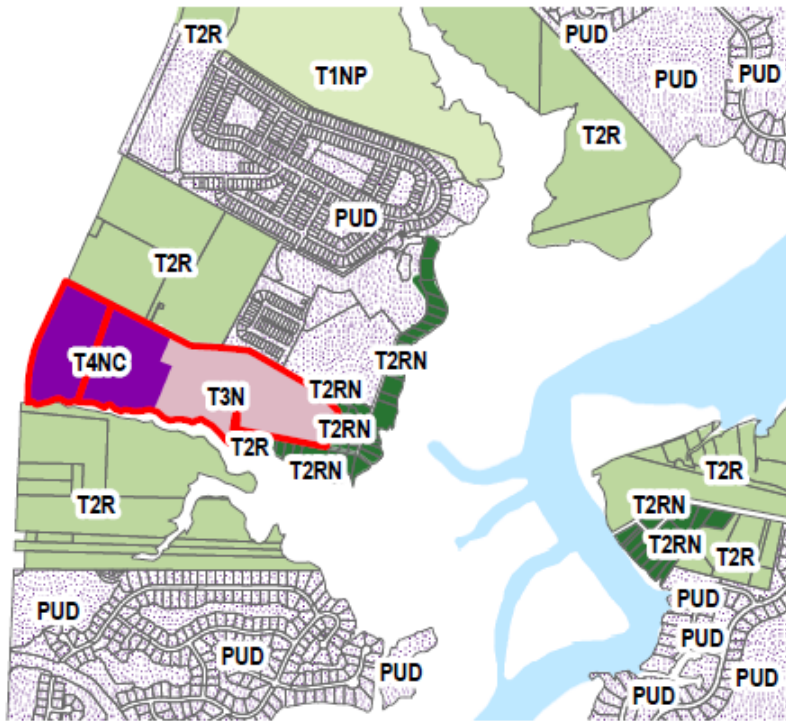
Existing Zoning

Legend	
	80013 8 & 50
Zone Districts	
FBCode	
	C3 Neighborhood Mixed Use [C3NMU]
	C4 Community Center Mixed Use [C4CCMU]
	C5 Regional Center Mixed Use [C5RCMU]
	Military [Mil]
	Existing Planned Unit Development [PUD]
	S1 Industrial [S1]
	Seabrook-Stuart Point Mixed Use [SSPMU]
	Seabrook-Stuart Point Residential [SSPR]
	T1 Natural Preserve [T1NP]
	T2 Rural [T2R]
	T2 Rural Neighborhood [T2RN]
	T3 Edge [T3Edge]
	T3 Hamlet Neighborhood [T3HN]
	T3 Neighborhood [T3N]
	T4 Hamlet Center [T4HC]
	T4 Neighborhood Center [T4NC]



Proposed Zoning

Legend	
	800 13 8 & 50
FBCode	
	C3 Neighborhood Mixed Use [C3NMU]
	C4 Community Center Mixed Use [C4CCMU]
	C5 Regional Center Mixed Use [C5RCMU]
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	Existing Planned Unit Development [PUD]
	S1 Industrial [S1]
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	T1 Natural Preserve [T1NP]
	T2 Rural [T2R]
	T2 Rural Neighborhood [T2RN]
	T3 Edge [T3Edge]
	T3 Hamlet Neighborhood [T3HN]
	T3 Neighborhood [T3N]
	T4 Hamlet Center [T4HC]
	T4 Neighborhood Center [T4NC]





MEMORANDUM

TO: Alice Howard, Chair, Community Facilities and Land Use Committee

FROM: Robert Merchant, AICP, Beaufort County Planning and Zoning Department

DATE: September 11, 2023

SUBJECT: ZONING MAP AMENDMENT/REZONING REQUEST FOR 71.54 ACRES (R600 013 000 0008 0000 AND R600 013 000 0050 0000), LOCATED AT 1691 OKATIE HIGHWAY, FROM T2 RURAL (T2R) TO T4 NEIGHBORHOOD CENTER (T4NC) AND T3 NEIGHBORHOOD (T3N) USING A VILLAGE PLACE TYPE OVERLAY (PTO) (ARTICLE 3 DIVISION 4 SECTION 80, ARTICLE 7 DIVISION 3 SECTION 50).

STAFF REPORT:

A. BACKGROUND:

Case No. CDPA-000028-2023

Owner: Represented by Bret Clark

Property Location: 1691 Okatie Highway

District/Map/Parcel: R600 013 000 0008 0000 and R600 013 000 0050 0000

Property Size: 71.54 Acres

Current Future Land Use Designation: Rural, Place Type Overlay (Village Place Type)

Current Zoning District: T2 Rural


Proposed Zoning District: T4 Neighborhood Center and T3 Neighborhood utilizing Place Type Overlay

B. SUMMARY OF REQUEST: The applicant presented the rezoning request to the Planning Commission at the July 6th, 2023 meeting. A deferral of action until the August meeting was motioned and passed. The only revision is the increase of the buffer between this development and the abutting residential area along Cherry Point Road from 20' to 50'. The applicant has given additional documentation of the impact of this development on SC 170 and on the environment. The applicant is requesting to rezone two parcels into two zoning districts (T4 Neighborhood Center and T3 Neighborhood) by using the Place Type Overlay (PTO) Village Place Type. The proposed PTO adjoins Okatie Elementary School and River Oaks and will have connection to Malind Bluff. Connecting a Village

Place Type with a school and an adjoining residential community would accomplish the Comprehensive Plan’s objective of providing walkable mixed-use nodes at intervals along the SC 170 corridor.

- C. EXISTING ZONING:** The lot is currently zoned T2 Rural (T2R), which permits residential development at a density of one dwelling unit per three acres. T2 Rural also permits very limited non-residential uses.
- D. COMPREHENSIVE PLAN FUTURE LAND USE MAP:** Although the Comprehensive Plan states the Future Land Use of these two properties to be Rural, it also expresses for the option to create a Village Place Type. The purpose of the Place Type Overlay (PTO) Zone is to provide the opportunity for properties that are identified in the Comprehensive Plan as rural crossroad, hamlet, and village place types to seek a comprehensive zoning amendment to establish transect zones (Division 3.2) to implement the vision for these place types. The Place Type Overlay (PTO) Zone is intended to create and reinforce walkable, urban environments with a mix of housing, civic, retail, and service choices. The Beaufort County Comprehensive Plan specifically addresses development along the SC 170 corridor. It states under the SC 170 Corridor section: “Establishing Place Types that coincide with major intersections, consistent buffers of native vegetation, joint review of proposed plans along the corridor, and agreement on access management standards will lead to a corridor with walkable mixed-use nodes at intervals, natural buffers between the road and development, compatible land uses across jurisdictions, and safer, better managed traffic.” The Comprehensive Plan also has action BE 3.2 which states: “Initiate a prototype community- based Place Type implementation plan that involved property owners, and other stakeholders to serve as a vision for other areas of the county where walkable urbanism is appropriate.” The usage of a Place Type Overlay is the only way to properly upzone a property such as this.
- E. PROPOSED ZONING:** The CDC defines Village Place Type as “made up of clusters of residential neighborhoods of sufficient intensity to support a central, mixed-use environment. The mixed-use environment can be located at the intersection of multiple neighborhoods or along a corridor between multiple neighborhoods. Habersham is a good example of a place that is evolving into a village.” It gives greater opportunity for a mixture of development types than a common subdivision because it is made up of a combination of transect zones. A PTO has requirements that create a format for a successful development as it includes standards such as percentages of land assigned to a certain zoning district, size and intensity, an organized transition of transect zones, pedestrian sheds, thoroughfare networks, open and civic space, neighborhood centers/main streets, suitability for the site’s specific topographical and environmental constraints, and compliance with architectural and design standards. In this instance, the applicant is requesting a Village Place Type which is to abide by the following:

Village Place Type



110 acres min., 500 acres max.

6 du./ac. max.

Village Place Type		
T3 Edge (T3E)	No min.	25% max.
T3 Hamlet Neighborhood (T3HN)	No min.	25% max.
T3 Neighborhood (T3N)	25% min.	70% max.
T4 Hamlet Center Open (T4HCO) and/or T4 Neighborhood Center (T4NC)	10% min.	50% max.


















The applicant has proposed to use the following transect zones for the PTO development:

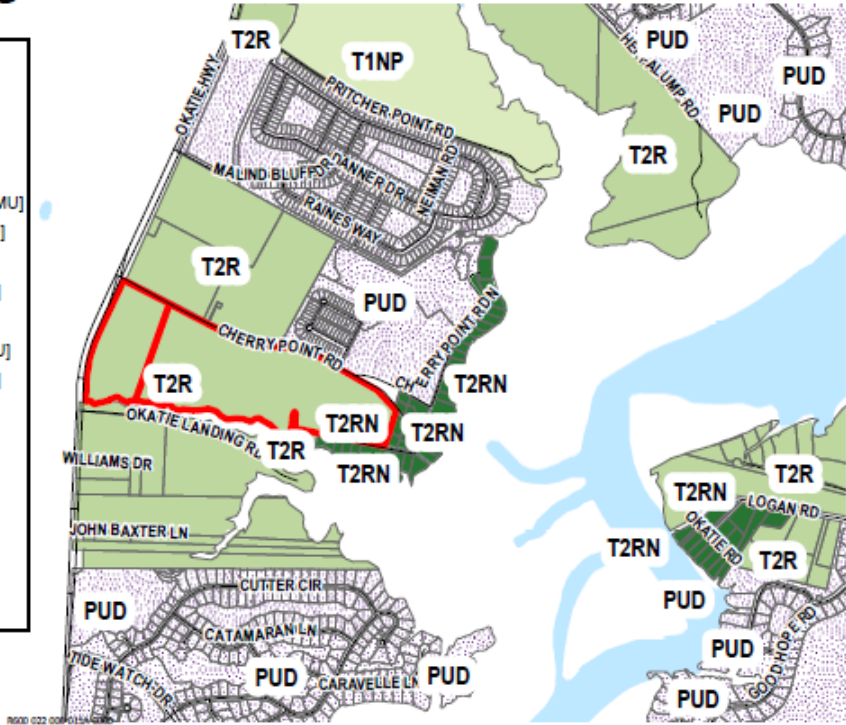
- a. T3 Neighborhood district is “intended to provide a walkable, predominantly single- family neighborhood that integrates compatible multi-family housing types, such as duplexes and cottage courts within walking distance to transit and commercial areas.” Businesses such as General Offices & Services, Medical Services, and Meeting Facility/Place of Worship are some of the permitted/conditional uses.
- b. T4 Neighborhood Center district is “intended to integrate vibrant main-street commercial and retail environments into neighborhoods, providing access to day-to-day amenities within walking distance, creating potential for a transit stop, and serving as a focal point for the neighborhood.” Businesses such General Retail, Hotel, and Residential Storage Facility are some of the permitted/conditional uses.

F. TRAFFIC IMPACT ANALYSIS (TIA): According to Section 6.3.20.D of the CDC, “An application for a rezoning shall include a TIA where the particular project or zoning district may result in a development that generates 50 trips during the peak hour or will change the level of service of the affected street.” A TIA was completed and submitted with the application. The Transportation Department has been actively involved in reviewing the plans and the TIA in a holistic manner regarding SC 170 including traffic flow, road capacity, pedestrian safety, future improvements, and overall infrastructure. See Appendix D for Beaufort County Engineering Department’s comments.
















- G. SCHOOL CAPACITY IMPACTS:** Appendix D contains a letter from the school district. Because there is a six dwelling units per acre maximum for Village Place Types, +/-400 units are allowed altogether in the proposed base site area. However, a referendum of \$439 million is proposed to be on the ballot in November to reduce overcrowding, especially in elementary schools in Bluffton.
- H. STAFF RECOMMENDATION:** Place Type Overlays are recommended in the CDC and Comprehensive Plan to encourage high quality development in walkable urban nodes as opposed to low density sprawl. Because the proposed rezoning follows the requirements of the CDC and Comprehensive Plan and is a model of how an upzoning along SC 170 should occur, staff recommends approval on the condition that the applicant continues to work with staff updating the regulating plans as needed. By allowing for increased density and mixed land uses, the proposed upzoning is to have positive impacts on the community. It will encourage internal trip capture thus reducing vehicle miles traveled, strengthen the local economy through the introduction of commercial space located along SC 170, foster social connections with its proximity to Okatie Elementary School and Malind Bluff, promote sustainable land use planning through its 12 acres of civic open space, and align with the County's Comprehensive Plan's intent of concentrated growth.
- Staff is working internally to determine whether a Development Agreement would be an appropriate tool to implement on site and off site improvements related to this proposal. This agreement would outline the terms, conditions, and obligations of both the County and the Developer. This will be determined by County Council and would be required to be done prior to third reading.
- I.** At their August 7, 2023, meeting, the Planning Commission recommended to deny the proposed zoning.
- J. ATTACHMENTS**
- a. Appendix A: Zoning Map (existing and proposed)
 - b. Appendix B: Regulating Plan, Civic, Buffer, and Open Space Plan, and Thoroughfare Plan
 - c. Appendix C: TIA
 - d. Appendix D: Engineering and School District Comments
 - e. Appendix E: Environmental Study

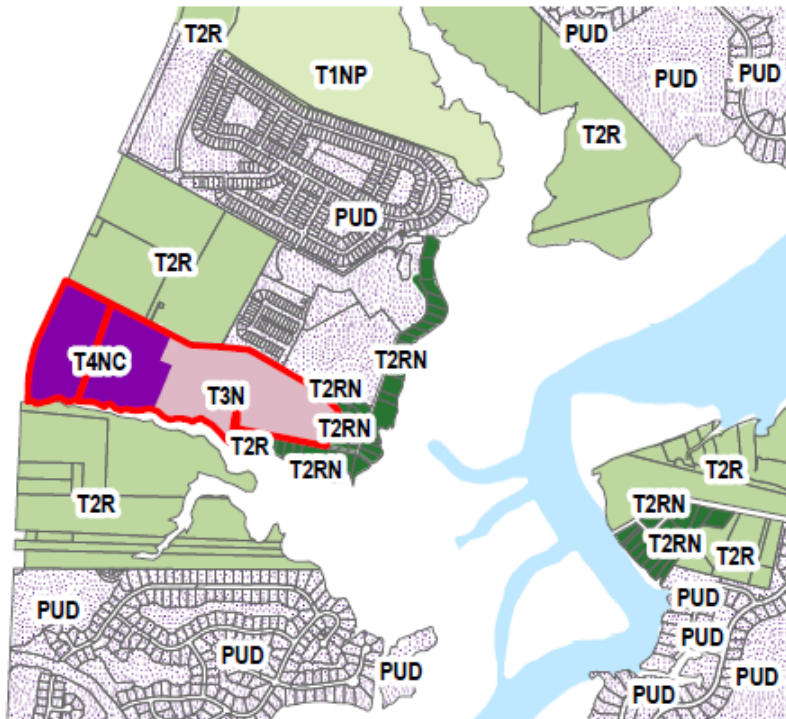
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ADD-ONS

ADD-ONS

↑
TO BEAUFORT

↑
TO BEAUFORT

OKATIE ELEMENTARY
+/- 49.89 AC.

OKATIE ELEMENTARY
ACCESS ROAD

WHISPERING OAKS DR.

WETLAND

20' WETLAND BUFFER

10' ANTICIPATED POTENTIAL FUTURE R/W
EXPANSION/IMPROVEMENTS

50' BUFFER MEASURED OUTSIDE FUTURE R/W

8' MULTI USE PATH ALONG CHERRY POINT
ROAD TO BE LOCATED WITHIN TRAIL EASEMENT

CHERRY POINT ROAD 3

NATURAL
PRESERVE

VILLAGE
SQUARE

CENTRAL GREEN

CENTRAL GREEN

GREEN/
AMENITY

NATURAL
PRESERVE

NEIGHBORHOOD
SQUARE

POCKET
PARK

MARSH

50' BUFFER

PEARLSTINE DR.

50' HIGHWAY 170
BUFFER

14' MULTI-USE PATHWAY
WITHIN EXISTING R/W IF
PATHWAY MEANDERS IN
THE BUFFER AN
EASEMENT WILL BE
SECURED WITHIN 50'
BUFFER. PATHWAY TO BE
DESIGNED AND
CONSTRUCTED AS PART
OF FUTURE COUNTY
IMPROVEMENT PROJECTS
FOR HIGHWAY 170.

SCHINGER AVE.

HIGHWAY 170

OPEN SPACE

60' OCRM BUFFER

OCRM LINE FLAGGED
BY NEWKIRK
ENVIRONMENTAL, INC.

↓
TO SAVANNAH

RIVERWALK BLVD.

CHERRY POINT ZONING AMENDMENT

- VILLAGE PLACE TYPE -

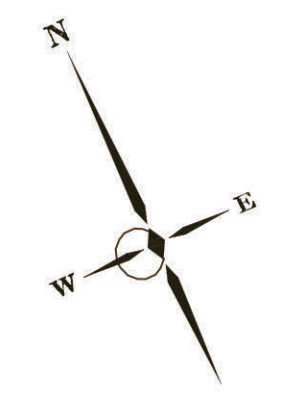
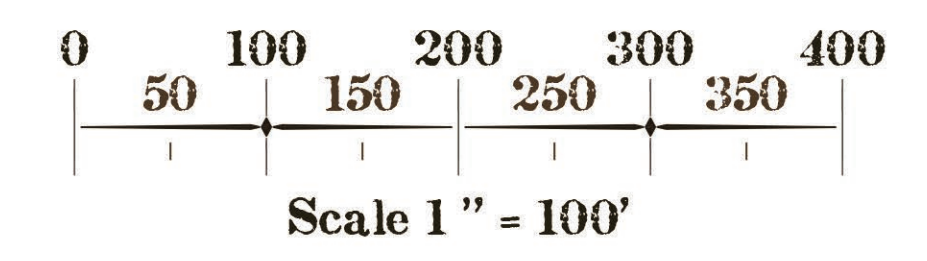
CHERRY POINT

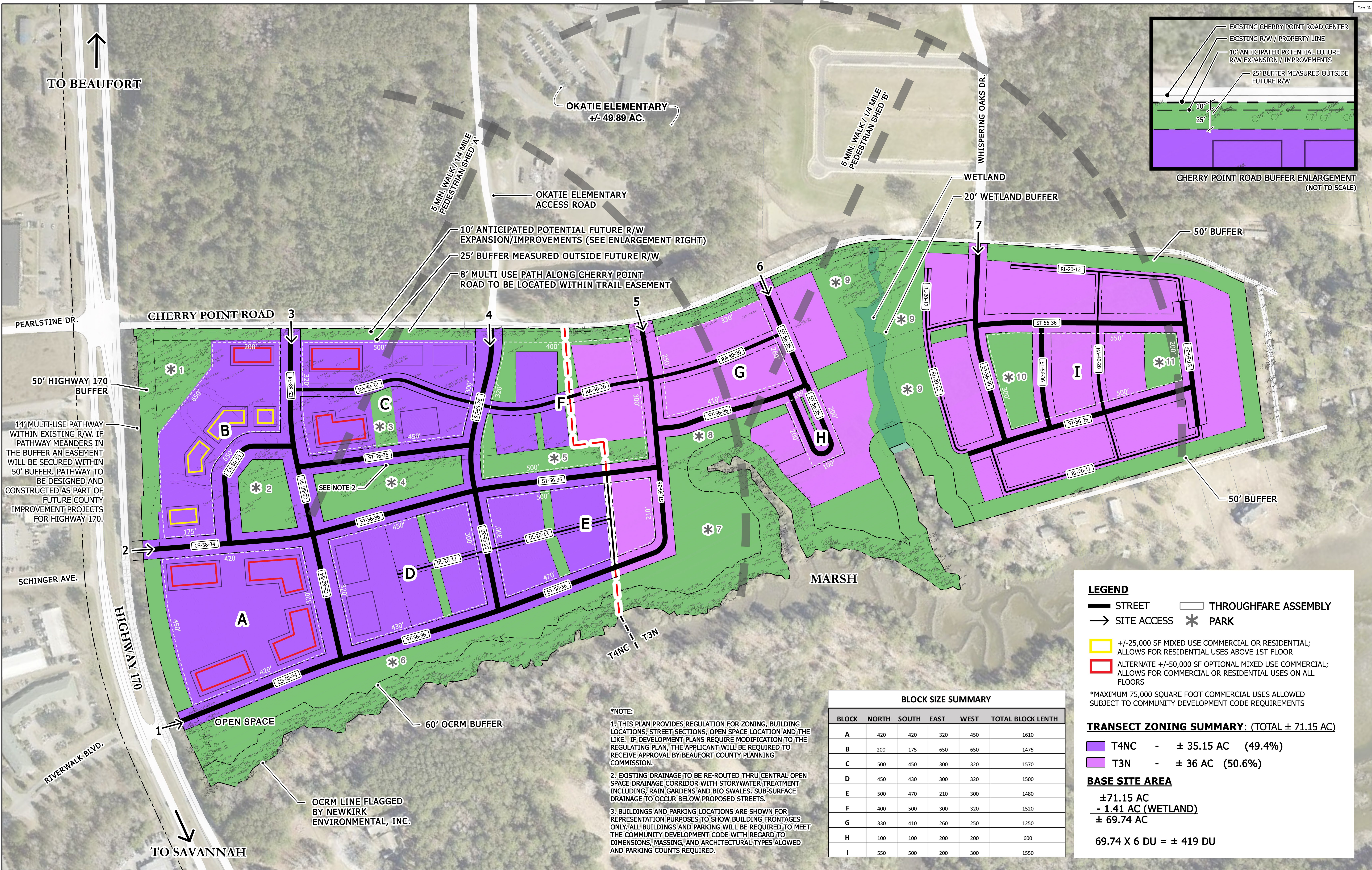
BEAUFORT COUNTY, SOUTH CAROLINA

SKETCH MASTER PLAN

DATE: JULY 24, 2023

Note: Plan is conceptual in nature and subject to change.
Plan uses, calculations, and boundaries are subject to change.





TO BEAUFORT

TO SAVANNAH

PEARLSTINE DR.

SCHINGER AVE.

HIGHWAY 170

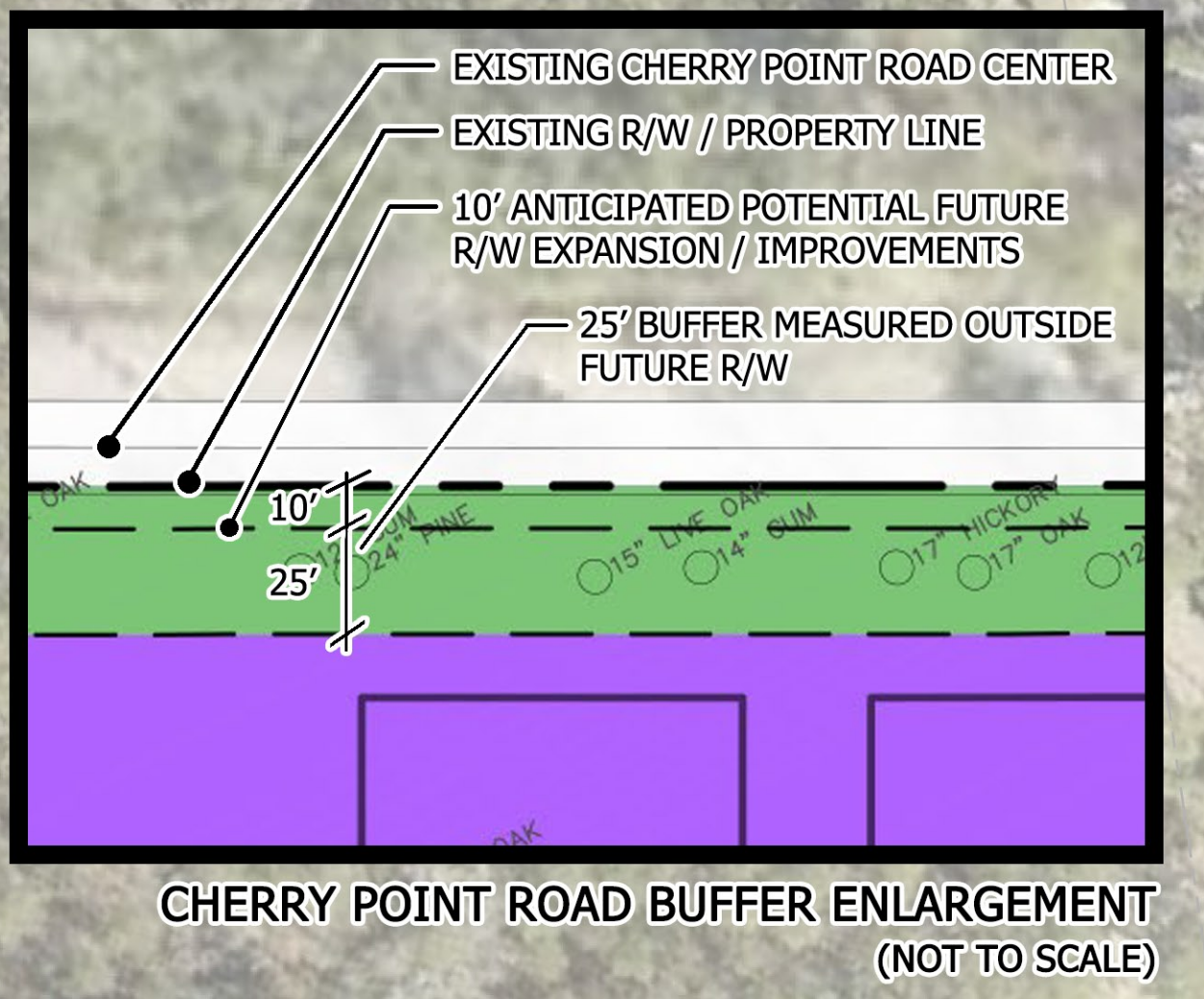
RIVERWALK BLVD.

OKATIE ELEMENTARY +/- 49.89 AC.

5 MIN. WALK / 1/4 MILE PEDESTRIAN SHED 'A'

5 MIN. WALK / 1/4 MILE PEDESTRIAN SHED 'B'

WHISPERING OAKS DR.



10' ANTICIPATED POTENTIAL FUTURE R/W EXPANSION/IMPROVEMENTS (SEE ENLARGEMENT RIGHT)

25' BUFFER MEASURED OUTSIDE FUTURE R/W

8' MULTI USE PATH ALONG CHERRY POINT ROAD TO BE LOCATED WITHIN TRAIL EASEMENT

50' HIGHWAY 170 BUFFER

14' MULTI-USE PATHWAY WITHIN EXISTING R/W. IF PATHWAY MEANDERS IN THE BUFFER AN EASEMENT WILL BE SECURED WITHIN 50' BUFFER. PATHWAY TO BE DESIGNED AND CONSTRUCTED AS PART OF FUTURE COUNTY IMPROVEMENT PROJECTS FOR HIGHWAY 170.

OPEN SPACE

OCRM LINE FLAGGED BY NEWKIRK ENVIRONMENTAL, INC.

*NOTE:

1. THIS PLAN PROVIDES REGULATION FOR ZONING, BUILDING LOCATIONS, STREET SECTIONS, OPEN SPACE LOCATION AND THE LIKE. IF DEVELOPMENT PLANS REQUIRE MODIFICATION TO THE REGULATING PLAN, THE APPLICANT WILL BE REQUIRED TO RECEIVE APPROVAL BY BEAUFORT COUNTY PLANNING COMMISSION.
2. EXISTING DRAINAGE TO BE RE-ROUTED THRU CENTRAL OPEN SPACE DRAINAGE CORRIDOR WITH STORYWATER TREATMENT INCLUDING, RAIN GARDENS AND BIO SWALES. SUB-SURFACE DRAINAGE TO OCCUR BELOW PROPOSED STREETS.
3. BUILDINGS AND PARKING LOCATIONS ARE SHOWN FOR REPRESENTATION PURPOSES TO SHOW BUILDING FRONTS ONLY. ALL BUILDINGS AND PARKING WILL BE REQUIRED TO MEET THE COMMUNITY DEVELOPMENT CODE WITH REGARD TO DIMENSIONS, MASSING, AND ARCHITECTURAL TYPES ALLOWED AND PARKING COUNTS REQUIRED.

LEGEND

- STREET
- THROUGHFARE ASSEMBLY
- SITE ACCESS
- PARK

+/-25,000 SF MIXED USE COMMERCIAL OR RESIDENTIAL; ALLOWS FOR RESIDENTIAL USES ABOVE 1ST FLOOR

ALTERNATE +/-50,000 SF OPTIONAL MIXED USE COMMERCIAL; ALLOWS FOR COMMERCIAL OR RESIDENTIAL USES ON ALL FLOORS

*MAXIMUM 75,000 SQUARE FOOT COMMERCIAL USES ALLOWED SUBJECT TO COMMUNITY DEVELOPMENT CODE REQUIREMENTS

BLOCK SIZE SUMMARY

BLOCK	NORTH	SOUTH	EAST	WEST	TOTAL BLOCK LENGTH
A	420	420	320	450	1610
B	200'	175	650	650	1475
C	500	450	300	320	1570
D	450	430	300	320	1500
E	500	470	210	300	1480
F	400	500	300	320	1520
G	330	410	260	250	1250
H	100	100	200	200	600
I	550	500	200	300	1550

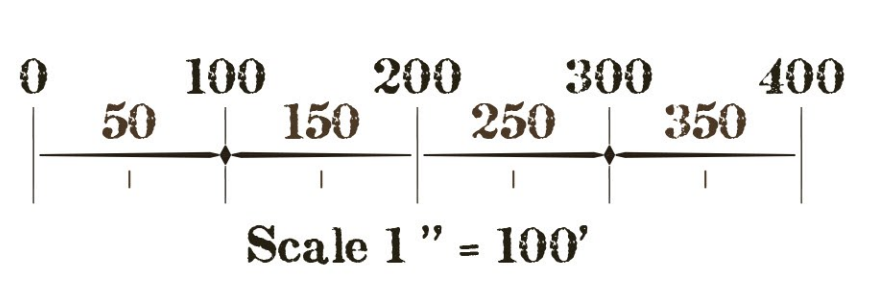
TRANSECT ZONING SUMMARY: (TOTAL ± 71.15 AC)

- T4NC - ± 35.15 AC (49.4%)
- T3N - ± 36 AC (50.6%)

BASE SITE AREA

- ±71.15 AC
- 1.41 AC (WETLAND)
- ± 69.74 AC

69.74 X 6 DU = ± 419 DU



CHERRY POINT ZONING AMENDMENT

- VILLAGE PLACE TYPE -

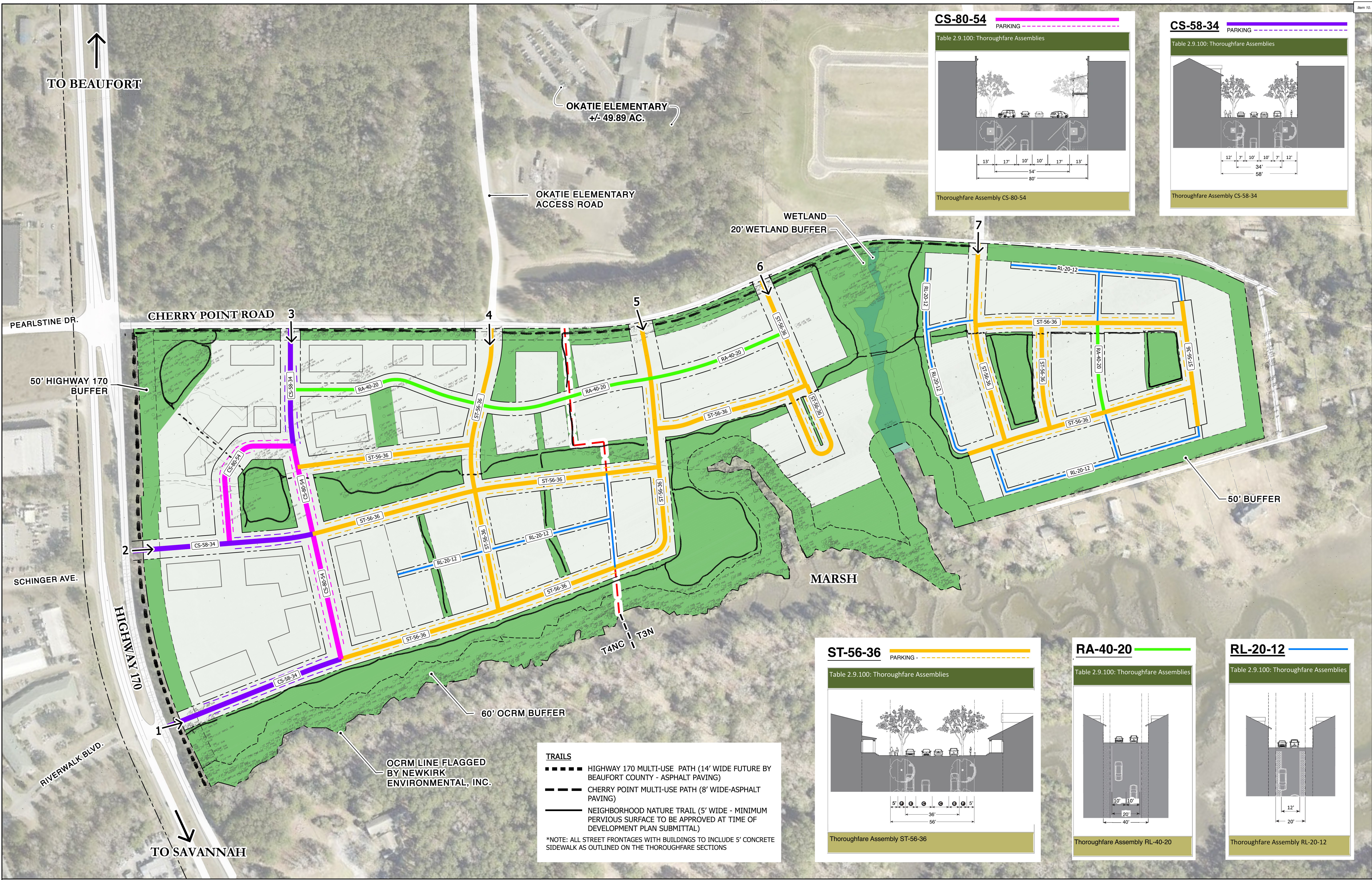
CHERRY POINT

BEAUFORT COUNTY, SOUTH CAROLINA

REGULATING PLAN

DATE: JULY 21, 2023

Note: Plan is conceptual in nature and subject to change. Plan uses, calculations, and boundaries are subject to change.



TO BEAUFORT

TO SAVANNAH

OKATIE ELEMENTARY +/- 49.89 AC.

OKATIE ELEMENTARY ACCESS ROAD

WETLAND 20' WETLAND BUFFER

MARSH

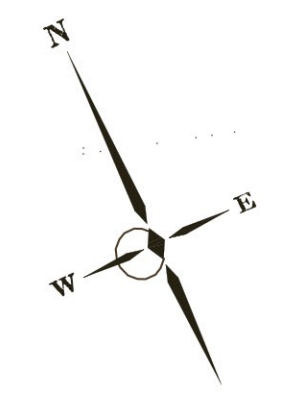
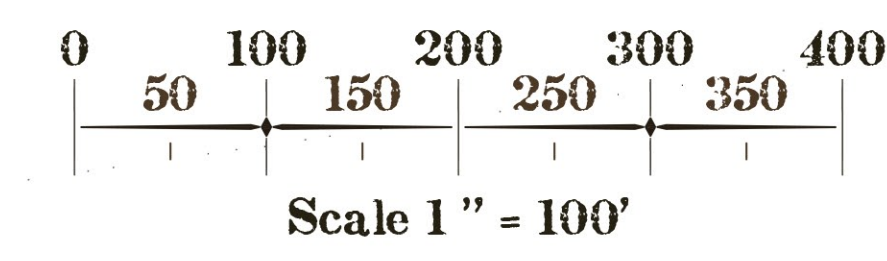
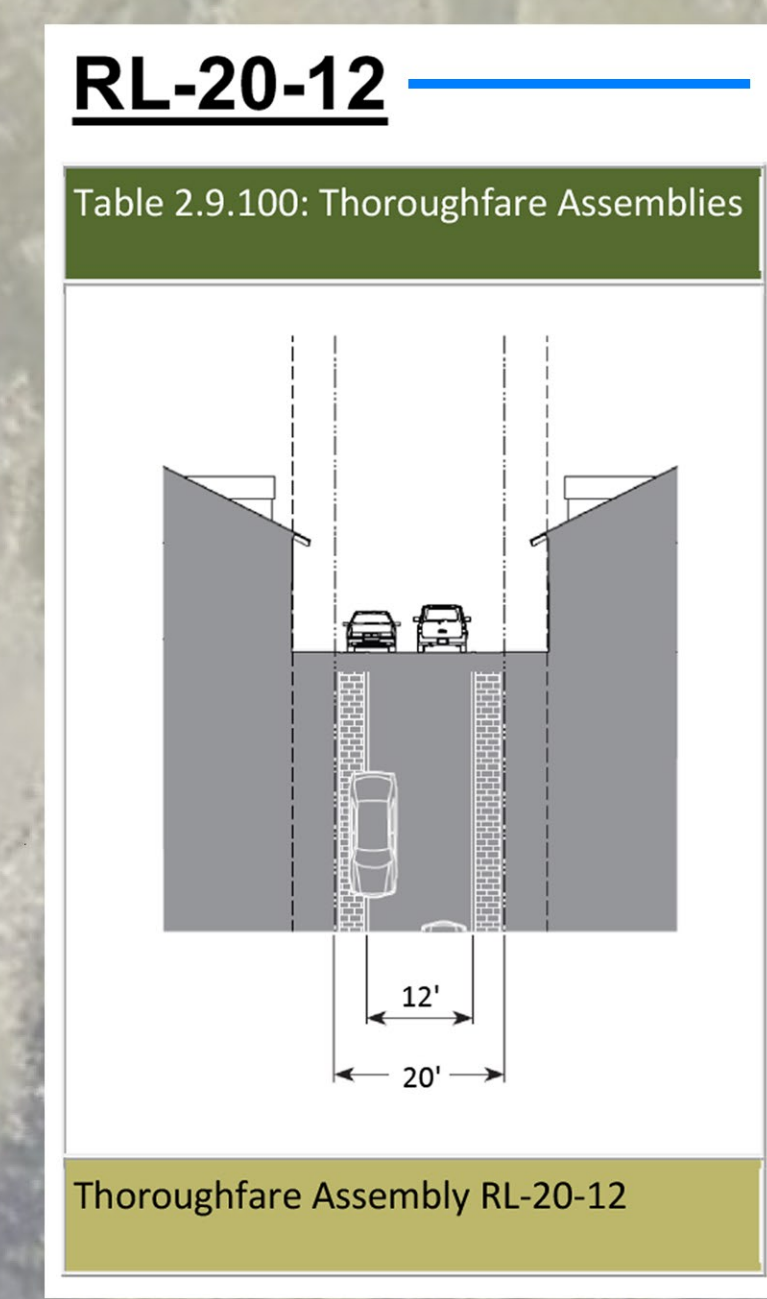
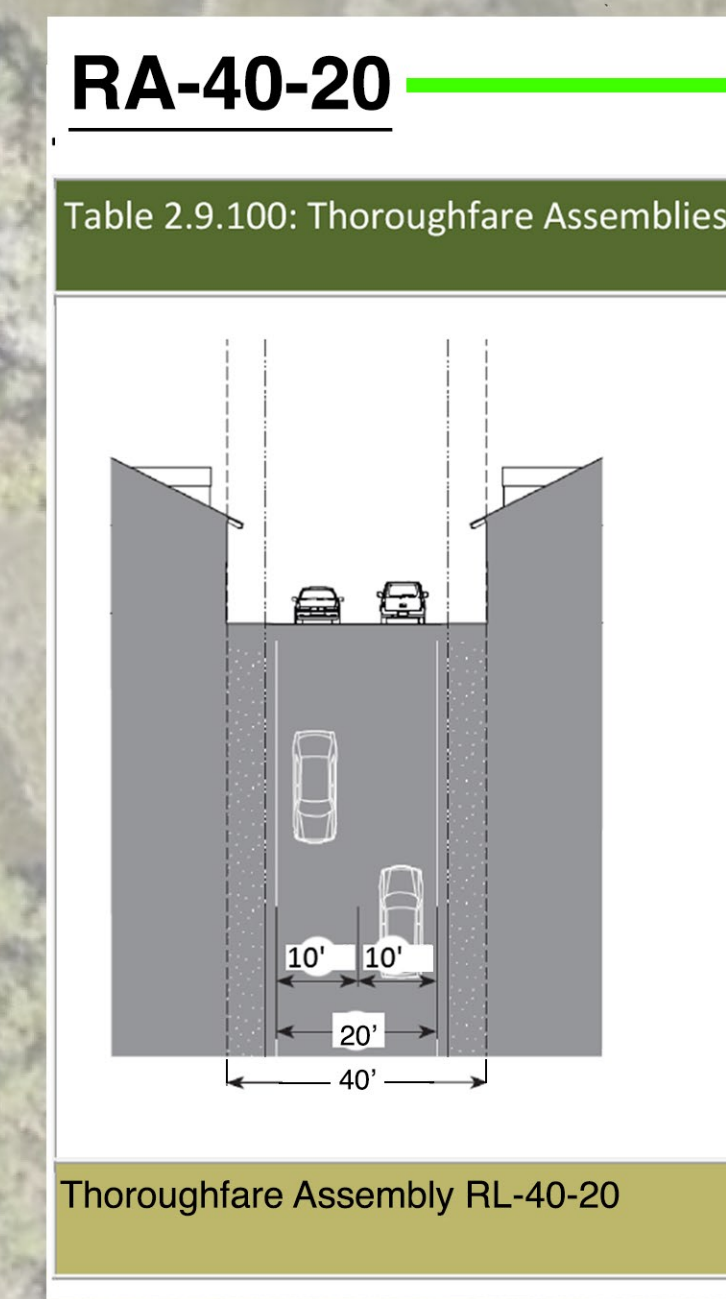
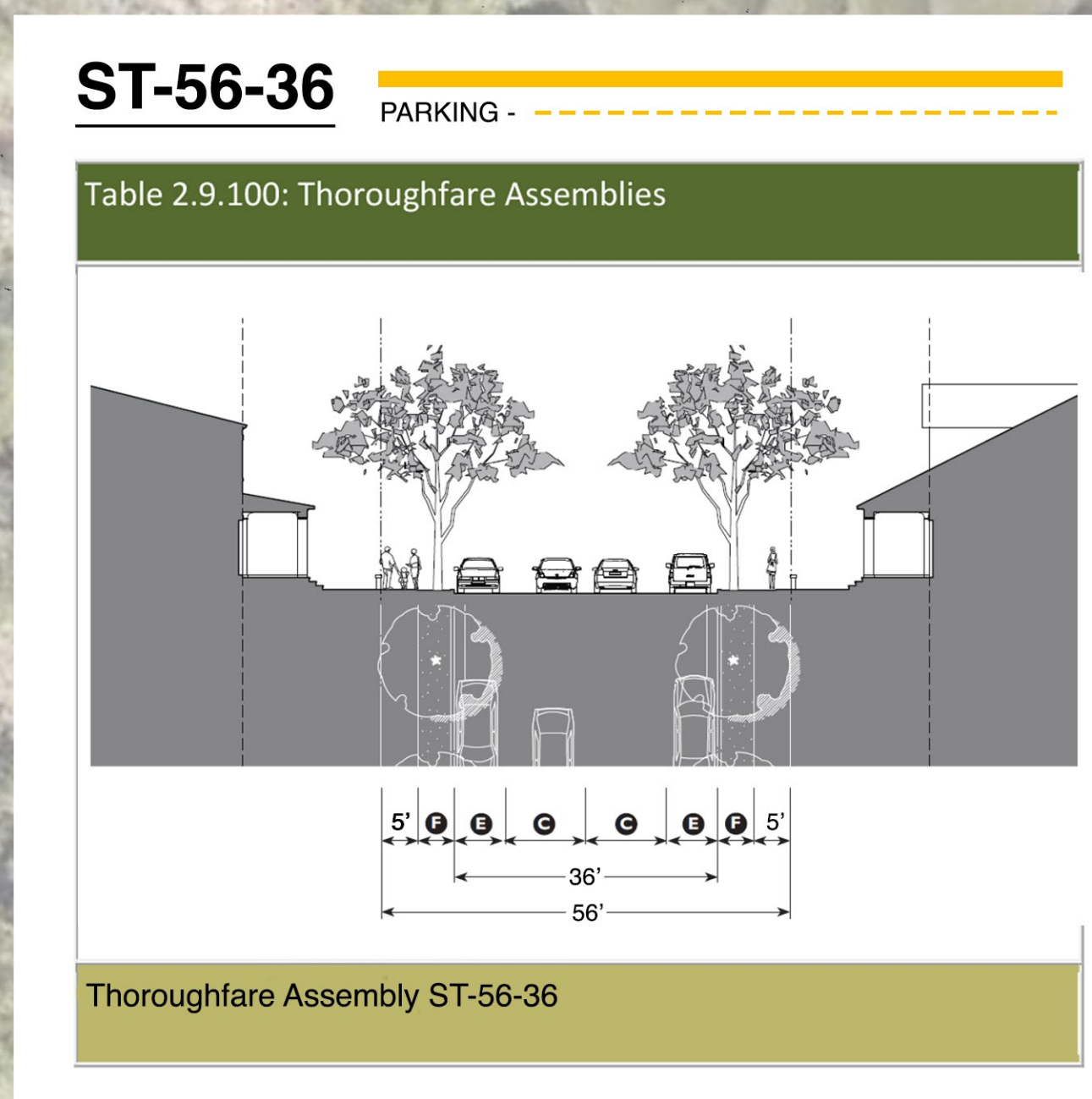
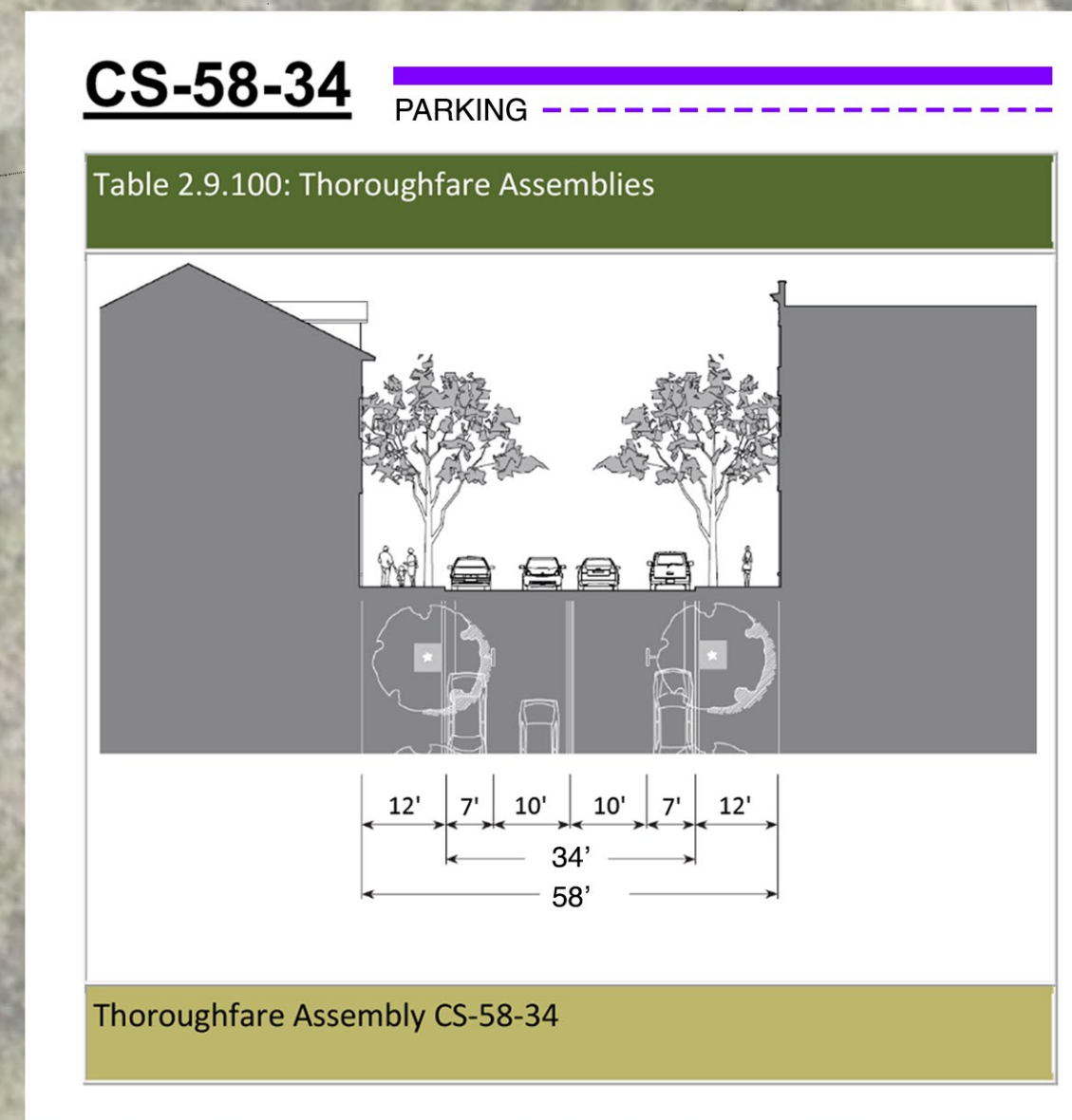
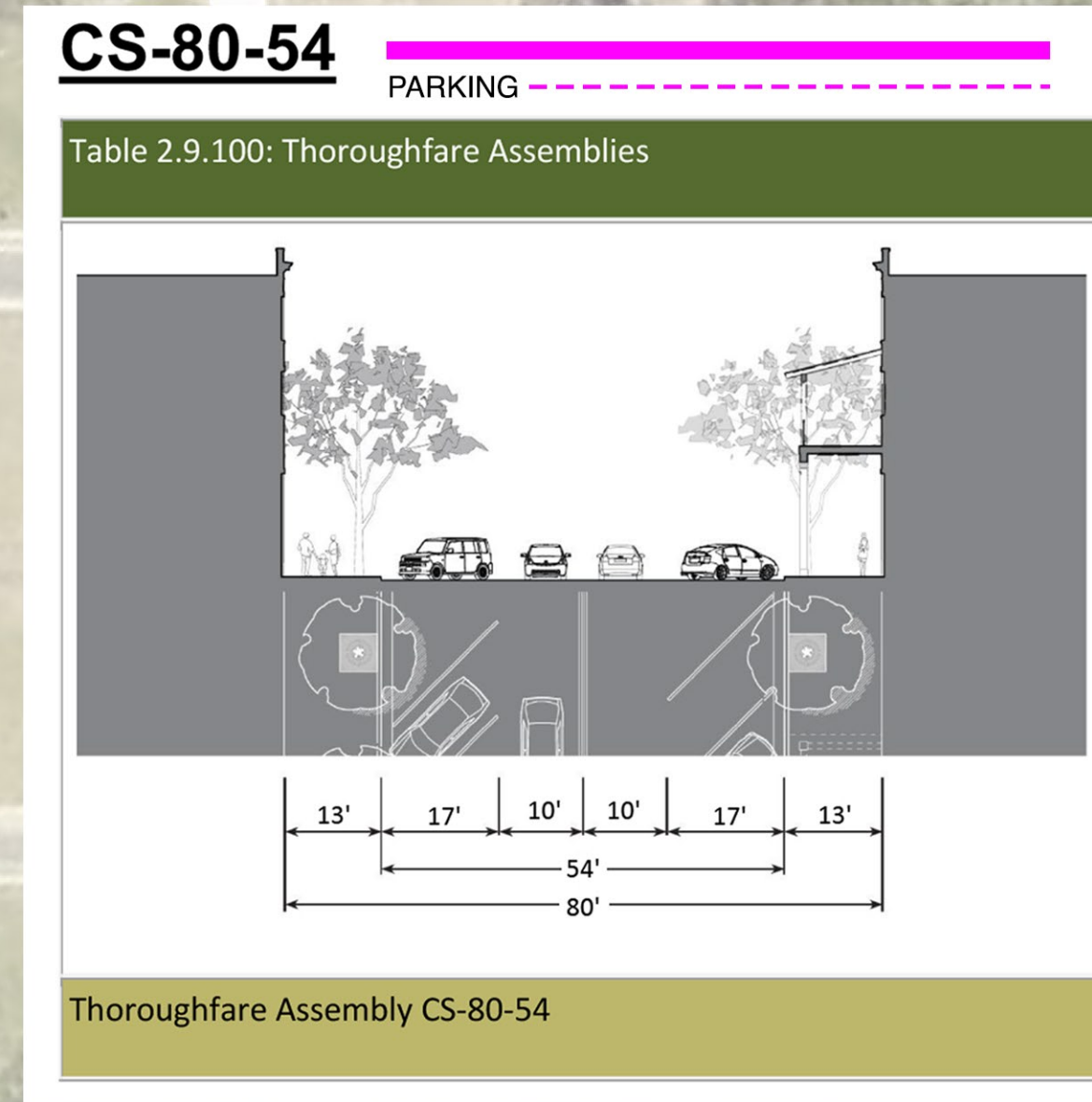
50' BUFFER

60' OCRM BUFFER

OCRM LINE FLAGGED BY NEWKIRK ENVIRONMENTAL, INC.

- TRAILS**
- HIGHWAY 170 MULTI-USE PATH (14' WIDE FUTURE BY BEAUFORT COUNTY - ASPHALT PAVING)
 - CHERRY POINT MULTI-USE PATH (8' WIDE-ASPHALT PAVING)
 - NEIGHBORHOOD NATURE TRAIL (5' WIDE - MINIMUM PERVIOUS SURFACE TO BE APPROVED AT TIME OF DEVELOPMENT PLAN SUBMITTAL)

*NOTE: ALL STREET FRONTAGES WITH BUILDINGS TO INCLUDE 5' CONCRETE SIDEWALK AS OUTLINED ON THE THOROUGHFARE SECTIONS



CHERRY POINT ZONING AMENDMENT

- VILLAGE PLACE TYPE -

CHERRY POINT

BEAUFORT COUNTY, SOUTH CAROLINA

THOROUGHFARE PLAN

DATE: JULY 21, 2023

Note: Plan is conceptual in nature and subject to change. Plan uses, calculations, and boundaries are subject to change.



LOT FRONTAGE SUMMARY		
FRONTAGE TYPE	BUILDING LOTS	MULTIFAMILY UNITS
A - MULTIFAMILY (T4)		54
B-TOWNHOMES ON FRONT OPEN SPACE (T4)	5	
C-TOWNHOMES CIVIC OPEN SPACE (T3)	8	
E-SINGLE FAMILY LOTS FRONT OPEN SPACE (T3)	3	
F-TOWNHOMES OPEN SPACE (T3)	6	
G-TOWNHOMES CIVIC OPEN SPACE (T3)	4	
TOTAL NUMBER OF LOTS / MULTI-FAMILY UNITS	26	54
TOTAL %	6%	13%

LOTS / UNIT COUNTS ARE APPROXIMATE ONLY AND SUBJECT TO CHANGE BASED ON FINAL DEVELOPMENT PLAN

LEGEND

- OCRM BUFFER, WETLAND/BUFFER, PROPERTY BUFFERS
- CIVIC OPEN SPACE
- OPEN SPACE

CIVIC OPEN SPACE

T4 CIVIC OPEN SPACE = ± 5.73 AC (± 16.3 %)
 T3 CIVIC OPEN SPACE = ± 6.01 AC (± 16.7 %)

1 - NATURAL PRESERVE	± 0.7 ACRES
2- VILLAGE SQUARE	± 0.72 ACRES
3 - NATURAL PRESERVE	± 0.25 ACRES
4- NATURAL PRESERVE	± 1.15 ACRES
5 - NATURAL PRESERVE	± 0.88 ACRES
6 - NATURAL PRESERVE	± 2.4 ACRES
7- GREEN / AMENITY	± 1.67 ACRES
8 - NATURAL PRESERVE	± 0.44 ACRES
9 - NATURAL PRESERVE	± 2.42 ACRES
10-NEIGHBORHOOD SQUARE	± 0.72 ACRES
11-POCKET PARK	±0.38 ACRES

TOTAL CIVIC OPEN SPACE: ± 11.72 ACRES (16.5%)

*NOTE: NATURAL PRESERVE AREAS TO INCLUDE MULTI-USE NATURE TRAILS, INTERPRETIVE EXHIBITS, AND STORMWATER MANAGEMENT

TRAILS

- HIGHWAY 170 MULTI-USE PATH (14' WIDE FUTURE BY BEAUFORT COUNTY - ASPHALT PAVING)
- CHERRY POINT MULTI-USE PATH (8' WIDE-ASPHALT PAVING)
- NEIGHBORHOOD NATURE TRAIL (5' WIDE - MINIMUM PERVIOUS SURFACE TO BE APPROVED AT TIME OF DEVELOPMENT PLAN SUBMITTAL)

*NOTE: ALL STREET FRONTAGES WITH BUILDINGS TO INCLUDE 5' CONCRETE SIDEWALK AS OUTLINED ON THE THOROUGHFARE SECTIONS

CHERRY POINT ZONING AMENDMENT

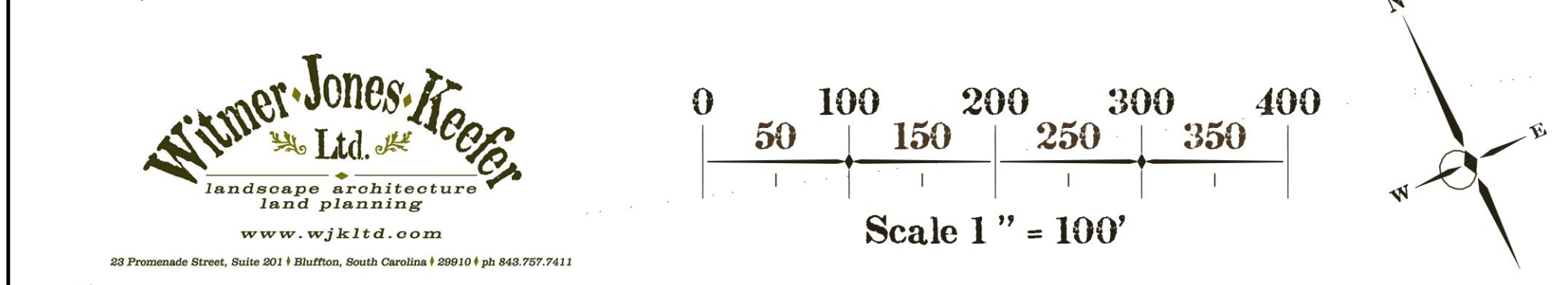
- VILLAGE PLACE TYPE -

CHERRY POINT

BEAUFORT COUNTY, SOUTH CAROLINA

CIVIC, BUFFER, & OPEN SPACE PLAN

DATE: JULY 21, 2023



Note: Plan is conceptual in nature and subject to change. Plan uses, calculations, and boundaries are subject to change.





BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
Recommend Approval of an Ordinance Adopting Amendments to Ch 38. Article II. Trash and Litter Control of the Beaufort County Code of Ordinances
MEETING NAME AND DATE:
Community Services and Land Use – September 11 th , 2023
PRESENTER INFORMATION:
Chuck Atkinson - Assistant County Administrator, Development and Recreation Michael Brantley – Building Codes/Code Enforcement Director (10 mins)
ITEM BACKGROUND:
May 2005 - County Council adopted Article II of the Code of Ordinances for litter. October 2007 – County Council adopted Chapter 62 of the Code of Ordinances for Solid Waste
PROJECT / ITEM NARRATIVE:
As Beaufort County has enforced the ordinances pertaining to Litter between both Code Enforcement and Public Works Staff, conflicting language between the two ordinances was recognized. The adoption of the amendments to Chapter 38 Article II, as noted in Exhibit A, of the Beaufort County Code of Ordinances provides continuity to the language, as well as the enforcement effort of both departments. (Underlined and highlighted sections of Exhibit A are additions. Stricken through sections of Exhibit A are deletions.)
FISCAL IMPACT:
There are no fiscal impacts associated with the adoption of the proposed amendments to Ch 38. Article II.
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommends approval of the amendments to Chapter 38 Article II. Trash and Litter Control of the Beaufort County Code of Ordinances.
OPTIONS FOR COUNCIL MOTION:
Motion to approve/deny the adoption of the amendments to Chapter 38. Article II. Trash and Litter Control of the Beaufort County Code of Ordinances. (Next Step – Upon approval, send to County Council for First Reading)

ORDINANCE 2023/ XX

An Ordinance Adopting Amendments to Chapter 38. Article II. Trash and Litter Control of Beaufort County Ordinances.

WHEREAS, in May of 2005, Beaufort County adopted Chapter 38, Article II – Trash and Litter Control; and

WHEREAS, on October 22, 2007, Beaufort County adopted Chapter 62 of the Beaufort County Code of Ordinance for Solid Waste; and

WHEREAS, staff of Code Enforcement and Public Works Departments found inconsistent and conflicting language for litter control enforcement between Chapter 38, Article II and Chapter 62; and

WHEREAS, staff wish to amend Chapter 38, Article II to reflect language found within Chapter 62, as set forth in Exhibit A. (Underlined and highlighted sections of Exhibit A are additions. Stricken through sections of Exhibit A are deletions.)

NOW, THEREFORE, BE IT ORDAINED BY BEAUFORT COUNTY COUNCIL THAT Chapter 38, Article II, Trash and Litter Control which appears in Beaufort County Code of Ordinances is hereby amended as set forth in Exhibit A.

Adopted this _____ day of _____ 2023

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____

Joseph Passiment, Chairman

ATTEST:

Sarah w. Brock, JD,
Clerk to Council

ARTICLE II. TRASH AND LITTER CONTROL

Sec. 38-26. Definitions.

The following words and terms shall have the meaning respectively ascribed to them in this section:

- (1) **Bulky waste** means household furniture, electronic appliances (such as televisions, stereos, microwave ovens), lawn mowers, door and window screens, swing sets, oversized children's toys, lawn furniture, wading pools, barbecue grills, scrap metal whole or parts of boats and automobiles, and items banned from the landfill such as white goods (stoves, refrigerators, freezers, washers, dryers, etc.), tires and waste tires or other items generated by a household as part of its solid waste which are too large for placement in a garbage container.
- (2) **Container** means a watertight receptacle made of metal, heavy-duty plastic, or material of similar strength with a tightfitting cover for storage and disposal of solid waste.
- (3) **County Administrator** means The Beaufort County Administrator or his/her designated agent.
- (~~3~~4) **Litter** means any unsecured or inadequately secured and improperly stored or disposed solid waste placed, thrown, dropped, deposited, blown, leaked or in any other manner distributed as prohibited by the provisions of this article.
- (~~4~~5) **Private property** includes, but is not limited to, the following exterior locations owned by private individuals, firms, corporations, institutions or organizations: yards, grounds, driveways, entrance ways, passageways, parking areas, working areas, vacant lots, drainage basins and on-site stormwater collection/retention or detention areas, loading and unloading areas, storage facilities, contiguous and noncontiguous open lot storage areas and recreation facilities.
- (~~5~~6) **Public property** includes, but is not limited to, the following exterior locations: streets, street medians, roads, road medians, catch basins, state, county or municipally maintained ditches, sidewalks, strips of land between sidewalk and street lanes, alleys, public rights-of-way, public parking lots, school grounds, housing project grounds, publicly owned vacant lots, recreational facilities, including, but not limited to, parks, conservation areas, boat landings, and beaches, waterways and bodies of water.
- (~~6~~7) **Putrescible waste** means a solid waste that contains organic matter capable of being decomposed by microorganisms causing offensive odors, gases, or other offensive conditions, including, but is not limited to, food waste, garbage, general household, commercial, industrial, or agricultural waste.
- (~~7~~8) **Solid waste** means garbage, refuse, litter, rubbish, trash or any material including recyclable materials, and arboreal or yard waste materials resulting from industrial, commercial, agricultural or residential activities not otherwise disposable or reusable in accordance with state regulations.
- (~~8~~9) **Unightly maintenance of property** includes any overgrowth of grasses, bushes, shrubs, weeds, trees, vines, limbs or branches, rank vegetation, excessive collection and storage of putrescible or nonputrescible solid waste, loosely strewn construction and demolition debris (including, but not limited to, all residential and commercial building materials, paint, tools, lumber, fencing, bricks, concrete and other masonry materials), automobile repair or reconstruction items (including, but not limited to, used vehicle parts or whole and partial segments of vehicle engines, drive trains, frames, auto body panels, tires, and wheels), appliances, household fixtures and furnishings (including, but not limited to, stoves, refrigerators, freezers, washers, drivers, sinks, bathtubs, and furniture intended for interior use),

external to the primary residential, commercial or industrial unit or a defined screen storage area or secondary storage facility, which will or is likely to constitute a nuisance or health hazard.

(9-10) **Vehicle** means any device capable of being moved upon a public highway or roadway and in, upon or by which any property is, or may be transported or drawn upon a public highway or roadway.

(11) **Waste** means a material, substance or byproduct eliminated or discarded as no longer useful required or wanted (including, but not limited to, refuse, litter, debris, junk, scrap, rubbish, garbage, trash, leftover, unused).

(12) **Rank vegetation** means dense, uncultivated, vegetative overgrowth or uncultivated briars, vines, or other similar vegetation.

(13) **Yard waste** means solid waste consisting solely of vegetative matter resulting from landscaping maintenance.

(Ord. No. 2002-5, § I, 2-11-02)

Sec. 38-27. Littering by pedestrians and motorists.

Provisions in this section are not intended to replace provisions of S.C. Code, 1976, § 16-11-700, as amended, which section is incorporated herein by reference.

- (1) It shall be unlawful for any person to drop, leave, throw, discard, place or in any way to intentionally or unintentionally deposit or dispose of litter or solid waste in any manner or amount on any public or private property or along any street, road, highway, curb, sidewalk, or public right of way within Beaufort County, except in containers or areas lawfully provided for such purposes.
- (2) In the prosecution charging a violation of the above subsection (1), from any vehicle, proof that the particular vehicle described in the complaint was the origin of the litter or solid waste, together with proof that the defendant named in the complaint was at the time of such violation, the registered owner of said vehicle, shall constitute in evidence a presumption that the registered owner or his designee to whom he gave permission or authorization to operate said vehicle, committed the violation. Origin of the litter or solid waste may be substantiated by documentation or information contained on, within or through the litter or solid waste which establishes ownership of the litter or solid waste to either the registered owner or a designee to whom permission or authorization was granted or because of assumed permission or authorization being granted due to the relationship between the registered owner and the driver.
- (3) It shall be the duty of every person distributing commercial handbills, leaflets, posters, flyers or any other advertising or information materials to take all appropriate and necessary measures to keep such materials from littering public or private property.
- (4) To prevent litter by pedestrians, motorists and property owners, all publicly used establishments and institutions, shall provide readily accessible solid waste containers that shall be regularly emptied and maintained in good condition. Such containers shall be of sufficient size and dimension to adequately handle the solid waste generated as a part of the delivery of goods and services to the public. This requirement shall be applicable to, but not limited to, fast-food outlets, shopping centers, convenience stores, supermarkets, service stations, commercial parking lots, mobile canteens, motels and hotels, hospitals, schools, colleges or other public/private institutions.

(Ord. No. 2002-5, § II, 2-11-02)

Sec. 38-28. Litter to be covered to prevent it from escaping from vehicle during transportation.

No vehicle which transports litter may be driven or moved on any highway unless the litter is secured by means of a covering which is fastened securely so as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping from the vehicle.

(Ord. No. 2002-5, § III, 2-11-02)

Sec. 38-29. Loading and unloading operations.

- (1) The owner or principal manager of any establishment or institution where packing and unpacking, and/or loading and unloading of materials takes place at exterior locations, shall provide suitable containers there for the proper collection and storage of waste materials. Such establishment owners and managers shall ensure that all tenants and their employees are aware of good waste handling practices and that these practices are being routinely practiced to prevent the blowing, dropping, or scattering of solid waste materials from their storage units or during transfer to a collection vehicle for disposal or recycling.
- (2) It shall be the duty and responsibility of the owner, tenant, lessee, or their designees to remove or cause to be removed, at the end of each working day, any solid waste materials that have not been containerized in the proximity of these establishments and in and around the public access areas of these establishments.

(Ord. No. 2002-5, § IV, 2-11-02)

Sec. 38-30. Construction, renovation or demolition projects.

- (1) This article shall make enforceable those provisions contained in the standard A.I.A. contract between an owner and contractor governing the responsibility for solid waste and construction debris.
- (2) It shall be the duty and responsibility of the owner, agent, contractor, or subcontractor to have adequate on-site containers and organized temporary storage areas, which are of sufficient size and dimension to prevent the scattering, dropping, sifting, blowing of solid waste on-site and during the transfer of such solid waste to a solid waste collection vehicle for disposal or recycling, for the retention of all solid waste materials produced as a direct or indirect result of a construction, renovation or demolition project. It shall be the responsibility of the owner, agent, contractor or subcontractor to ensure all solid waste materials are properly disposed in a county designated disposal facility.
- (3) It shall be unlawful to dispose of broken or whole bricks, broken or whole blocks, or cured/uncured concrete, land-clearing debris or another other type of solid waste anywhere in the unincorporated area of the county except at landfills permitted by the state under regulations R.61-107.11, Part IV, R.61-107.16 or R.61-107.258 and permitted consistent with the provisions of Sec. 62-46 of this chapter. Responsibility for the immediate removal and proper disposal of such waste from property is upon the person convicted under this chapter. However, if there is no conviction, the responsibility for removal and proper disposal shall be upon the owner and/or occupant of the property where the waste was deposited.
- (4) Organized collection of solid waste shall be at a frequency which ensures the prevention of hazards and nuisances to human health and the environment. It shall be unlawful for the owner(s) of such

container(s) to fail to pick up and properly dispose of the waste therein at a frequency that ensures the container does not overflow the container.

- (5) It shall be the duty of the owner, agent, contractor, or subcontractor to remove solid waste and/or bulky waste as often as may be necessary to prevent the accumulation of such waste.

(Ord. No. 2002-5, § V, 2-11-02)

Sec. 38-31. Commercial material containerization and removal.

- (1) All establishments, businesses or institutions including, but not limited to, apartments, condominium complexes, restaurants, schools, convenience stores, offices, retail and wholesale business concerns, which generate solid waste requiring collection, shall use containers to accommodate the normal volume of materials generated therein between collection events.
- (2) It shall be the duty and responsibility of any establishment, institution, business, commercial or industrial activity to make appropriate arrangements for collection and disposal of all solid waste generated by the business or its customers.
- (3) It shall be the duty and responsibility of any establishment, institution, business, commercial or industrial activity to ensure the area surrounding solid waste containers remain free of litter and that all solid waste materials have been containerized or bulky items, too large to be containerized, be stored in a defined storage area, screened from view.
- (4) It shall be the duty of any establishment, institution, business, commercial or industrial activity, to remove solid waste and/or bulky waste as often as may be necessary to prevent the accumulation of such waste.

(Ord. No. 2002-5, § VI, 2-11-02)

Sec. 38-32. Property Maintenance ~~Keeping property clean.~~

- (1) It shall be the duty and responsibility of the owner, tenant, lessee, or designee ~~owner, agent, occupant or lessee~~ of any property to keep exterior private and public property free of litter and solid waste. This requirement applies not only to removal of loose litter and solid waste, but to litter and solid waste that is or has become trapped at such locations as fences, wall bases, ditches, grassy and planted areas, borders, embankments, bumper stops, curbed area or other such lodging points.
- (2) It shall be unlawful to sweep or push litter from buildings, or property, onto strips in the street, sidewalks or storm drainage ditches.
- ~~(3) If any owner, agent, occupant or lessee fails to remove litter from any private property, Beaufort County shall serve written notice to the owner or appointed agent to correct said violation within five days. Failure to comply shall constitute grounds for prosecution.~~
- ~~(4) It shall be unlawful for the owner or owners of any property in the unincorporated areas of Beaufort County, to disobey or fail to comply with any provision of this article.~~
- ~~(5) Unsightly maintenance of property, as defined above in section 38-26, is prohibited.~~
- (3) It shall be unlawful to accumulate solid or bulky waste on, or maintain private property in an unsightly manner, as defined above in Section 38-26 of this Article. It shall be the duty of the owner, agent, occupant, or lessee of any improved or unimproved property in any unincorporated area within the county, to remove solid waste and/or bulky waste as often as may be necessary to prevent the accumulation of such waste.

- (4) ***Unlawful disposal or accumulation.*** It shall be unlawful for any person to dispose of, or cause to be disposed of, or allow to accumulate, or for any property owner to allow any person to dispose of, or cause to be disposed of, or cause to accumulate any type of solid waste anywhere in the county except at a solid waste management facility that has been approved by County Council and/or the South Carolina DHEC.
- (5) ***Duties of owner, etc.*** It shall be the duty of any owner, lessee, occupant, agent, or representative of the owner of any lot or parcel of land in the county to remove and properly dispose of such solid waste as often as may be necessary to prevent the accumulation of such waste. Furthermore, it shall be the responsibility of the owner, lessee, occupant, agent, or representative of the owner to limit access to said property such that indiscriminate disposal of solid waste is minimized.
- (6) ***Declaration of nuisance.*** Solid waste allowed to accumulate and remain on any lot or parcel of land in the unincorporated area of the county may be deemed and declared a nuisance by the County Administrator.
- (7) ***Notice to owner, etc., to remove.*** Whenever the County Administrator shall find that solid waste has been allowed to accumulate and remain upon any lot or parcel of land in the county in such a manner as to constitute a nuisance, the county administrator may serve written notice upon the owner, or the occupant of the premises, or upon the agent or representative of the owner of such land having control thereof to comply with the provisions of this chapter. It shall be sufficient notification to personally deliver the notice to the owner (or occupant or agent), or to deposit a copy of such in the United States mail, properly stamped, and directed to the owner (or occupant or agent) at his/her address of record, or to post a copy of the notice upon such premises.
- (8) ***Failure to comply with notice.*** If the person to whom the notice is directed, under the provisions of the preceding subsection fails or neglects to cause such solid waste to be removed from any such premises and properly disposed of within ten days after such notice has been served or deposited in the United States mail, or posted upon premises, such person shall be deemed guilty of a misdemeanor and subject to the penalty provisions of this chapter.
- (9) ***Removal by the County.*** In the event any property is determined to be a nuisance, and 20 days has elapsed after such notice has been served, deposited in the United States mail, or posted upon the premises, then the county administrator may enter upon any such property and abate such nuisance by removing and disposing of the solid waste, and the cost of doing so may become a lien upon the property affected, or may be recovered by the county through judgment proceedings initiated in a court of competent jurisdiction.

(Ord. No. 2002-5, § VII, 2-11-02; Ord. No. 2018/47, 11-5-2018)

Sec. 38-33 Weeds and rank vegetation. RELOCATED FROM SW&R CHAPTER 62

- (1) It shall be the duty of the owner, agent, occupant, or lessee of any improved residential or commercial property in any unincorporated area within the county, to cut, or cause to be cut any, overgrowth of grasses, weeds, and rank vegetation as often as may be necessary to prevent the property becoming unsightly.
- (2) ***Declaration of nuisance.*** Any residential lot/parcel or any nonresidential lot/parcel located contiguous to a residential lot in the county that becomes substantially overgrown with grass, weeds, and/or rank vegetation such that it poses potential safety risks to humans and/or becomes a harborage for vectors may be deemed and declared a nuisance by the County Administrator.
- (3) ***Duties of owner, etc.*** It shall be the duty of any owner, lessee, occupant, agent, or representative of the owner of any residential lot/parcel or any nonresidential lot/parcel located contiguous to a

residential lot in the county to cut, trim and remove for proper disposal such grass, weeds, and/or rank vegetation as often as may be necessary to prevent the growth of such weeds and rank vegetation that shall constitute a nuisance. However, lots of three acres or more shall only be required to cut 100 feet from contiguous road(s) and each side property line.

- (4) **Notice to owner, etc., to remove.** Whenever the County Administrator shall find that overgrowth of grass, weeds, and/or rank vegetation on a residential lot/parcel or any nonresidential lot/parcel located contiguous to a residential lot in the county constitutes a nuisance, the County Administrator may serve written notice upon the owner, or the occupant of the premises, or upon the agent or representative of the owner of such land having control thereof to comply with the provisions of this section. It shall be sufficient notification to personally deliver the notice to the owner (or occupant or agent), or to deposit a copy of such in the United States mail, properly stamped, and directed to the owner (or occupant or agent) at his/her address of record, or to post a copy of the notice upon such premises.
- (5) **Failure to comply with notice.** If the person to whom the notice is directed, under the provisions of the preceding subsection fails or neglects to cause such overgrowth of weeds and rank vegetation to be removed from any such premises and properly disposed of within ten days after such notice has been served or deposited in the United States mail, or posted upon premises, such person shall be deemed guilty of a misdemeanor and subject to the penalty provisions of this chapter.
- (6) **Removal by County.** In the event any overgrowth of weeds and rank vegetation is determined to be a nuisance, and twenty (20) days has elapsed after such notice has been served, deposited in the United States mail, or posted upon the premises, then the county administrator or his/her designated contractor may enter upon any such property and abate such nuisance by cutting, trimming, removing and disposing of the vegetative waste, and the cost of doing so, pursuant to the cleanup fee structure noted below, may become a lien upon the property affected, or may be recovered by the County through judgment proceedings initiated in a court of competent jurisdiction.

Sec. ~~38-33~~ 38-34. Correction of violations.

- (1) If an owner or his/her agent fails to comply with the written notice or citation to correct a violation of this article and said violation is determined to be a threat to the health and safety of the citizens of Beaufort County, the county may, at the county's sole discretion, utilize employees of Beaufort County or any other person employed for that purpose to go upon the property to correct the conditions thereupon existing.
- (2) All costs incurred for correcting the conditions on said property and/or for the removal of all litter and/or solid waste, or other unhealthy or unsightly materials or any other actions reasonably taken by Beaufort County to abate the same or to remove the threat to the public's health and safety shall be a lien against the real property upon which such cost was incurred. All costs incurred by the county in preparing, recording, collecting and satisfying said lien shall be included therein including, but not limited to, reasonable attorney's fees, costs and disbursements.

(Ord. No. 2002-5, § VIII, 2-11-02)

Sec. 38-35. Dumping and depositing material in the rivers, creeks, drainage canals and ditches prohibited.

- (1) No person shall throw or place any refuse, paper, trash, glass, nails, tacks, wire, bottles, cans, grass clippings, brush, yard trash, concrete, earthen fill, garbage, containers, or litter or other debris in any ditch, stream, river, or retention basin that regularly or periodically carries surface water runoff. Any

persons who deposits any of the above shall remove it or shall cause it to be removed therefrom immediately.

- (2) ~~Any person violating the provisions of this section is guilty of a misdemeanor and upon conviction must be fined not less than \$500.00 or 30 days in jail for each offense.~~
- (3) ~~In the event that the County of Beaufort deems it necessary to bring civil action to enforce the terms of this section, the violator shall be responsible for all court costs and attorney fees incurred by the county.~~

(Ord. No. 95-45, §§ 1—3, 12-11-95)

Sec. ~~38-34~~ 38-36. Penalties.

- (1) A person violating the provisions of this article is guilty of a misdemeanor and, upon conviction, must be fined not ~~less than \$100.00 nor more than \$200.00~~ more than \$500.00 or confined for not more than 30 days, or both for each offense.
- (2) ~~Violations and~~ Enforcement of this article shall be ~~executed and prosecuted~~ by commissioned code enforcement officers, using the County Courtesy Summons Ordinance (93/34), or by the ~~sheriff and his deputies~~ Beaufort County Sheriff's Office or any other Law Enforcement Agency which has jurisdiction over the area in which the violation occurs.
- (3) Each violation of this Ordinance shall constitute a separate offense. Each day a violation continues shall constitute a separate offense and may subject the violator to the penalties prescribed in this article for each offense.
- (4) In the event that the County deems it necessary to bring civil action to enforce the terms of this chapter, the violator shall be responsible for all court costs and attorney fees incurred by the county.

(Ord. No. 2002-5, § I, 2-11-02)

Secs. ~~38-36~~ 38-37—38-60. Reserved.

ARTICLE II. TRASH AND LITTER CONTROL

Sec. 38-26. Definitions.

The following words and terms shall have the meaning respectively ascribed to them in this section:

- (1) **Bulky waste** means household furniture, electronic appliances (such as televisions, stereos, microwave ovens), lawn mowers, door and window screens, swing sets, oversized children's toys, lawn furniture, wading pools, barbecue grills, scrap metal whole or parts of boats and automobiles, and items banned from the landfill such as white goods (stoves, refrigerators, freezers, washers, dryers, etc.), tires and waste tires or other items generated by a household as part of its solid waste which are too large for placement in a garbage container.
- (2) **Container** means a watertight receptacle made of metal, heavy-duty plastic, or material of similar strength with a tightfitting cover for storage and disposal of solid waste.
- (3) **County Administrator** means The Beaufort County Administrator or his/her designated agent.
- (4) **Litter** means any unsecured or inadequately secured and improperly stored or disposed solid waste placed, thrown, dropped, deposited, blown, leaked or in any other manner distributed as prohibited by the provisions of this article.
- (5) **Private property** includes, but is not limited to, the following exterior locations owned by private individuals, firms, corporations, institutions, or organizations: yards, grounds, driveways, entrance ways, passageways, parking areas, working areas, vacant lots, drainage basins and on-site stormwater collection/retention or detention areas, loading and unloading areas, storage facilities, contiguous and noncontiguous open lot storage areas and recreation facilities.
- (6) **Public property** includes, but is not limited to, the following exterior locations: streets, street medians, roads, road medians, catch basins, state, county or municipally maintained ditches, sidewalks, strips of land between sidewalk and street lanes, alleys, public rights-of-way, public parking lots, school grounds, housing project grounds, publicly owned vacant lots, recreational facilities, including, but not limited to, parks, conservation areas, boat landings, and beaches, waterways and bodies of water.
- (7) **Putrescible waste** means a solid waste that contains organic matter capable of being decomposed by microorganisms causing offensive odors, gases, or other offensive conditions, including, but is not limited to, food waste, garbage, general household, commercial, industrial, or agricultural waste.
- (8) **Solid waste** means garbage, refuse, litter, rubbish, trash or any material including recyclable materials, and arboreal or yard waste materials resulting from industrial, commercial, agricultural or residential activities not otherwise disposable or reusable in accordance with state regulations.
- (9) **Unsightly maintenance of property** includes any overgrowth of grasses, bushes, shrubs, weeds, trees, vines, limbs or branches, rank vegetation, excessive collection and storage of putrescible or nonputrescible solid waste, loosely strewn construction and demolition debris (including, but not limited to, all residential and commercial building materials, paint, tools, lumber, fencing, bricks, concrete and other masonry materials), automobile repair or reconstruction items (including, but not limited to, used vehicle parts or whole and partial segments of vehicle engines, drive trains, frames, auto body panels, tires, and wheels), appliances, household fixtures and furnishings (including, but not limited to, stoves, refrigerators, freezers, washers, drivers, sinks, bathtubs, and furniture intended for interior use),

external to the primary residential, commercial or industrial unit or a defined screen storage area or secondary storage facility, which will or is likely to constitute a nuisance or health hazard.

- (10) **Vehicle** means any device capable of being moved upon a public highway or roadway and in, upon or by which any property is, or may be transported or drawn upon a public highway or roadway.
- (11) **Waste** means a material, substance or byproduct eliminated or discarded as no longer useful required or wanted (including, but not limited to, refuse, litter, debris, junk, scrap, rubbish, garbage, trash, leftover, unused).
- (12) **Rank vegetation** means dense, uncultivated, vegetative overgrowth or uncultivated briars, vines, or other similar vegetation.
- (13) **Yard waste** means solid waste consisting solely of vegetative matter resulting from landscaping maintenance.

(Ord. No. 2002-5, § I, 2-11-02)

Sec. 38-27. Littering by pedestrians and motorists.

Provisions in this section are not intended to replace provisions of S.C. Code, 1976, § 16-11-700, as amended, which section is incorporated herein by reference.

- (1) It shall be unlawful for any person to drop, leave, throw, discard, place or in any way to intentionally or unintentionally deposit or dispose of litter or solid waste in any manner or amount on any public or private property or along any street, road, highway, curb, sidewalk, or public right of way within Beaufort County, except in containers or areas lawfully provided for such purposes.
- (2) In the prosecution charging a violation of the above subsection (1), from any vehicle, proof that the particular vehicle described in the complaint was the origin of the litter or solid waste, together with proof that the defendant named in the complaint was at the time of such violation, the registered owner of said vehicle, shall constitute in evidence a presumption that the registered owner or his designee to whom he gave permission or authorization to operate said vehicle, committed the violation. Origin of the litter or solid waste may be substantiated by documentation or information contained on, within or through the litter or solid waste which establishes ownership of the litter or solid waste to either the registered owner or a designee to whom permission or authorization was granted or because of assumed permission or authorization being granted due to the relationship between the registered owner and the driver.
- (3) It shall be the duty of every person distributing commercial handbills, leaflets, posters, flyers or any other advertising or information materials to take all appropriate and necessary measures to keep such materials from littering public or private property.
- (4) To prevent litter by pedestrians, motorists and property owners, all publicly used establishments and institutions, shall provide readily accessible solid waste containers that shall be regularly emptied and maintained in good condition. Such containers shall be of sufficient size and dimension to adequately handle the solid waste generated as a part of the delivery of goods and services to the public. This requirement shall be applicable to, but not limited to, fast-food outlets, shopping centers, convenience stores, supermarkets, service stations, commercial parking lots, mobile canteens, motels and hotels, hospitals, schools, colleges or other public/private institutions.

(Ord. No. 2002-5, § II, 2-11-02)

Sec. 38-28. Litter to be covered to prevent it from escaping from vehicle during transportation.

No vehicle which transports litter may be driven or moved on any highway unless the litter is secured by means of a covering which is fastened securely so as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping from the vehicle.

(Ord. No. 2002-5, § III, 2-11-02)

Sec. 38-29. Loading and unloading operations.

- (1) The owner or principal manager of any establishment or institution where packing and unpacking, and/or loading and unloading of materials takes place at exterior locations, shall provide suitable containers there for the proper collection and storage of waste materials. Such establishment owners and managers shall ensure that all tenants and their employees are aware of good waste handling practices and that these practices are being routinely practiced to prevent the blowing, dropping, or scattering of solid waste materials from their storage units or during transfer to a collection vehicle for disposal or recycling.
- (2) It shall be the duty and responsibility of the owner, tenant, lessee, or their designees to remove or cause to be removed, at the end of each working day, any solid waste materials that have not been containerized in the proximity of these establishments and in and around the public access areas of these establishments.

(Ord. No. 2002-5, § IV, 2-11-02)

Sec. 38-30. Construction, renovation or demolition projects.

- (1) This article shall make enforceable those provisions contained in the standard A.I.A. contract between an owner and contractor governing the responsibility for solid waste and construction debris.
- (2) It shall be the duty and responsibility of the owner, agent, contractor, or subcontractor to have adequate on-site containers and organized temporary storage areas, which are of sufficient size and dimension to prevent the scattering, dropping, sifting, blowing of solid waste on-site and during the transfer of such solid waste to a solid waste collection vehicle for disposal or recycling, for the retention of all solid waste materials produced as a direct or indirect result of a construction, renovation or demolition project. It shall be the responsibility of the owner, agent, contractor or subcontractor to ensure all solid waste materials are properly disposed in a county designated disposal facility.
- (3) It shall be unlawful to dispose of broken or whole bricks, broken or whole blocks, or cured/uncured concrete, land-clearing debris or another other type of solid waste anywhere in the unincorporated area of the county except at landfills permitted by the state under regulations R.61-107.11, Part IV, R.61-107.16 or R.61-107.258 and permitted consistent with the provisions of Sec. 62-46 of this chapter. Responsibility for the immediate removal and proper disposal of such waste from property is upon the person convicted under this chapter. However, if there is no conviction, the responsibility for removal and proper disposal shall be upon the owner and/or occupant of the property where the waste was deposited.
- (4) Organized collection of solid waste shall be at a frequency which ensures the prevention of hazards and nuisances to human health and the environment. It shall be unlawful for the owner(s) of such

container(s) to fail to pick up and properly dispose of the waste therein at a frequency that ensures the container does not overflow the container.

- (5) It shall be the duty of the owner, agent, contractor, or subcontractor to remove solid waste and/or bulky waste as often as may be necessary to prevent the accumulation of such waste.

(Ord. No. 2002-5, § V, 2-11-02)

Sec. 38-31. Commercial material containerization and removal.

- (1) All establishments, businesses or institutions including, but not limited to, apartments, condominium complexes, restaurants, schools, convenience stores, offices, retail and wholesale business concerns, which generate solid waste requiring collection, shall use containers to accommodate the normal volume of materials generated therein between collection events.
- (2) It shall be the duty and responsibility of any establishment, institution, business, commercial or industrial activity to make appropriate arrangements for collection and disposal of all solid waste generated by the business or its customers.
- (3) It shall be the duty and responsibility of any establishment, institution, business, commercial or industrial activity to ensure the area surrounding solid waste containers remain free of litter and that all solid waste materials have been containerized or bulky items, too large to be containerized, be stored in a defined storage area, screened from view.
- (4) It shall be the duty of any establishment, institution, business, commercial or industrial activity, to remove solid waste and/or bulky waste as often as may be necessary to prevent the accumulation of such waste.

(Ord. No. 2002-5, § VI, 2-11-02)

Sec. 38-32. Property Maintenance

- (1) It shall be the duty and responsibility of the owner, tenant, lessee, or designee of any property to keep exterior private and public property free of litter and solid waste. This requirement applies not only to removal of loose litter and solid waste, but to litter and solid waste that is or has become trapped at such locations as fences, wall bases, ditches, grassy and planted areas, borders, embankments, bumper stops, curbed area or other such lodging points.
- (2) It shall be unlawful to sweep or push litter from buildings, or property, onto strips in the street, sidewalks or storm drainage ditches.
- (3) It shall be unlawful to accumulate solid or bulky waste on, or maintain private property in an unsightly manner, as defined above in Section 38-26 of this Article. It shall be the duty of the owner, agent, occupant, or lessee of any improved or unimproved property in any unincorporated area within the county, to remove solid waste and/or bulky waste as often as may be necessary to prevent the accumulation of such waste.
- (4) **Unlawful disposal or accumulation.** It shall be unlawful for any person to dispose of, or cause to be disposed of, or allow to accumulate, or for any property owner to allow any person to dispose of, or cause to be disposed of, or cause to accumulate any type of solid waste anywhere in the county except at a solid waste management facility that has been approved by County Council and/or the South Carolina DHEC.
- (5) **Duties of owner, etc.** It shall be the duty of any owner, lessee, occupant, agent, or representative of the owner of any lot or parcel of land in the county to remove and properly dispose of such solid

waste as often as may be necessary to prevent the accumulation of such waste. Furthermore, it shall be the responsibility of the owner, lessee, occupant, agent, or representative of the owner to limit access to said property such that indiscriminate disposal of solid waste is minimized.

- (6) **Declaration of nuisance.** Solid waste allowed to accumulate and remain on any lot or parcel of land in the unincorporated area of the county may be deemed and declared a nuisance by the County Administrator.
- (7) **Notice to owner, etc., to remove.** Whenever the County Administrator shall find that solid waste has been allowed to accumulate and remain upon any lot or parcel of land in the county in such a manner as to constitute a nuisance, the county administrator may serve written notice upon the owner, or the occupant of the premises, or upon the agent or representative of the owner of such land having control thereof to comply with the provisions of this chapter. It shall be sufficient notification to personally deliver the notice to the owner (or occupant or agent), or to deposit a copy of such in the United States mail, properly stamped, and directed to the owner (or occupant or agent) at his/her address of record, or to post a copy of the notice upon such premises.
- (8) **Failure to comply with notice.** If the person to whom the notice is directed, under the provisions of the preceding subsection fails or neglects to cause such solid waste to be removed from any such premises and properly disposed of within ten days after such notice has been served or deposited in the United States mail, or posted upon premises, such person shall be deemed guilty of a misdemeanor and subject to the penalty provisions of this chapter.
- (9) **Removal by the County.** In the event any property is determined to be a nuisance, and 20 days has elapsed after such notice has been served, deposited in the United States mail, or posted upon the premises, then the county administrator may enter upon any such property and abate such nuisance by removing and disposing of the solid waste, and the cost of doing so may become a lien upon the property affected, or may be recovered by the county through judgment proceedings initiated in a court of competent jurisdiction.

(Ord. No. 2002-5, § VII, 2-11-02; Ord. No. 2018/47, 11-5-2018)

Sec. 38-33. Weeds and rank vegetation.

- (1) It shall be the duty of the owner, agent, occupant, or lessee of any improved residential or commercial property in any unincorporated area within the county, to cut, or cause to cut any, overgrowth of grasses, weeds, and rank vegetation as often as may be necessary to prevent the property becoming unsightly.
- (2) **Declaration of nuisance.** Any residential lot/parcel or any nonresidential lot/parcel located contiguous to a residential lot in the county that becomes substantially overgrown with grass, weeds, and/or rank vegetation such that it poses potential safety risk to humans and/or becomes a harborage for vectors may be deemed and declared a nuisance by the County Administrator.
- (3) **Duties of owner, etc.** It shall be the duty of any owner, lessee, occupant, agent, or representative of the owner of any residential lot/parcel or any nonresidential lot/parcel located contiguous to a residential lot in the county to cut, trim, and remove for proper disposal such grass, weeds, and or rank vegetation as often as may be necessary to prevent the growth of such weeds and rank vegetation that shall constitute a nuisance. However, lots of three acres or more shall only be required to cut 100 feet from contiguous road(s) and each side property line.
- (4) **Notice to owner, etc., to remove.** Whenever the County Administrator shall find that overgrowth of grass, weeds, and/or vegetation on a residential lot or any nonresidential lot/parcel located contiguous to a residential lot in the county constitutes a nuisance, the County Administrator may serve written notice upon the owner, or the occupant of the premises, or upon the agent or representative of the

owner of such land having control thereof to comply with the provisions of this section. It shall be sufficient notification to personally deliver the notice to the owner (or occupant or agent), or to deposit a copy of such in the United States mail, properly stamped, and directed to the owner (or occupant or agent) at his/her address of record, or to post a copy of the notice upon such premises.

- (5) **Failure to comply with notice.** If the person to whom the notice is directed, under the provisions of the preceding subsection fails or neglects to cause such overgrowth of weeds and rank vegetation to be removed from any such premises and properly disposed of within ten days after such notice has been served or deposited in the United States mail, or posted upon premises, such person shall be deemed guilty of a misdemeanor and subject to the penalty provisions of this chapter.
- (6) **Removal by County.** In the event any overgrowth of weeds and rank vegetation is determined to be a nuisance, and twenty (20) days has elapsed after such notice has been served, deposited in the United States mail, or posted upon the premises, then the county administrator or his/her designated contractor may enter upon any such property and abate such nuisance by cutting, trimming, removing and disposing of the vegetative waste, and the cost of doing so, pursuant to the cleanup fee structure noted below, may become a lien upon the property affected, or may be recovered by the County through judgment proceedings initiated in a court of competent jurisdiction.

Sec. 38-34. Correction of violations.

- (1) If an owner or his/her agent fails to comply with the written notice or citation to correct a violation of this article and said violation is determined to be a threat to the health and safety of the citizens of Beaufort County, the county may, at the county's sole discretion, utilize employees of Beaufort County or any other person employed for that purpose to go upon the property to correct the conditions thereupon existing.
- (2) All costs incurred for correcting the conditions on said property and/or for the removal of all litter and/or solid waste, or other unhealthy or unsightly materials or any other actions reasonably taken by Beaufort County to abate the same or to remove the threat to the public's health and safety shall be a lien against the real property upon which such cost was incurred. All costs incurred by the county in preparing, recording, collecting, and satisfying said lien shall be included therein including, but not limited to, reasonable attorney's fees, costs and disbursements.

(Ord. No. 2002-5, § VIII, 2-11-02)

Sec. 38-35. Dumping and depositing material in the rivers, creeks, drainage canals and ditches prohibited.

- (1) No person shall throw or place any refuse, paper, trash, glass, nails, tacks, wire, bottles, cans, grass clippings, brush, yard trash, concrete, earthen fill, garbage, containers, or litter or other debris in any ditch, stream, river, or retention basin that regularly or periodically carries surface water runoff. Any persons who deposit any of the above shall remove it or shall cause it to be removed therefrom immediately.

(Ord. No. 95-45, §§ 1—3, 12-11-95)

Sec. 38-36. Penalties.

- (1) A person violating the provisions of this article is guilty of a misdemeanor and, upon conviction, must be fined not more than \$500.00 or confined for not more than 30 days, or both_for each offense.

- (2) Enforcement of this article shall be by commissioned code enforcement officers, using the County Courtesy Summons Ordinance (93/34), or by the Beaufort County Sheriff's Office or any other Law Enforcement Agency which has jurisdiction over the area in which the violation occurs.
- (3) Each violation of this Ordinance shall constitute a separate offense. Each day a violation continues shall constitute a separate offense and may subject the violator to the penalties prescribed in this article for each offense.
- (4) In the event that the County deems it necessary to bring civil action to enforce the terms of this chapter, the violator shall be responsible for all court costs and attorney fees incurred by the county.

(Ord. No. 2002-5, § I, 2-11-02)

Secs. 38-37—38-60. Reserved.